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, April 13, 2023 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 March 9, and March 16, 2023 Planning Commission Meeting Minutes. (Motion/Voting)
2) Other Business Items. (As Needed)

LAND USE APPLICATION(S)

WVR2023-000827 – Chris Taylor is requesting an exception from roadway improvement standards. **Project:** Dakota Lane Subdivision. **Acreage:** 2.15 acres. **Location:** 7736 West 2820 South. **Zone:** A-1. **Planner:** Shad Cook (Motion/Voting)

PUD2022-000659 – Ben Hansen (Ivory Homes) is requesting preliminary plat approval for the Mahogany Ridge (Phase 1) Planned Unit Development (PUD) Subdivision. **Acreage:** 78.48 acres. **Location:** 8230 West 4100 South. **Zone:** P-C (Planned Community). **Planner:** Jeff Miller (Motion/Voting)

PUBLIC HEARING(S)

REZ2023-000825 – Michael Forsyth is requesting a proposal to rezone the property from R-1-6 (Residential) zone to C-1 (Commercial) zone. The property has been used as a legal non-conforming restaurant/sandwich shop since the 1950s (as reviewed and approved by the Board of Adjustment). **Location:** 8519 West 3100 South. **Planner:** Curtis Woodward (Motion/Voting)

OAM2022-000776 – Public Hearing on Drafted Titles 18 and 19 (Zoning & Subdivisions). The Planning Commission has been working with staff over the past year to draft amendments to Title 18 (Subdivisions) and Title 19 (Zoning) of Magna Municipal Code. On April 13th, the Commission will hold a public hearing where participants will have the opportunity to provide feedback on the Titles as drafted. If members of the public wish to comment but cannot attend the meeting, comments may be sent to Wendy Gurr (WGurr@msd.utah.gov). Prior to opening the public hearing, the Planning Commission will hear a presentation from planning staff regarding the drafted Titles. This item affects all areas within Magna Metro Township. The drafted sections of Title 18 and Title 19 will be proposed as a repeal and replacement of existing Titles 18 and 19 of Municipal Code. This item covers ordinance text amendments ONLY. There are no map amendments proposed at this time. **Planner:** Brian Tucker (Public Hearing)

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

MEETING MINUTE SUMMARY
MAGNA PLANNING COMMISSION MEETING
Thursday, March 9, 2023 6:30 p.m.

Approximate meeting length: 58 minutes
Number of public in attendance: 16
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner VanRoosendaal

*NOTE: **Staff Reports** referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Dan Cripps			x
Ammon Lockwood			x
Aaron Weight (Chair)			x
Mark Elieson	x	x	
Todd Richards	x	x	
Sara VanRoosendaal (Vice Chair)	x	x	
Jed Taylor (Alternate)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Justin Smith	x	x
Brian Tucker	x	x
Jay Springer		

Commissioner VanRoosendaal read the Chairs Opening Statement.

BUSINESS MEETING

Meeting began at – 6:30 p.m.

1) Approval of the February 9, 2023 Planning Commission Meeting minutes.
   Motion: To approve the February 9, 2023 Planning Commission Meeting minutes as presented.
   Motion by*:* Commissioner Richards
   2nd by: Commissioner Elieson
   Vote*:* Commissioners voted unanimous in favor (of commissioners present)

2) Other Business Items (as needed)

LAND USE APPLICATION(S)

Hearings began at – 6:33 p.m.

CUP2023-000792 - Zhandra Luzardo is requesting Conditional Use approval for a home day care (9-16 children). **Acres:** 0.22. **Location:** 8997 West Newhouse Drive. **Zone:** R-1-6. **Planner:** Justin Smith (Motion/Voting)

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

Greater Salt Lake Municipal Services District Planner Justin Smith provided an analysis of the Staff Report.

Commissioners and staff had a brief discussion regarding doors and windows.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant Interpreter
Name: Fred Owens
Address: Not provided
Comments: Mr. Owens said the applicant tried to open a family daycare with a year and half of daycare and previously running in west valley, but wanted to open one in Magna where she lives. She is aware of a deficit of day cares here in the state and wants to provide that care for the children.

Commissioner Richards asked how many employes. Mr. Owens said two other employees. Commissioner Richards said would require three off-street parking spots, Mr. Owens said one employee lives with her.

Commissioner Richards motioned to open the public meeting, Commissioner Elieson seconded that motion.

No one from the public was present to speak.

Commissioner Richards motioned to close the public meeting, Commissioner Elieson seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #CUP2023-000792 Zhandra Luzardo is requesting Conditional Use approval for a home day care (9-16 children) with staff recommendations.

Motion by*:* Commissioner Richards
2nd by: Commissioner Elieson
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

CUP2022-000730 - Tia Crow is requesting Conditional Use approval for an apartment building **Acres:** 0.72. **Location:** 7341 West 3500 South. **Zone**: C-2. **Planner:** Justin Smith (Motion/Voting)

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

Greater Salt Lake Municipal Services District Planner Justin Smith provided an analysis of the Staff Report.

Commissioners and staff had a brief discussion regarding parking, visitor parking, shared O'Reilly parking agreement, height of the three-story building at 38 feet high, and requirement for visitor parking.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Avenue Consultants
Name: Greg Wall
Address: 6605 South Redwood Road

Comments: Mr. Wall said did the survey and civil engineering representing the owner. Good use for the infill parcel, bust thoroughfare and buffer to single family homes. Puzzle to get everything to fit. When O'Reilly's was built, the sidewalk poured, and master transportation plan requires 10 more feet and compressed it and couldn't go west because of fiber optic and south needs access. The floor plan is 17 total units, 6-2 bedroom and 11-1-bedroom units. Requirement for parking 2 parking spaces per unit, 34 parking spaces not tied to bedrooms. No room to make any more parking spaces. Not concerned with parking. The original plan was a linear layout, mostly on the northwest corner. Don't have covered parking because of density, garage for two. Not assigning parking spaces, only two assigned are in the garages. Meeting the municipal code requirement and sufficient. Excited to get this rolling C-2 zone and need to have conditional use before finalizing technical details.

Commissioner Richards motioned to open the public meeting, Commissioner Elieson seconded that motion.

Speaker # 2: Citizen
Name: Laura Burrows
Address: 3330 South 7200 West
Comments: Ms. Burrows said she was not familiar with the project going forward and was sad to see apartments going in and appreciated the single-family dwelling units and is opposed.

Speaker # 3: Citizen
Name: Kari Duckworth
Address: 3489 South Pyrite Drive
Comments: Ms. Duckworth said after attending meetings, to her this area is popular with apartments and townhomes, they have enough people and places to go. Agrees to have something then nothing and why can't get more malls or restaurants. Parking issue in Magna and opposed to so many in this area. Roads are damaged, people coming into build, but don't live here. Nice to have something different and more commercial. Opposed.

Speaker # 4: Citizen
Name: Brian Burrows
Address: 3330 South 7200 West
Comments: Mr. Burrows said opposed because of the shared access with O'Reilly, don't feel having impediments with existing business. Shared access with continued flow is not a good idea.

Commissioner Richards motioned to close the public meeting, Commissioner Elieson seconded that motion.

Commissioners had a brief discussion regarding ingress and access off the side street. Mr. Wall said 3500 south is a state road and UDOT controls access. When O'Reilly was established UDOT wanted access points to one and center point is at the access. Traffic engineers looked at it and didn't justify a turning lane. Mr. Tucker said he wouldn't recommend taking something where there isn't a standard. The code being worked on has a standard per unit is .25 parking.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application # CUP2022-000730 Tia Crow is requesting Conditional Use approval for an apartment building with staff recommendations.

Motion by*:* Commissioner Richards
2nd by: Commissioner VanRoosendaal
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

DRAFT

SUB2022-000747 - Mark Augustine is requesting approval for the proposed Kersey Creek Subdivision. This subdivision contains 4 lots. **Acres:** 10.02. **Location:** 7823 West 2100 South. **Zone:** M-2. **Planner:** Justin Smith (Motion/Voting)

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

Greater Salt Lake Municipal Services District Planner Justin Smith provided an analysis of the Staff Report.

Commissioners and staff had a brief discussion regarding landscaping, easement for 2100 south and street dedication.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant
Name: Rory Sower
Address: 8818 West Black Current Way
Comments: Mr. Sower said owns all lots. Lot three is being worked on with plans. Easement for private drive and allotted dedication.

Commissioner Richards motioned to open the public meeting, Commissioner Elieson seconded that motion.

No one from the public was present to speak.

Commissioner Elieson motioned to close the public meeting, Commissioner Richards seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #SUB2022-000747 Mark Augustine is requesting approval for the proposed Kersey Creek Subdivision. This subdivision contains 4 lots with staff recommendations.

Motion by*:* Commissioner Richards
2nd by: Commissioner Elieson
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

Public Hearing for the rezone will be held on March 16th.

Brian Tucker provided a presentation regarding REZ2023-000816 - The Magna Metro Township Council has initiated a public process to explore rezoning property located on Magna Main Street to the Downtown Historic District (DH) Mixed Use Zone.

MEETING ADJOURNED

Time Adjourned – 7:28 p.m.

DRAFT

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MEETING MINUTE SUMMARY
MAGNA PLANNING COMMISSION MEETING
Thursday, March 16, 2023 6:30 p.m.

Approximate meeting length: 37 minutes
Number of public in attendance: 18
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner VanRoosendaal

*NOTE: **Staff Reports** referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Dan Cripps	x		
Ammon Lockwood			x
Aaron Weight (Chair)			x
Mark Elieson	x		
Todd Richards	x		
Sara VanRoosendaal (Vice Chair)	x		
Jed Taylor (Alternate)	x		

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	
Brian Tucker	x	
Jay Springer		

Commissioner VanRoosendaal read the Chairs Opening Statement.

PUBLIC HEARING(S)

Hearings began at – 6:30 p.m.

REZ2023-000816 – The Magna Metro Township Council has initiated a public process to explore rezoning property located on Magna Main Street (2700 South), located between 8800 West and 9200 West from the existing C-3 (Commercial) and R-2-6.5 (Medium Density Residential) to the Downtown Historic District (DH) Mixed Use Zone. **Acres:** 22.5. **Location:** Magna Main Street, between 8800 West and 9200 West, 9180 West between 2600 South and 2700 South, and 8950 West, between 2600 South and 2700 South (See attached map). **Planner:** Brian Tucker (Motion/Voting)

The Planning Commission will hold a public hearing to take public comment and discuss rezoning property to the Downtown Historic District (DH) Mixed Use Zone, a zone that was adopted in July 2022 to implement the vision identified in the Magna General Plan (2021) for the Historic Preservation Future Land Use Area. The Downtown Historical Mixed-Use Zone is intended to promote a 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. After taking public comment, the Planning Commission will make a recommendation to the Magna Metro Township Council. The Council will then hold a public meeting, at a later date, where they may take action that includes rezoning some or all of the property identified in this notice.

Greater Salt Lake Municipal Services District Planning Manager Brian Tucker provided a presentation of the rezone and Downtown Historic District (DH) Mixed Use Zone.

Commissioners and staff had a brief discussion regarding low density.

Commissioner Cripps motioned to open the public hearing, Commissioner Elieson seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Citizen
Name: Brian Burrows
Address: 3330 South 7200 West
Comments: Mr. Burrows said he isn't against the use as long as there is additional parking, and possible parking structure. Few houses, may not be insured to rebuild on the scale and due to natural disaster if they could rebuild, would they have to restructure with the DH zone. Parking issue with apartments that may have lower income with cars, issue across Utah. Cant put a requirement on every building, but a requirement on units and maybe a parking structure. South buildings have parking lots subdivided off, would like to see the parking areas included and not see applications come back up. Hopes council takes suggestions into consideration.

Commissioner Cripps motioned to close the public hearing, Commissioner Elieson seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Commissioners and staff had a brief discussion regarding parking associated with zone, but the use. Can get a reduction requirement, because on Main Street. Could evaluate parking and create additional parking opportunities. Looking to utilize the alleys in the area behind Main Street. Magna does own alleys and RDA is looking for opportunities to create parking in the alleys. Also, trying to look at access to the parking lots. If owns a building by act of god, would be able to rebuild under the parameters of existence within a year. Within 10 days from today, submit in writing that you do or don't want to be part of the zone, would be submitted to the Council, but is not a veto, but would be on the record. Don't know on a high rise, finish the district plan and the parking.

Matt Starley, Long Range Planner said a few business owners in Magna and effort is to protect the opportunity and help owners out with historic preservation and bring the character. Also, introduced Magna Main Street Alliance.

Motion: To recommend approval on file #REZ2023-000816 to explore rezoning property located on Magna Main Street (2700 South), located between 8800 West and 9200 West from the existing C-3 (Commercial) and R-2-6.5 (Medium Density Residential) to the Downtown Historic District (DH) Mixed Use Zone to the Magna Council with staff recommendations and the following benefits from choosing scenario 3:

1. Protects the core historic district from development under the inadequate C-3 zone.
2. The (DH) Mixed Use zone was written to match the historic character of these buildings and create additional vibrancy in the downtown.
3. Several property owners have already re-zoned to or initiated a re-zone to (DH) Mixed Use. Those owners find the zone to be more flexible and better suited to the market than the C-3, and the resulting development plans are consistent with what the community expects for this are.

Motion by*:* Commissioner Cripps

2nd by: Commissioner Taylor
Vote*:* Commissioners voted unanimous in favor (of commissioners present)

Commissioner Cripps adjourned.

MEETING ADJOURNED

Time Adjourned – 7:07 p.m.

DRAFT

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2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
slco.org/development-services

WVR2023-000827

Subdivision Summary and Recommendation

Public Body: Magna Metro Township Planning Commission
Meeting Date: April 13, 2023
Parcel ID: 14-28-126-035-0000
Current Zone: A-1/zc
Property Address: 7736 W 2820 S
Request: Preliminary Subdivision Review & Approval

Planner: Shad Cook
Planning Staff Recommendation: Recommend approval to Magna Council
Applicant Name: Chris Taylor

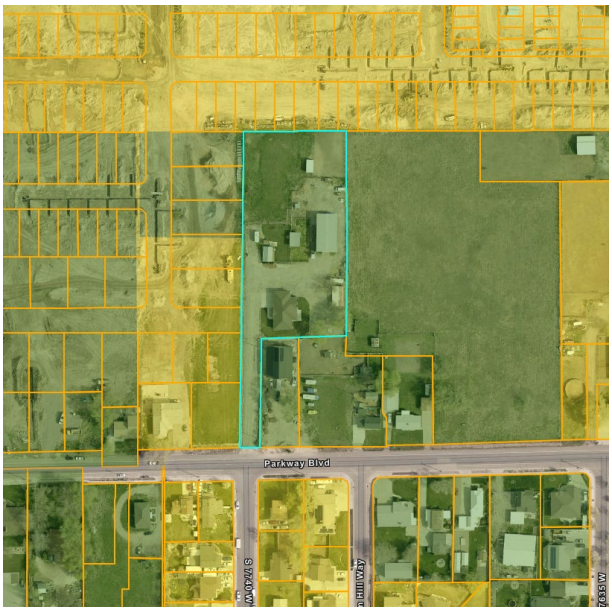
PROJECT DESCRIPTION

The applicant, Chris Taylor, is requesting an exception from roadway improvement standards for the Dakota Lane Subdivision. The Dakota Lane subdivision preliminary plat was approved by the Magna Planning Commission at the October 2021 Planning Commission meeting. The project has since been through multiple rounds of technical review, receiving final plan approval from reviewing agencies in late 2022.

SITE & VICINITY DESCRIPTION

The property is located at approximately 7740 W and fronts on Parkway Blvd (2820 S). The project is surrounded by a large area of mostly single-family developments along with some medium-density properties to the north and agricultural properties to the east. The subdivision plat consists of two lots.

Because of the “flag lot” design style of this subdivision, there is only 41’ of street frontage.



ISSUES OF CONCERN/PROPOSED MITIGATION

No significant issues of concern have been found by MSD staff or reviewing agencies.

NEIGHBORHOOD RESPONSE

None received as of the writing of this report.

PLANNING STAFF ANALYSIS

Title 18 of the Magna Township Code of Ordinances includes procedures, standards, and requirements for subdividing property within the Township. Developers are generally responsible for installing street improvements based on approved plans.

18.24.040 - Street improvements.

> A. The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to the planning and development services division. Plans and profiles are to be prepared by a professional engineer licensed to practice in the state of Utah and not in the employ of the county and shall be accompanied by the final plat.

The ordinance allows for exceptions from this requirement in cases where unusual topographic, aesthetic or other exceptional conditions exist. The exception must be approved by the Magna Council after receiving recommendation from the Planning Commission.

18.08.020 - Exceptions—Permitted when.

> In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare… variations and exceptions of this title may be made by the county mayor after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.

It should be noted that while the ordinance refers to approval by the county mayor, this is simply a remnant of the Salt Lake County Code. The Magna Township Council, as the elected legislative body in Magna, has the authority to grant this exception.

Planning staff has coordinated with Salt Lake County Public Works Engineering and other reviewing agencies to ensure that there will be no detriment to the public good.

REVIEWING AGENCIES RESPONSE

Salt Lake County Public Works Engineering has recommended approval of the exception because a project has been approved and funded to install improvements along Parkway Boulevard (2820 S.), which project includes the subject property's street frontage. To facilitate the upcoming construction project, they request that the approval be granted with a condition that the development comply with the forthcoming Permit to Enter and Construct. I have attached the complete recommendation letter below.

PLANNING STAFF RECOMMENDATION

The MSD Planning Staff recommends that the Magna Planning Commission forward a recommendation of approval to the Magna Council with the following conditions:

1. That the applicant works with MSD staff and outside review agencies to comply with final plat procedures prior to plat recordation of the associated Dakota Lane subdivision.

2. That the applicant complies with the forthcoming Permit to Enter and Construct as suggested by Salt Lake County Engineering.

SALT LAKE COUNTY

Jenny Wilson
Mayor

Catherine Kanter
Deputy Mayor of Regional Operations

Scott R. Baird, P.E.
Director, Public Works and Municipal Services

Kade D. Moncur, P.E., CFM
Director, Public Works Engineering Division

PUBLIC WORKS ENGINEERING DIVISION

Government Center
2001 South State Street
Suite N3-120
Salt Lake City, Utah 84190

T 385-468-6600
F 385-468-6603

March 27, 2023

To Whom It May Concern,

This recommendation letter is in consideration of the following proposed development:

Application: 000060 – Taylor, Two-Lot Subdivision
Location: 7736 West 2820 South Magna, Utah

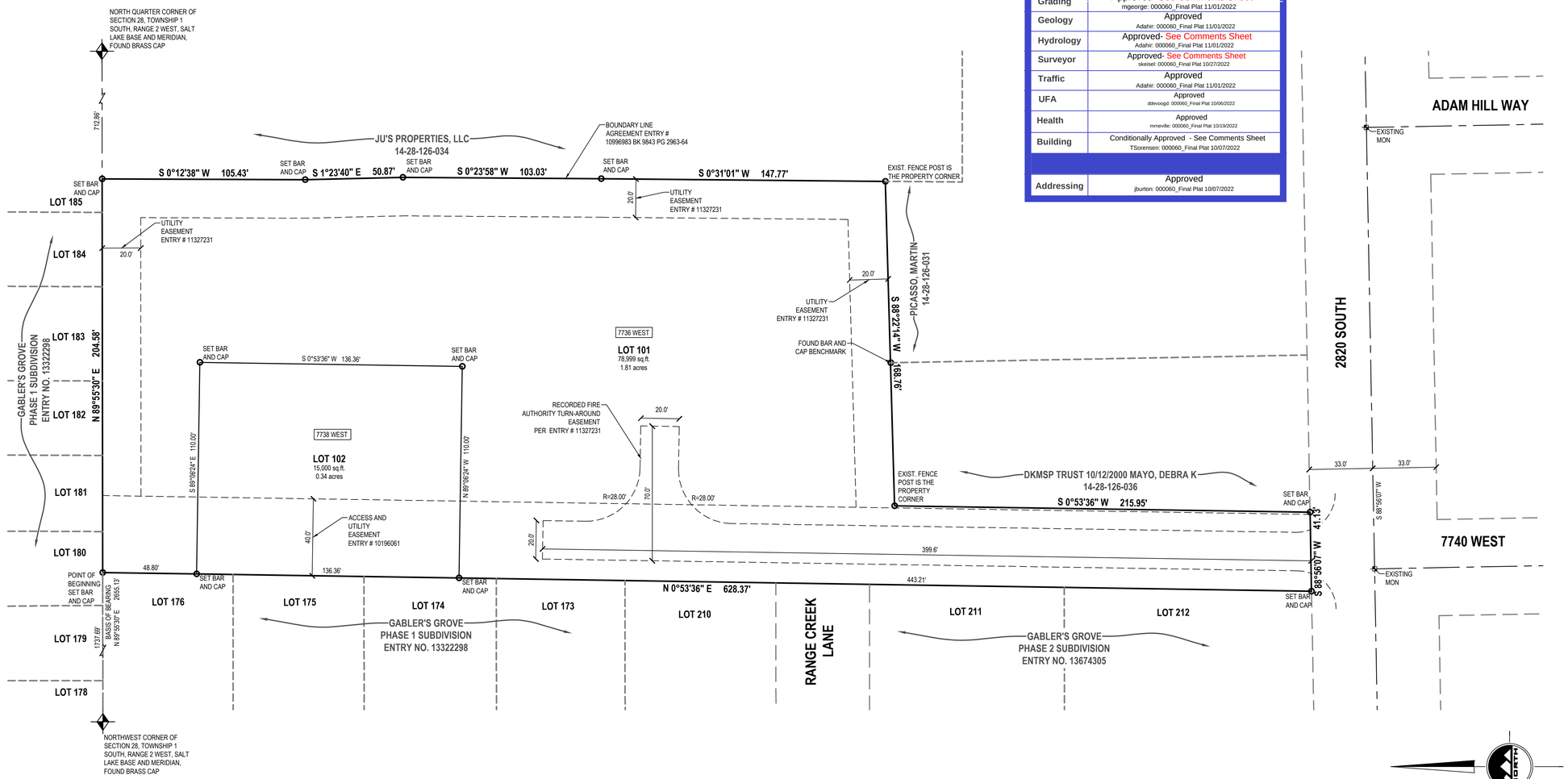
It is the recommendation of Salt Lake County Public Works Engineering that a waiver be granted for the installation of curb, gutter, sidewalk, and drive approach. Additionally, it is also recommended that the waiver be conditional upon the property owner of the above development agreeing to the terms of the forthcoming Permit to Enter and Construct for Parcel 101 (subject property) which is part of the upcoming public improvement project along 2820 South (F-2236(1)2 Pin: 17867), and signing such permit.

Regards,

Ahmed Dahir
Salt Lake County
Public Works Engineering

FINAL PLAT
DAKOTA LANE ONE LOT SUBDIVISION AMENDED

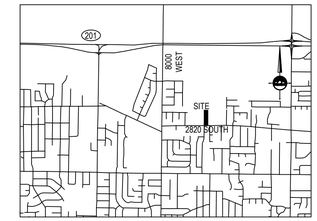
(AMENDING LOT 1 OF DAKOTA LANE ONE LOT SUBDIVISION)
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA METRO TOWNSHIP, SALT LAKE COUNTY, UTAH



MAGNA METRO TOWNSHIP

Final Land Use Review

Planning	Approved- See Comments Sheet SnCook: 000060_Final Plat 11/03/2022
Grading	Approved- See Comments Sheet mgeorge: 000060_Final Plat 11/01/2022
Geology	Approved Adahir: 000060_Final Plat 11/01/2022
Hydrology	Approved- See Comments Sheet Adahir: 000060_Final Plat 11/01/2022
Surveyor	Approved- See Comments Sheet skeiser: 000060_Final Plat 10/27/2022
Traffic	Approved Adahir: 000060_Final Plat 11/01/2022
UFA	Approved ddevoogd: 000060_Final Plat 10/06/2022
Health	Approved mrneville: 000060_Final Plat 10/19/2022
Building	Conditionally Approved - See Comments Sheet TSorensen: 000060_Final Plat 10/07/2022
Addressing	Approved jburton: 000060_Final Plat 10/07/2022



VICINITY MAP
NOT TO SCALE

license

SURVEYOR'S CERTIFICATE

I, Douglas J. Kinsman do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 334575 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act, I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements and have subdivided said tract of land into units, parcels, and a private street, together with easements, hereafter to be known as **DAKOTA LANE ONE LOT SUBDIVISION AMENDED**, and that the same has been correctly surveyed and monumented on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

BOUNDARY DESCRIPTION

The basis of bearing for this survey is the measured line between the found monuments at the North Quarter Corner and the Northwest Corner of Section 28, Township 1 South, Range 2 West, Salt Lake Base and Meridian, which bears South 89°55'30" West 2655.13 feet.

Lot 1

All of Lot 1, of Dakota Lane One Lot Subdivision recorded as Entry No. 11327231 in the office of the Salt Lake County Recorder, situate in the Northwest Quarter of Section 28, Township 1 South, Range 2 West, Salt Lake Base and Meridian, and in Magna Metro Township, Utah.

SEP 26, 2022
Date
Douglas J Kinsman
License no. 334575

9-26-22
PROFESSIONAL LAND SURVEYOR No. 334575 DOUGLAS J. KINSMAN STATE OF UTAH

OWNER'S DEDICATION

Known all men by these presents that I / we, the undersigned owner (s) of the above described tract of land, having caused same to be subdivided, hereafter known as the

DAKOTA LANE ONE LOT SUBDIVISION AMENDED
(AMENDING LOT 1 OF DAKOTA LANE ONE LOT SUBDIVISION)

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. Owner(s) hereby agree to warrant and defend and save the Magna Metro Township harmless against any easements or other encumbrance on a dedicated street which will interfere with the Magna Metro Township use, maintenance, and operation of the street.

In witness whereof I / we have hereunto set our hand (s) this_____day of_____A.D., 20_____.

_____.
By: ALDEN TAYLOR

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH)S.S.
County of SALT LAKE COUNTY

On the _____ day of _____ A.D., 20_____,

personally appeared before me, the undersigned Notary public, in and for said County of _____ in said State of Utah, who after being duly sworn, acknowledged to me that He/She/They signed the Owner's Dedication,_____ in number, freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES:_____,

_____ RESIDING IN_____ COUNTY.
NOTARY PUBLIC

LEGEND

- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
- SECTION CORNER
- ENSIGN ENG. LAND SURV.
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE / MONUMENT LINE
- EASEMENT LINE
- SETBACK LINE
- ADJACENT PROPERTY LINE

DEVELOPER
CHRIS TAYLOR
7736 WEST 2820 SOUTH,
MAGNA, UTAH 84044,
801-554-9459

ENSIGN

TOOELE
169 North Main Street Unit 1
Tooele, Utah 84074
Phone: 435.843.3590
Fax: 435.578.0108

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

SHEET 1 OF 1

PROJECT NUMBER : 7795B
MANAGER : D. KINSMAN
DRAWN BY : J.CID
CHECKED BY : D. KINSMAN
DATE : 9/26/22

30 0 15 30 60
(IN FEET)
HORZ: 1 inch = 30 ft.

ROCKY MOUNTAIN POWER COMPANY

1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(C)(II) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
   (1) A RECORDED EASEMENT OR RIGHT-OF WAY
   (2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
   (3) TITLE 54, CHAPTER 8A, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
   (4) ANY OTHER PROVISION OF LAW.

APPROVED THIS _____ DAY OF _____, 20

ROCKY MOUNTAIN POWER

BY - _____

TITLE - _____

DOMINION ENERGY

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____, 20 BY - _____

DOMINION ENERGY TITLE - _____

MAGNA WATER DISTRICT

DATE SIGNED

SALT LAKE COUNTY ENGINEER

DATE SIGNED

UNIFIED FIRE AUTHORITY APPROVAL

DATE SIGNED

ADDRESS FRONTAGE APPROVED

DATE SIGNED

RECORD OF SURVEY

R.O.S. No 2021-11-0767

County Surveyor Reviewer Date

CHECKED FOR ZONING COMPLIANCE

ZONE: _____ LOT AREA: _____
LOT WIDTH: _____ FRONT YARD: _____
SIDE YARD: _____ REAR YARD: _____

DATE SIGNATURE

MAGNA PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, 20_____, BY THE MAGNA PLANNING COMMISSION.

CHAIR, MAGNA PLANNING COMMISSION

SALT LAKE COUNTY BOARD OF HEALTH

APPROVED THIS _____ DAY OF _____, 20_____.

SALT LAKE COUNTY BOARD OF HEALTH

PLAN CHECK

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

DATE PLAN REVIEW SECTION MANAGER

APPROVAL AS TO FORM

APPROVED THIS _____ DAY OF _____, 20_____.

MAGNA METRO TOWNSHIP ATTORNEY

MAGNA METRO TOWNSHIP MAYOR APPROVAL

PRESENTED TO THE MAGNA METRO TOWNSHIP COUNCIL THIS _____ DAY OF _____ A.D.,20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR, OR DESIGNEE

SALT LAKE COUNTY RECORDER

RECORDED # _____
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF : _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE$ DEPUTY SALT LAKE COUNTY RECORDER

FINAL PLAT
DAKOTA LANE ONE LOT SUBDIVISION AMENDED

(AMENDING LOT 1 OF DAKOTA LANE ONE LOT SUBDIVISION)
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA METRO TOWNSHIP, SALT LAKE COUNTY, UTAH

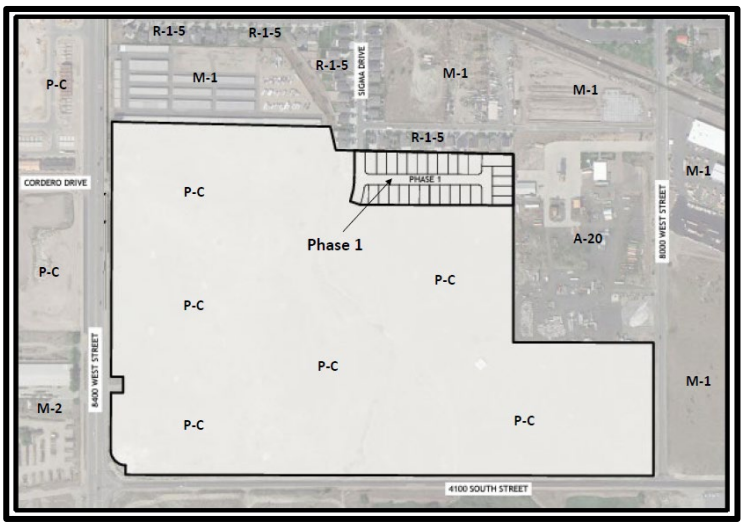
Greater Salt Lake Municipal Services District - Planning & Development Services
2001 S. State Street #N3-600 • Salt Lake City, UT 84190 • (385) 468-6700

File # PUD2022-000659

PLANNED UNIT DEVELOPMENT (PUD)
PRELIMINARY PLAT APPROVAL
SUMMARY AND RECOMMENDATION

Public Body: Magna Metro Township Planning Commission
Meeting Date: April 13, 2023
Parcel ID: 14-32-451-004-0000
Acreage: 4.27 Acres
Current Zone: P-C (Planned Community) Zone
Property Address: 8230 West 4100 South
Request: Preliminary Plat Approval for the Mahogany Ridge (Phase 1) PUD Subdivision
Planner: Jeff Miller
Planning Staff Recommendation: Approval
Applicant Name: Ben Hansen (Ivory Homes)

PROJECT DESCRIPTION



Ben Hansen (Ivory Homes) is requesting preliminary plat approval for the 27-Lot Mahogany Ridge (Phase 1) Planned Unit Development (PUD) Subdivision. The Mahogany Ridge Planned Community will be 78.48 acres in size at build out and is zoned P-C (Planned Community). Phase 1 is proposed at 4.27 acres.

Development standards for this project are contained in the P-C zoning ordinance **(Chapter 19.69)** and the Master Development Agreement, which was adopted on October 5, 2021.

Request: Preliminary Plat Approval for the Mahogany Ridge (Phase 1) PUD Subdivision

SITE & VICINITY DESCRIPTION (see attached map)

The Mahogany Ridge Planned Community is located between 4100 South & approximately 3900 South, and between 8400 West & 8000 South. Phase 1 is located in the northeast corner of the development. To the immediately north of Phase 1 are similarly sized residential lots in the R-1-5 (Residential, 5,000 SF Minimum) Zone. There are industrial parcels located in the M-1 & M-2 (Manufacturing) Zones to the north and east of the property. The Gateway to Little Valley Planned Community is located immediately to the west across 8400 West in the P-C (Planned Community) Zone.

GENERAL PLAN CONSIDERATIONS

The Magna General Plan was adopted in 2021. Although the Mahogany Ridge Planned Community wasn't identified in the general plan, the Gateway to Little Valley Planned Community (to the west) was included in the general plan. This proposed development represents significant residential growth in Magna.

LAND USE CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
Lot Width	Per CSP	Varies – See Plat	Yes
Lot Area	Per CSP	Varies – See Plat	Yes
Parking	2 spaces per detached unit	2-Car Garages & Additional Guest Parking in Driveway.	Yes

Compatibility with existing nearby development in terms of size, scale and height.	Yes.
Compliance with Landscaping Requirements.	To be reviewed at technical stage.
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning Staff has not identified any issues of concern with the proposed PUD subdivision.

REVIEWING AGENCIES RESPONSE

AGENCY: Geology DATE: 2/21/2023
RECOMMENDATON: Conceptual Approval

AGENCY: Grading DATE: 2/17/2023
RECOMMENDATON: Conceptual Approval

AGENCY: Urban Hydrology DATE: 2/21/2023
RECOMMENDATON: Conceptual Approval

AGENCY: Traffic DATE: 2/21/2023
RECOMMENDATON: Conceptual Approval

AGENCY: Surveyor DATE: 11/03/2022
RECOMMENDATON: Conceptual Approval

Request: Preliminary Plat Approval for the Mahogany Ridge (Phase 1) PUD Subdivision

AGENCY: Unified Fire Authority DATE: 11/14/2022
RECOMMENDATON: Conceptual Approval

AGENCY: Health Department DATE: 2/7/2023
RECOMMENDATON: Conceptual Approval

AGENCY: Building DATE: 2/7/2023
RECOMMENDATON: Conceptual Approval

Compliance with all current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval.

STAFF ANALYSIS

18.08.010 - Procedure generally.
The planning commission shall be the land use authority for subdivisions. In order to assure that each subdivision fully complies with the provisions of this title, the director or director's designee shall administer formal application and review procedures for subdivisions. An application shall not be deemed complete until the full application, fees and all required materials have been submitted. The payment of a partial fee and submission of preliminary plans for a pre-submittal review does not constitute a complete application.
Each process shall include the following components:

A. An application procedure, which shall include:
1. Submission of an application form, as designed by the director or director's designee to clearly indicate the type of application, property address, applicant information, and other pertinent information;
2. Submission of supplementary materials, including a legal description, property plat, the required number of plans/preliminary plats, and mailing labels (if required) for notifications;
3. Payment of fees, as required under Title 3, Revenue and Finance.

B. A review procedure, which shall include:
1. An on-site review by the director or director's designee as provided by Utah Code 17-27a-303;
2. Review of the submitted site plan/preliminary plat for compliance with Magna land use ordinances;
3. Reference of the application and site plan/preliminary plat to any other government agency and/or affected entity which the director or director's designee deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances and codes;
4. The processing of any exception requests that have been made in conjunction with the subdivision application.

C. A preliminary plat approval procedure, which shall include:
1. Confirmation that all necessary agencies have responded to the requests for recommendation with a recommendation of approval or approval with conditions;
2. Integration of the recommendations from the other government agencies and affected entities involved above into the preliminary plat;
3. Receipt of a recommendation from the planning staff;
4. Approval of the preliminary plat as outlined in Section 18.12.030, and issuing a preliminary plat approval letter.

D. A final plat approval procedure, which shall include:

1. An engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements;
2. A check of appropriate background information, such as: lot access, property title, record of survey, field boundary verification, etc.;
3. The collection of the necessary approval signatures (planning commission representative, director or director's designee, health department, attorney, Magna mayor or their designees) on the final plat;
4. Payment of final fees and bond;
5. Recordation of the plat.

Planning Staff has found that the proposed PUD Subdivision is compatible with existing uses in the general vicinity, the 2021 Magna General Plan and the land use ordinance.

NEIGHBORHOOD RESPONSE

Planning Staff has not received any comments from the surrounding neighbors or general public as of the completion of this staff report. Any comments that are received will be forwarded to the planning commission for review and will be summarized on April 12, 2023.

PLANNING COMMISSION MOTION

The Planning Commission has three options with respect to this application for the requested subdivision:

Option 1: Approve the PUD Subdivision as proposed with the conditions as proposed; or

Option 2: Approve the PUD Subdivision with the conditions as amended.

CONCLUSION AND RECOMMENDATION

The applicant has met the criteria to allow for the planning commission to approve the preliminary plat for the Mahogany Ridge (Phase 1) PUD Subdivision, subject to the following conditions of approval:

1. The applicant will work with MSD Staff and outside reviewing agencies to comply with the final plat procedure (as outlined in 18.18.010 (D), prior to plat recordation.

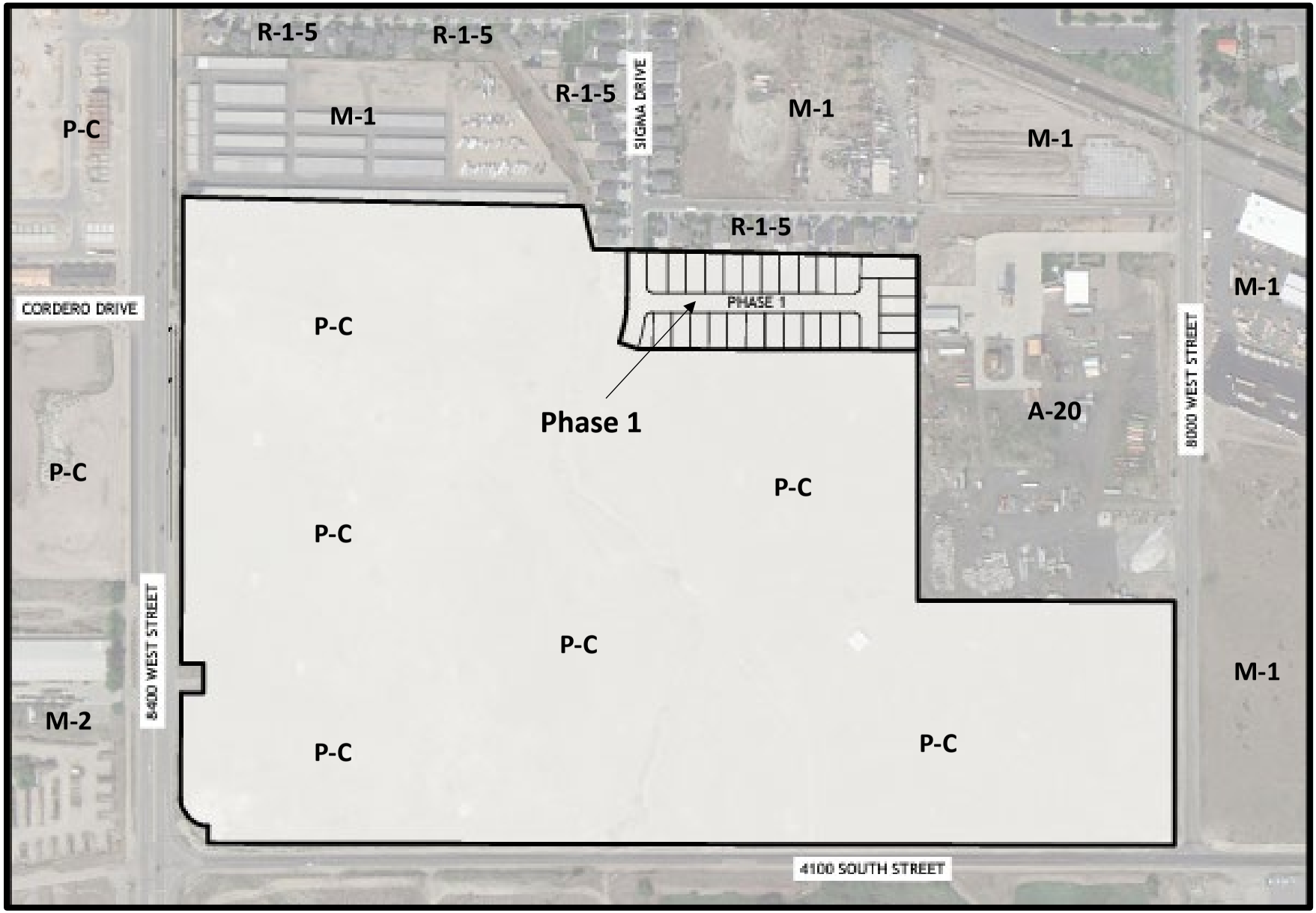
2. Building Permits will not be issued until all required improvements have either been installed and/or bonded for and the subdivision plat has been recorded.

EXHIBITS

A. Aerial Map.
B. Preliminary Plan (including Preliminary Plat).
C. Street Name Approval.
D. Will Serve Letters.

PUD2022-000659: Preliminary Plat Approval for the Mahogany Ridge (Phase 1) PUD Subdivision.

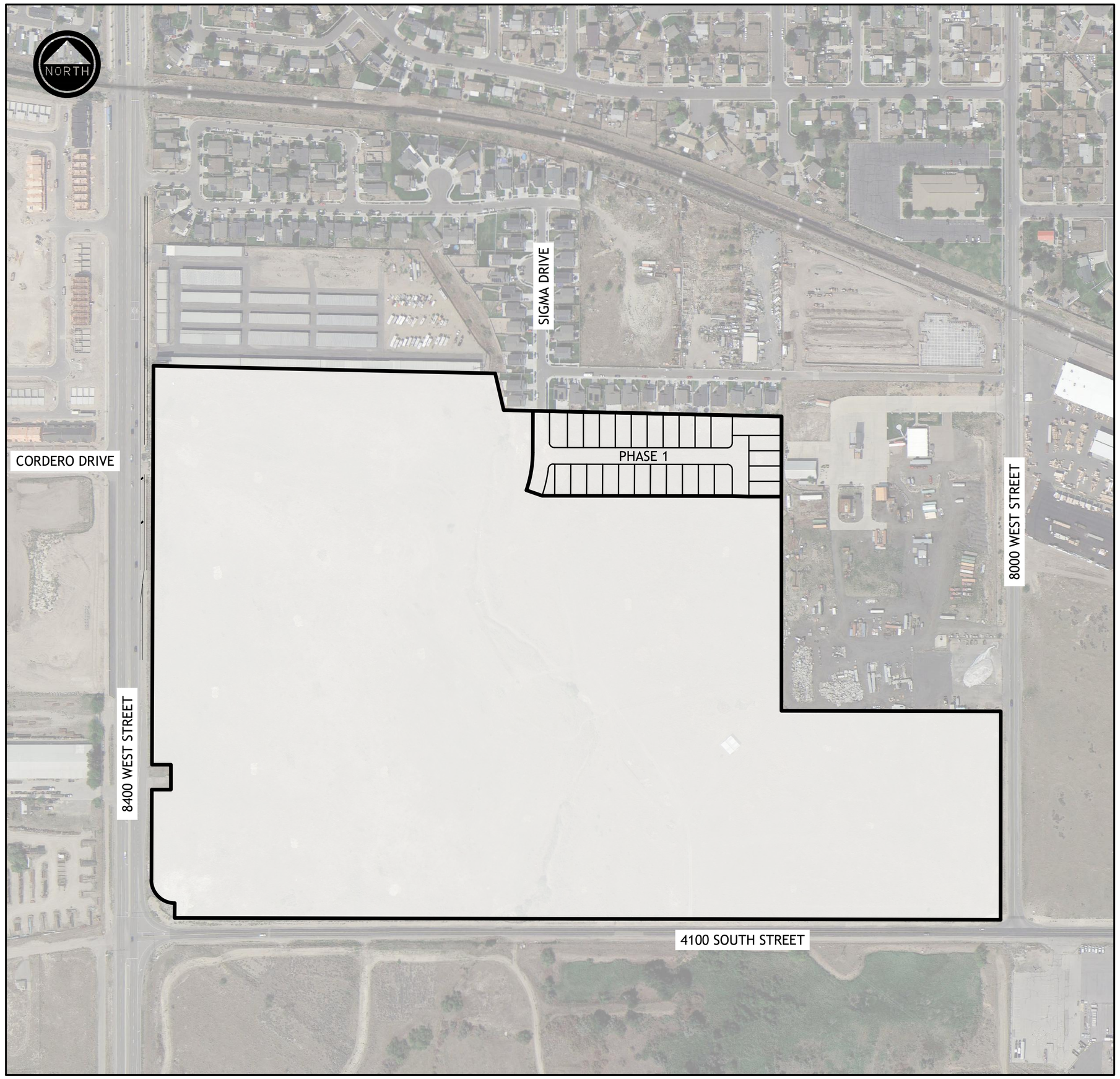
Parcel: 8230 West 4100 South (14-32-451-004-0000)



MAHOGANY RIDGE PH 1

MAGNA METRO TOWNSHIP
8230 WEST 4100 SOUTH

PRELIMINARY PLANS



VICINITY MAP
1" = 200'

SHEET INDEX

O-1 TITLE SHEET
O-2 PRELIMINARY PLAT
O-3 PRELIMINARY UTILITY & DRAINAGE PLAN
O-4 PRELIMINARY GRADING PLAN
O-5 OVERALL PHASING PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED JULY 27, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-125. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

BENCHMARK

THE PROJECT BENCHMARK IS A 3" BRASS CAP AT THE INTERSECTION OF 4100 SOUTH STREET AND 8400 WEST STREET. ELEVATION = 4598.82

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

APPLICANT:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Magna Water.
2. All culinary water improvements shall conform with the standards and specifications of Magna Water.
3. All secondary water improvements shall conform with the standards and specifications of Magna Water.
4. All improvements in the public right of way shall conform with the standards and specifications of the Greater Salt Lake Municipal Service District.
5. All private improvements shall conform to APWA standards and specifications.
6. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

PROJECT STATISTICS:

TOTAL PHASE 1 AREA =	4.27 AC
COMMERCIAL AREA =	0.00 AC
TOWN HOME AREA =	0.00 AC
SINGLE FAMILY AREA =	4.27 AC
OPEN SPACE AREA =	0.06 AC (1.4%)
TOWN HOME UNITS =	0
SINGLE FAMILY UNITS =	27
TOTAL UNITS =	27

LICENSED PROFESSIONAL ENGINEER
No. 360611
NICHOLAS M. MINGO
12/23/22
STATE OF UTAH

Mahogany Ridge Phase 1
Title Sheet

PROJECT:
DRAWN BY: KWW
REVIEWED BY: NMM
REVISIONS:
No. DATE REMARKS

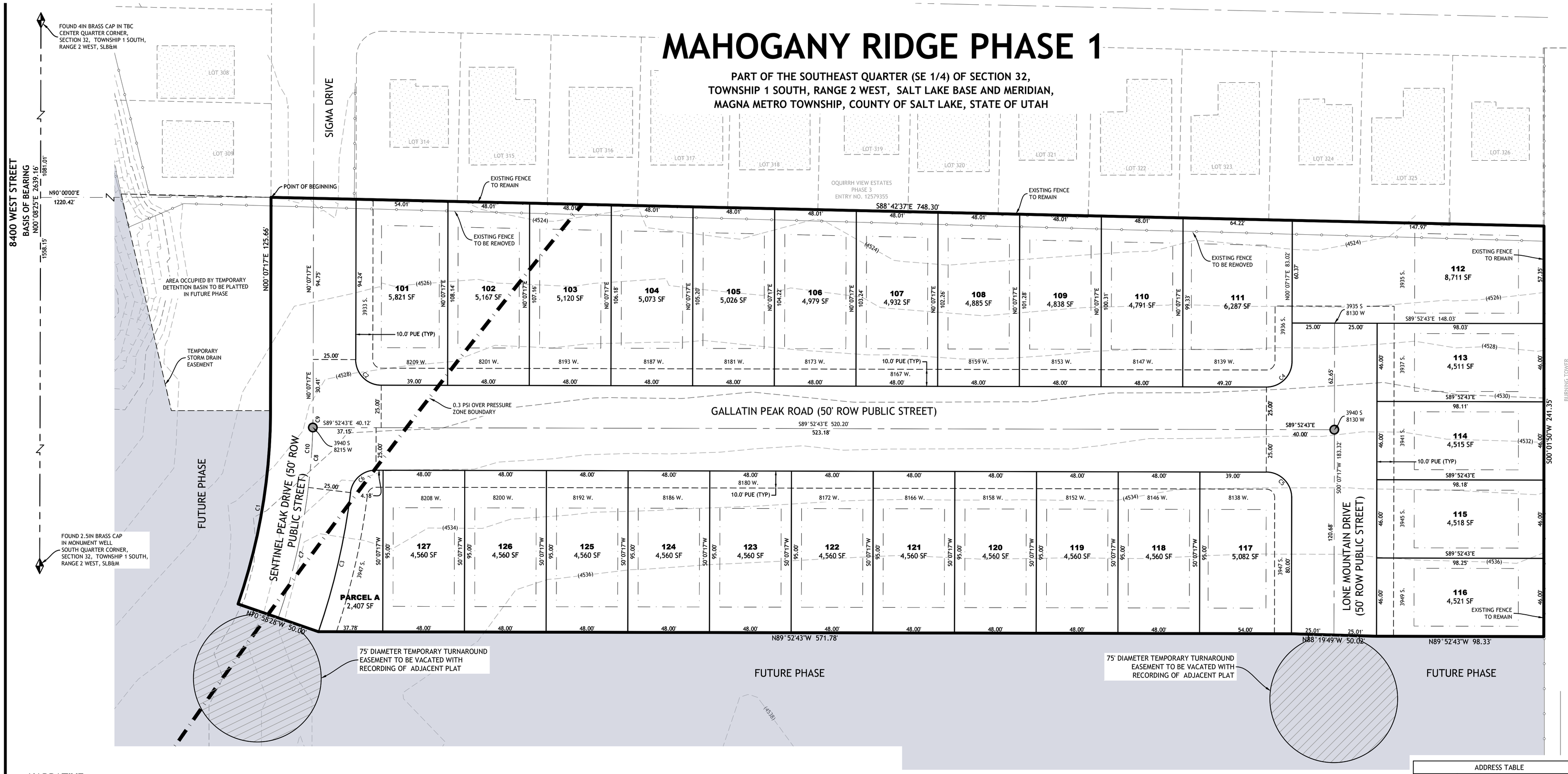
DATE: December 23, 2022

SHEET NUMBER:
O-1

G:\Users\pmd22\EDM Partners Dropbox\Projects\Mahogany Ridge\Drawings\Phase 1\1.Title Sheet.dwg

MAHOGANY RIDGE PHASE 1

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32,
TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
MAGNA METRO TOWNSHIP, COUNTY OF SALT LAKE, STATE OF UTAH



NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING PART OF SALT LAKE COUNTY ASSESSOR PARCEL NUMBER **14-32-451-004** INTO LOTS AND STREETS AS SHOWN HEREON.

BASIS OF BEARING:

NORTH 00°08'25" EAST BETWEEN THE SOUTH QUARTER AND THE CENTER QUARTER OF SECTION 32 TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

BOUNDARY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA METRO TOWNSHIP, COUNTY OF SALT LAKE, STATE OF UTAH, THE BOUNDARY OF SAID PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS ON THE SOUTH BOUNDARY OF OQUIRRH VIEW ESTATES PHASE 3 RECORDED AS ENTRY NUMBER 12579355 IN THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT BEING N00°08'25"E 1558.15 FEET AND N90°00'00"E 1220.42 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE ALONG THE SOUTH LINE OF OQUIRRH VIEW ESTATES PHASE 3 S88°42'37"E 748.30 FEET TO THE WEST BOUNDARY LINE OF BURNING TOWER SUBDIVISION RECORDED AS ENTRY NUMBER 9987373 IN THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE ALONG SAID BURNING TOWER SUBDIVISION S00°01'50"W 241.35 FEET; THENCE LEAVING SAID BURNING TOWER SUBDIVISION N89°52'43"W 98.33 FEET; THENCE N88°19'49"W 50.02 FEET; THENCE N89°52'43""W 571.78 FEET; THENCE N70°58'28"W 50.00 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 350.00 FEET, A DISTANCE OF 115.48 FEET, A CHORD DIRECTION OF N09°34'24"E AND A CHORD DISTANCE OF 114.96 FEET; THENCE N00°07'17"E 125.66 FEET TO THE POINT OF BEGINNING.

CONTAINS 4.27 ACRES IN AREA, 27 LOTS AND 1 PARCEL

NOTES:

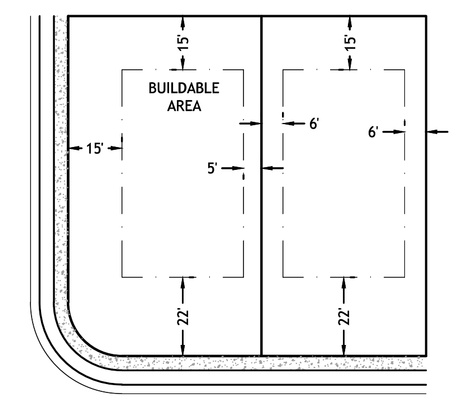
1. PUBLIC UTILITY EASEMENTS ARE 10' ON FRONT OF LOTS UNLESS SHOWN DIFFERENTLY ON THIS MAP.
2. ⅝" REBAR AND CAP MARKED "L.S. 4938730" WILL BE SET AT ALL EXTERIOR BOUNDARY AND REAR LOT CORNERS UNLESS OTHERWISE NOTED ON THIS PLAT. ALL FRONT CORNERS WILL BE SET AT THE CURB, LOT LINE EXTENDED, WITH A COPPER RIVET.
3. MAGNA METRO TOWNSHIP IS NOT RESPONSIBLE FOR ENFORCEMENT OF PRIVATE RESTRICTIVE COVENANTS.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	115.48	350.00	N9°34'24"E	114.96
C2	23.56	15.00	N44°52'43"W	21.21
C3	84.06	400.00	N13°00'19"E	83.90
C4	23.56	15.00	S45°07'17"W	21.21
C5	23.56	15.00	S44°52'43"E	21.21
C6	21.77	15.00	N48°33'11"E	19.91
C7	78.81	375.00	N13°00'19"E	78.66
C8	35.33	375.00	N4°17'10"E	35.31
C9	9.59	375.00	N0°51'16"E	9.59
C10	123.73	375.00	N9°34'24"E	123.17

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- MONUMENT TO BE SET



TYPICAL LOT SETBACKS
SCALE 1"=30'

ADDRESS TABLE

LOT NO.	ADDRESS
101	8209 W. GALLATIN PEAK ROAD (3922 S. SENTINEL PEAK DRIVE)
102	8201 W. GALLATIN PEAK ROAD
103	8193 W. GALLATIN PEAK ROAD
104	8187 W. GALLATIN PEAK ROAD
105	8181 W. GALLATIN PEAK ROAD
106	8173 W. GALLATIN PEAK ROAD
107	8167 W. GALLATIN PEAK ROAD
108	8159 W. GALLATIN PEAK ROAD
109	8153 W. GALLATIN PEAK ROAD
110	8147 W. GALLATIN PEAK ROAD
111	8139 W. GALLATIN PEAK ROAD
112	3935 S. LONE MOUNTAIN DRIVE
113	3937 S. LONE MOUNTAIN DRIVE
114	3941 S. LONE MOUNTAIN DRIVE
115	3945 S. LONE MOUNTAIN DRIVE
116	3949 S. LONE MOUNTAIN DRIVE
117	8138 W. GALLATIN PEAK ROAD (3947 S. LONE MOUNTAIN DRIVE)
118	8146 W. GALLATIN PEAK ROAD
119	8152 W. GALLATIN PEAK ROAD
120	8158 W. GALLATIN PEAK ROAD
121	8166 W. GALLATIN PEAK ROAD
122	8172 W. GALLATIN PEAK ROAD
123	8180 W. GALLATIN PEAK ROAD
124	8186 W. GALLATIN PEAK ROAD
125	8192 W. GALLATIN PEAK ROAD
126	8200 W. GALLATIN PEAK ROAD
127	8208 W. GALLATIN PEAK ROAD
PARCEL A	3947 S. SENTINEL PEAK DRIVE

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

APPLICANT:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

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4. All improvements in the public right of way shall conform with the standards and specifications of the Greater Salt Lake Municipal Service District.
5. All private improvements shall conform to APWA standards and specifications.
6. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

PROFESSIONAL LAND SURVEYOR 4938730 TYLER E. JENKINS STATE OF UTAH

FOR REVIEW ONLY
DO NOT RECORD
09/20/22

Mahogany Ridge Phase 1
Preliminary Plat

PROJECT:
DRAWN BY: KWW
REVIEWED BY: NMM
REVISIONS:
No. DATE REMARKS

DATE: December 7, 2022

SHEET NUMBER: **O-2**

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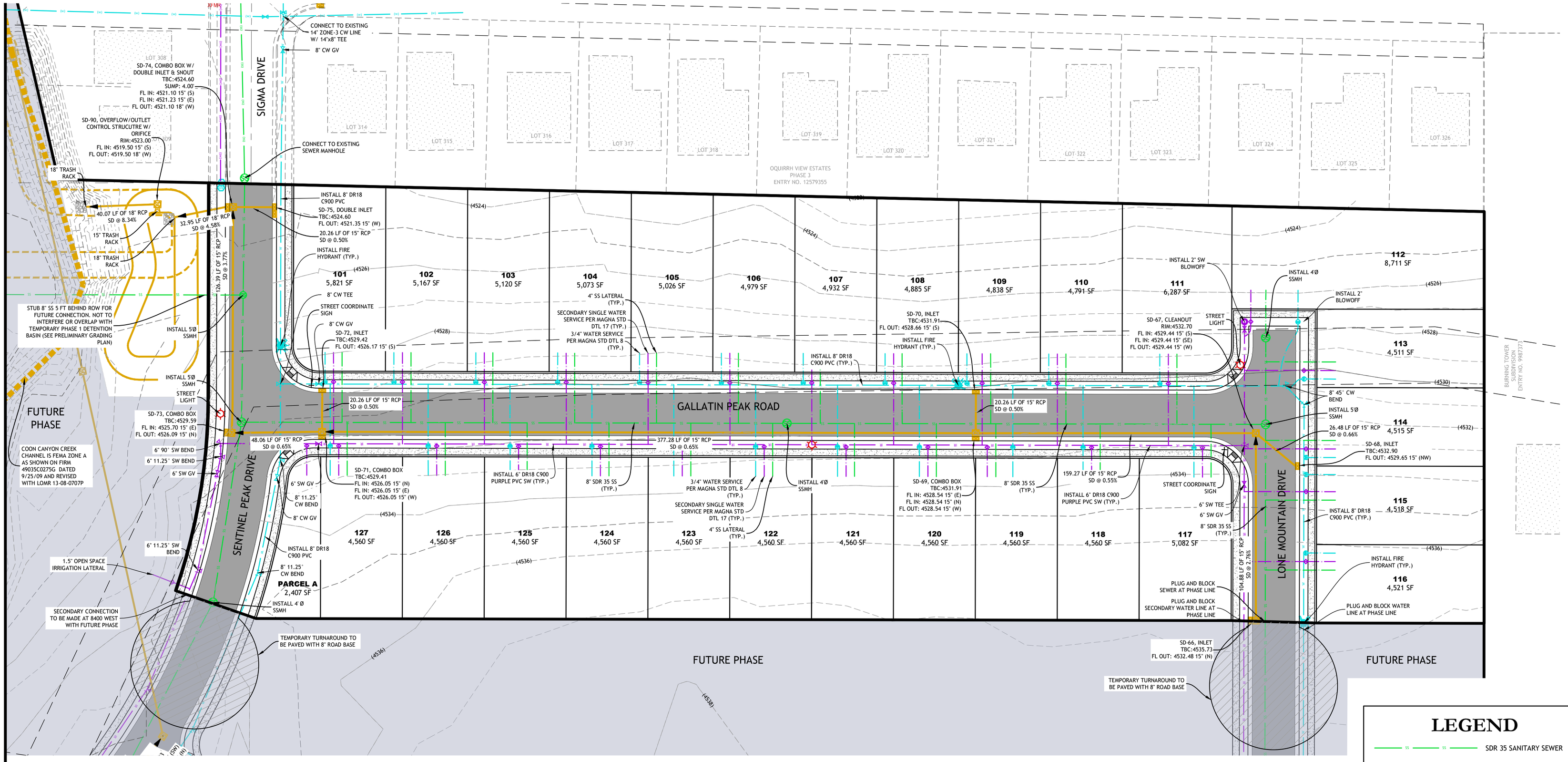
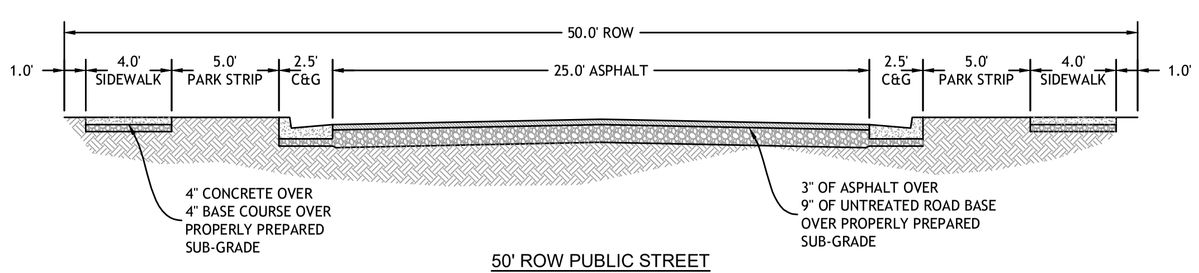
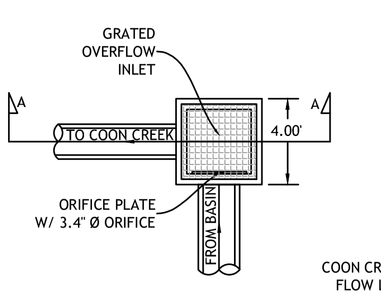
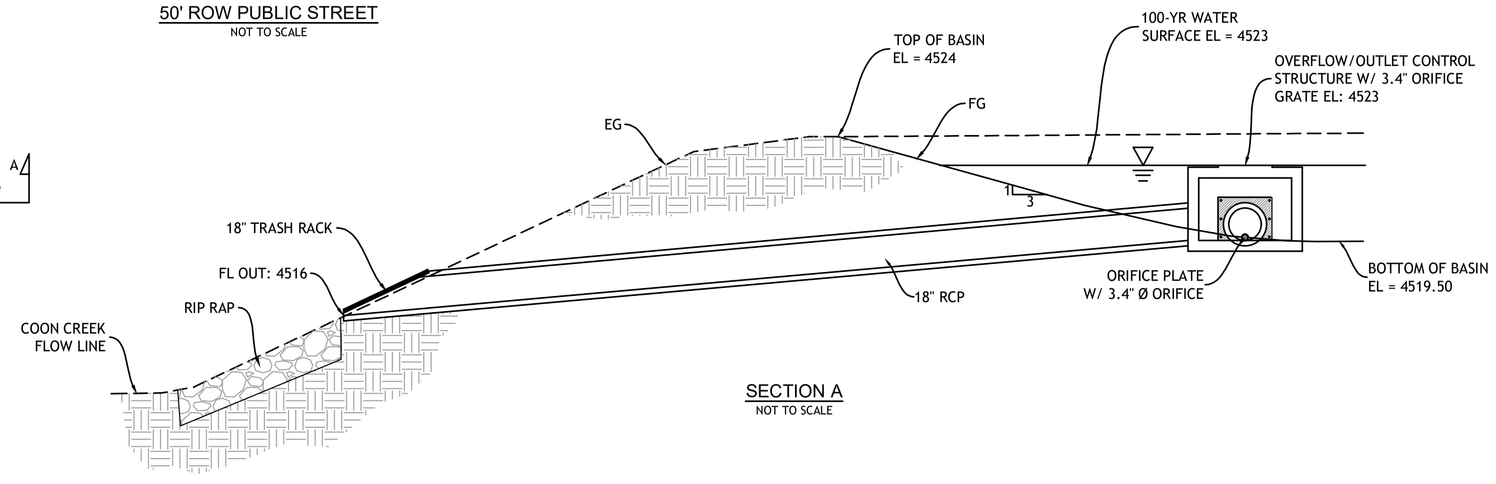




50' ROW PUBLIC STREET
NOT TO SCALE

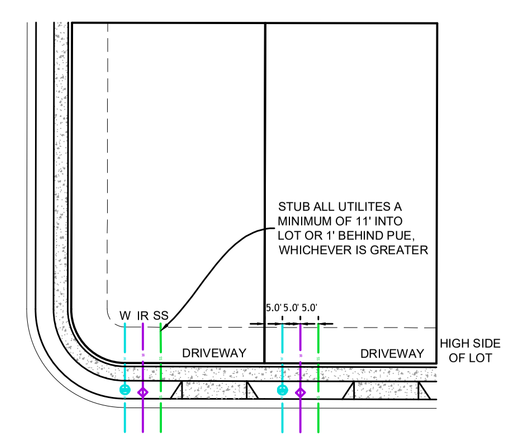


PLAN



SECTION A
NOT TO SCALE

TEMPORARY DETENTION BASIN OVERFLOW/OUTLET CONTROL STRUCTURE DETAIL
NOT TO SCALE



VILLAGE DISTRICT (FRONT LOAD) TYPICAL LATERAL DETAIL
NOT TO SCALE

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

APPLICANT:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Magna Water.
2. All culinary water improvements shall conform with the standards and specifications of Magna Water.
3. All secondary water improvements shall conform with the standards and specifications of Magna Water.
4. All improvements in the public right of way shall conform with the standards and specifications of the Greater Salt Lake Municipal Service District.
5. All private improvements shall conform to APWA standards and specifications.
6. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

LICENSED PROFESSIONAL ENGINEER
No. 366874
NICHOLAS M. MINGO
12/23/22
STATE OF UTAH

Mahogany Ridge Phase 1

Preliminary Utility & Drainage Plan

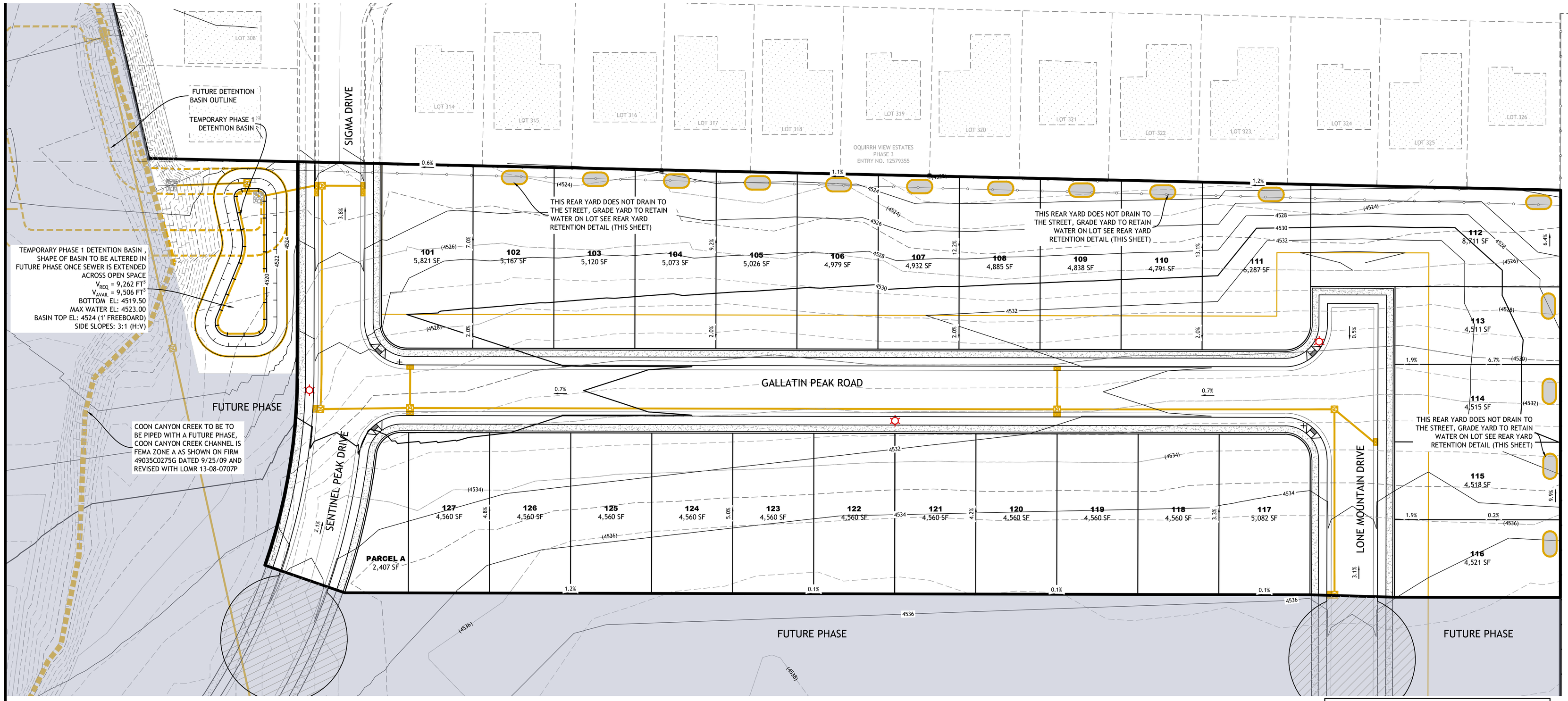
PROJECT:
DRAWN BY: KWW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 23, 2022

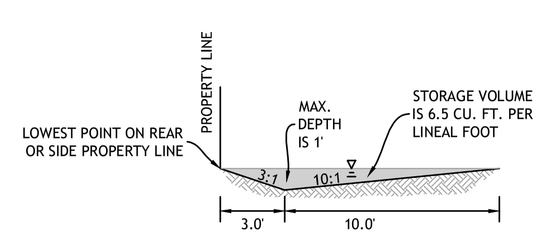
SHEET NUMBER: O-3

C:\Users\pmd22\EDM Partners Dropbox\Projects\Mahogany Ridge\Drawings\Phase 1\3.Preliminary Utility & Drainage Plan.dwg



LOT #	2/3 LOT AREA (FT^2)	RUNOFF COEFFICIENT	VOLUME REQUIRED (FT^3)
102	3444.6	0.262	244.2
103	3413.30	0.263	242.9
104	3381.97	0.264	241.7
105	3350.63	0.265	240.4
106	3319.30	0.266	239.1
107	3288.0	0.267	237.8
108	3256.6	0.268	236.6
109	3225.3	0.269	235.3
110	3194.0	0.271	234.0
111	4138.0	0.243	272.4
112	5807.3	0.216	340.2
113	3007.3	0.278	226.4
114	3010.0	0.278	226.6
115	3012.0	0.278	226.6
116	3014.0	0.278	226.7

REAR LOT RETENTION SIZING CALCULATIONS



NOTE:
1. ROOF DRAINS SHALL BE DIRECTED TOWARD STREET
2. ALTERNATE CONFIGURATIONS ARE PERMITTED WITH APPROVAL OF ENGINEER.
3. A = 2/3 OF LOT (500 SQ-FT CONSIDERED HARDSCAPE), $C_{COMPOSITE}$ = VARIES (0.216 - 0.278), RAINFALL $_{100\text{-}YR}$ = 3.25"

REAR LOT RETENTION
NOT TO SCALE

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
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- PROPOSED STREET LIGHT
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- RCP CL III STORM DRAIN
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- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
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- PROPOSED MINOR CONTOUR

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

APPLICANT:
Ivory Development
978 East Woodoak Lane
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801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Magna Water.
2. All culinary water improvements shall conform with the standards and specifications of Magna Water.
3. All secondary water improvements shall conform with the standards and specifications of Magna Water.
4. All improvements in the public right of way shall conform with the standards and specifications of the Greater Salt Lake Municipal Service District.
5. All private improvements shall conform to APWA standards and specifications.
6. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
7. All grading is to be completed under a permit from Magna Township Planning & Development Services.
8. The total earthwork quantities for this site are:
   Cut = 4,815 cy
   Fill = 5,020 cy
   Net = 205 cy (cut)
   (Cut/Fill calculations don't take into account road fill or spoils generated from basement/footing excavation)

LICENSED PROFESSIONAL ENGINEER
No. 368611
NICHOLAS M. MINGO
12/23/22
STATE OF UTAH

Mahogany Ridge Phase 1

Preliminary Grading Plan

PROJECT:
DRAWN BY: KWW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 23, 2022

SHEET NUMBER: O-4

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SALT LAKE COUNTY ADDRESSING

JENNIFER WILSON
Salt Lake County Mayor

ADMINISTRATIVE SERVICES DEPARTMENT

Megan Hillyard
Director of Administrative Services

Addressing Office
Salt Lake County
Government Center
2001 S State St N1-300
PO Box 144575
Salt Lake City UT 84114-4575

Office Phone: 385-468-6760

TYY: 7-1-1

December 6, 2022

James Burton
MSD Planning & Development Services
2001 S State St, N3-600
Salt Lake City, UT 84190

Re: Street Name Review for **Mahogany Ridge Ph 1**, a public development located within the boundaries of Magna at approximately 8230 W 4000 S.

Dear James:

Herein are the results of the proposed street name review for **Mahogany Ridge Ph 1**, a development located within the boundaries of Magna. The following names have been found to be free of duplication with other names in Salt Lake County.

Proposed Street Names:

Sentinel Peak Dr
Gallatin Peak Rd
Lone Mountain Dr

If there are any changes in these names prior to final approval by your office, please contact me.

Sincerely,

Tyler Bain
GIS Analyst

Cc: USPS Address Program
Korey Walsh (EDM Partners)

BOARD OF TRUSTEES
Mick Sudbury, Chairman
Jeff White
Dan L. Stewart

GENERAL MANAGER
Clint Dilley, P.E.

June 28, 2022

Salt Lake County Health Department
788 E Woodoak Lane
Murray, Utah 84107
healthwater@slco.org

Re:

Mahogany Ridge
4100 S 8400 W
Magna, Utah 84044

Ben Hansen
Ivory Development
benh@ivoryhomes.com
801-520-9164

Ryan Blair,

This letter is to certify that based on the plans for the above reference project, Magna Water District, is able to furnish culinary water and sewer service to this project. Any revisions to said plans subsequent to this certification which affect water or sewer service in any way will invalidate this certification. In order to allow for timely progression of this project, the District requests that any such changes in the plans be promptly provided to the District by the developer so that re-certification may be made.

The District will be able to furnish at a minimum of 20 pounds pressure, culinary water which has been approved by the State Board of Health, if the developer and customer meet all of the rules, regulations and fees of the District. All water and sewer service lines and provisions of said services are subject to and governed by the current rules, regulations, and resolutions of the District.

For any additional information, please contact Clint Dilley at (801) 250-2118.

Sincerely,

Magna Water District

Clint Dilley,P.E.
General Manager
CND/lha

PO BOX 303, Magna, UT • 84044-0303 • 801.250.2118 • Fax 801.250.1452
www.magnawater.com

Magna Metro Township Planning Commission - April 13, 2023

REZ2023-000825

Rezone Summary and Recommendation

Request: Change the zoning of an existing non-conforming restaurant from R-1-6 to C-1

Parcel ID: 14-29-327-050-0000 **Current Zone:** R-1-6 **Proposed Zone:** C-1

Property Owner: Michael and Juliet Forsyth

Applicant/Representative: Michael Forsyth

Property Address: 8519 W. 3100 S.

Property Area: 0.10 acre

Planner: Curtis Woodward

Summary of Recommendation: Staff recommends approval of the request with conditions (see below).

REZ2023-000825 [8519 W 3100 S]

March 27, 2023

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.18 km

Salt Lake County, Mayor, Salt Lake County Assessor, Clerk, Mayor, Recorder and Surveyor, Esri Community Maps Contributors, County of Salt

PROJECT DESCRIPTION

Description of Request: The property is located on the southeast corner of 8520 West and 3100 South. It has been used as a commercial business (sandwich shop/restaurant) since it was built in the 1950s. It was originally located on the same lot as the home immediately to the east, but was divided off into a separate parcel in 2005. The latest sandwich shop closed down in September of 2022, and the current owner would like to sell the property to someone who would like to operate a similar business. Under chapter 19.88 of the Magna Code, only the existing non-conforming use may be continued, but a similar use (such as an ice cream shop) is not allowed.

Case History/Related Applications: In 2009, the property was reviewed and declared a legal nonconforming use based on the evidence of the property's history under application 25020.

Neighborhood Character

Surrounding Properties	Zone	Land Use
North	R-2-6.5	Public School
South	R-1-6	Residential
East	R-1-6	Residential
West	R-1-6	Residential
General Plan Designation	Commercial site within the Southwest Neighborhoods Area	

GENERAL PLAN CONSIDERATIONS

The Magna Metro Township General Plan, adopted March 21, 2021, includes this property in the "Southwest Neighborhoods Area." While the subject property is not specifically mentioned within the text of the plan, the land use map does show the property with a commercial land use (see Attachment 3). The plan calls for the "stabilization" of this residential neighborhood, and the preservation of the small neighborhood-serving commercial building on the subject property appears to be in harmony with this overall goal.

NEIGHBORHOOD RESPONSE

As of the date of this report, no neighborhood response has been received.

RECOMMENDATION

The Planning Staff of the Municipal Services District recommends approval of the rezone request with conditions (see below). The subject property has been used as a commercial sandwich shop serving local customers for over 50 years, and the building as configured is not easily converted to a single-family residential use. Based on its relatively small size and configuration, it is uniquely positioned to accommodate any number of specialized food service businesses (coffee shop, ice cream shop, soda shop, donut/cookie shop, etc.) that could be supported by the local customer base.

Planning Commission Options: The planning commission is an advisory board to the Magna Metro Township Council regarding rezone applications. When a rezone is brought before the planning commission for review, the planning commission may take any of the following actions:

1. **Recommend Approval** of the rezone as requested to the Magna Metro Township Council.
2. **(STAFF RECOMMENDATION) Recommend Approval With Conditions** of the rezone as to the Magna Metro Township Council as follows: Permitted uses shall be limited to the following:

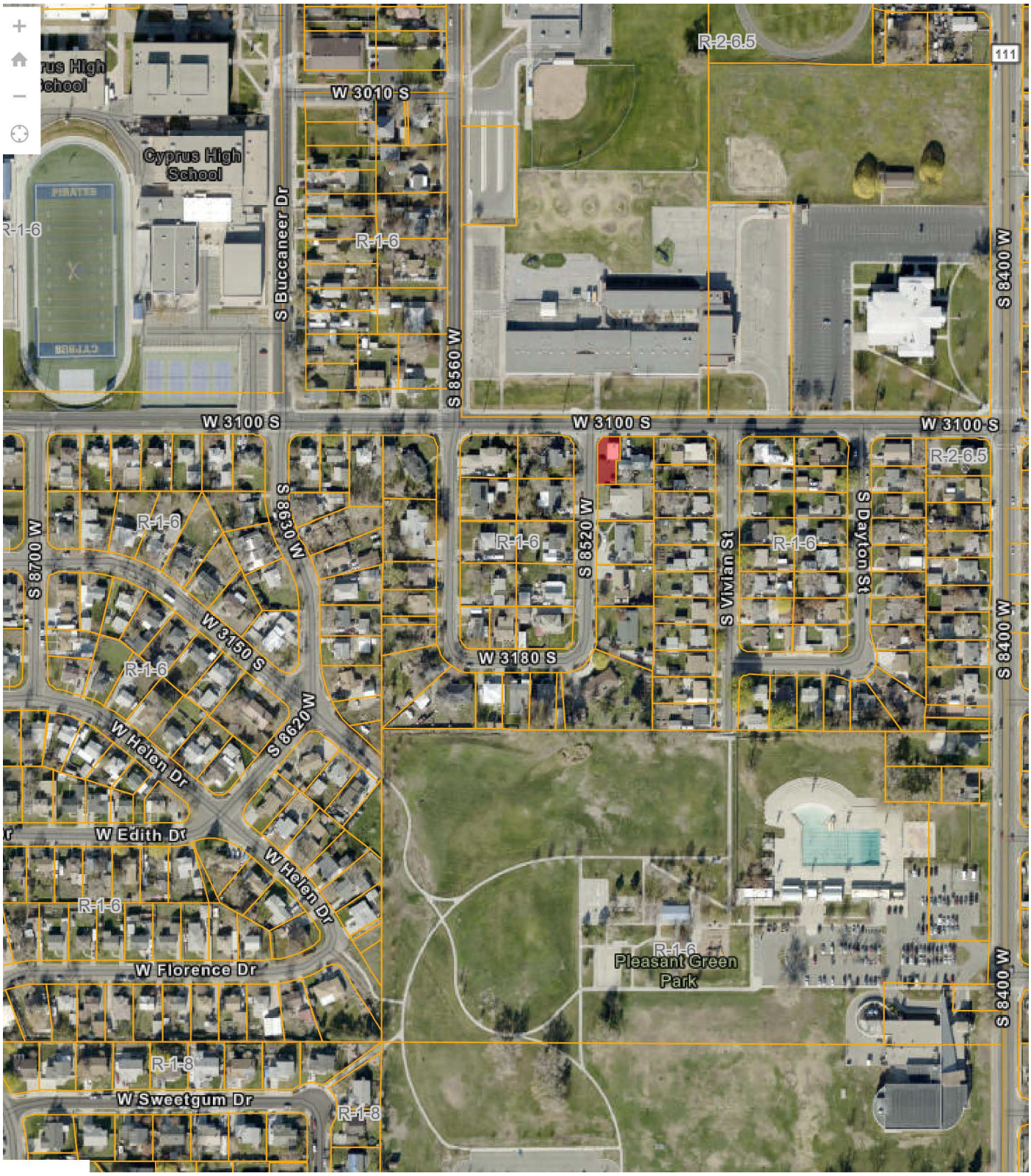
A. Retail shops and services (excluding gas station, motor vehicle repair, or motor vehicle rental or sales);
B. Personal Care Services
C. Restaurant/mobile restaurant/food cart/catering.

3. **Recommend Denial** of the rezone (with reasons given by the planning commission).

ATTACHMENTS:

1. Aerial Map
2. Supplemental Rezone Application Form
3. General Plan Land Use Map
4. Formal Ordinance

ATTACHMENT 1



ATTACHMENT 2

Planning and Development Services Division
2001 S. State Street #N-3600, Salt Lake City, UT 84190-4050
Phone: 385-468-6700

File #
REZ2023-000825

Zone Map Amendment (Re-Zone) Supplemental Form

Current Zone: R-1-6 Requested Zone: C-1

Reason for the Request:
The property has been used commercially (as a restaurant/sandwich shop) for many years as a non-conforming use. I am requesting to rezone the property to C-1 neighborhood commercial zone, which is consistent with its historic use.
Property address is: 8519 W. 3100 S. in Magna Metro Township

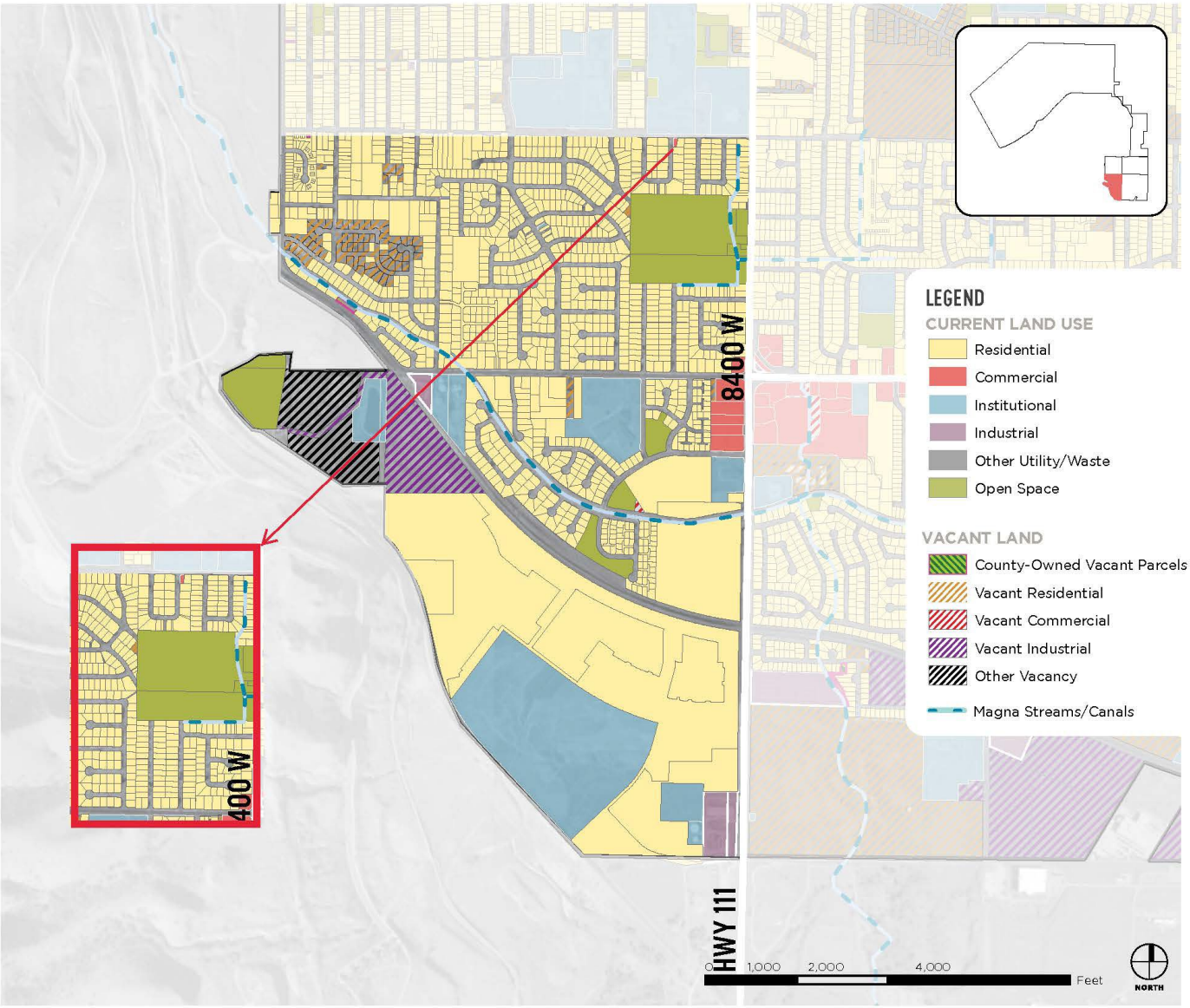
Does this rezoning request comply with the Community General Plan?

☒ Yes This property is located in the Magna Community and is designated on the Land Use Plan as Commercial, (residential, office, commercial, etc.)

☐ No Please explain; you may wish to meet with a planner to discuss other available options.

ATTACHMENT 3

FIGURE 3-18: THE SOUTHWEST NEIGHBORHOODS AREA



ATTACHMENT 4

ORDINANCE 2023-____

Ordinance No. ____ Date: _____

AN ORDINANCE OF THE MAGNA METRO TOWNSHIP COUNCIL AMENDING THE ZONING MAP TO CHANGE THE ZONING OF THE PROPERTY AT 8519 W. 3100 S. FROM R-1-6 TO C-1

RECITALS

WHEREAS, the Greater Salt Lake Municipal Services District provides services to the five Metro Townships in the Salt Lake Valley, unincorporated areas, and the Town of Brighton; and

WHEREAS, the Magna Metro Township is a municipality and has authority to regulate zoning in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2); and

WHEREAS, Magna Metro Township has authority to adopt zoning ordinances, including a zoning map pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, ("MLUDMA"), Title 10, Section 9a, Utah Code, to establish zones within the metro township; and

WHEREAS, the Council deems it necessary to amend its zoning map in order to accommodate the reasonable use of the existing non-conforming restaurant at 8519 W. 3100 S.; and for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE MAGNA METRO TOWNSHIP COUNCIL as follows:

1. Section 19.06.020, The Zoning Map of Magna Metro Township is hereby amended as follows:

The property described in Application #_REZ2023-000825 filed by Michael Forsyth, and located at 8519 W. 3100 S., within Magna Metro Township, is hereby reclassified from the R-1-6 (Single Family Residential) zone to the C-1/zc (Neighborhood Commercial) zone, said property being described as follows:

PARCEL #: 14-29-327-050-0000

LEGAL DESCRIPTION: Beginning 73.5 feet West from the Northeast Corner of Lot 1, THOMAS GARDENS SUBDIVISION, West 21.5 feet; Southwesterly along a 25 foot radius curve to left 39.27 feet; South 78 feet; East 40 feet; North 52 feet; East 6.50 feet; North 51 feet to beginning. (Being part of Lots 1 & 2, Thomas Gardens Subdivision)

Pursuant to section 19.90.060 of the Salt Lake County Code of Ordinances, 1986, development of said property is subject to the following condition:

Permitted uses shall be limited to the following:

A. Retail shops and services, excluding gas station, motor vehicle repair, motor vehicle rentals or motor vehicle sales;
B. Personal Care Services;
C. Restaurant, Mobile Restaurant, Food Cart, Catering

2. The official zoning map kept on file with the Planning and Development Services Division of the Municipal Services District of Greater Salt Lake shall be changed to reflect this ordinance.

3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND **ADOPTED** this ____ day of _____ 2023.

MAGNA METRO TOWNSHIP COUNCIL

_____

By: _____, Mayor

ATTEST

_____

Rori Andreason, Township Administrator

Voting:

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

APPROVED AS TO FORM:

_____

METRO TOWNSHIP ATTORNEY

GREATER SALT LAKE
Municipal Services District

Planning and Development Services

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

File # OAM2022-000776

Comprehensive Code Amendment of Magna Municipal Code, Titles 18: Subdivisions and 19: Zoning

Public Body: Magna Metro Township Planning Commission

Meeting Date: April 13th, 2023

Request: Consideration of an Ordinance repealing and replacing Title 18: Subdivisions, and Title 19: Zoning. The Planning Commission and Council have been working with staff over the past year to draft amendments to Title 18 (Subdivisions) and Title 19 (Zoning) of Magna Municipal Code. On April 13th, the Commission will hold a public hearing where participants will have the opportunity to provide feedback on the Titles as drafted. This item covers ordinance text amendments ONLY. There are no map amendments proposed at this time.

Project Name and File Number: OAM2022-000776 – Magna Comprehensive Code Amendment, Titles 18 and 19

Applicant: MSD Planning and Development Services Staff

Staff: Brian Tucker, Planning Manager

Areas Affected: All areas within Magna Metro Township, UT

Staff Recommendation: Staff recommends that the Planning Commission recommend adoption of Titles 18 and 19, with revisions as outlined, to the Magna Metro Township Council.

SUMMARY

MSD Planning & Development Services ("PDS") was tasked by the Magna Metro Township Council to lead an overhaul of the community's land use ordinances, including Title 18: Subdivisions and Title 19: Zoning. During the summer and fall of 2022, the Magna Planning Commission ("Commission") and Council were sent drafted revisions of these ordinances (a total of 39 chapters). From mid-August 2022 to March 2023, staff held a combined workshop with the Planning Commission and Township Council four times to facilitate in-depth discussions of the drafted ordinances. Staff then tailored the Title 18 and 19 drafts according to the feedback received.

At the last workshop meeting, held on March 23rd, 2023, the Commission and Council, the stakeholders, finished reviewing the last of the draft versions. The next discussion of Titles 18 and 19 will take place at

a public hearing, scheduled for April 13th, 2023. At the hearing, the Planning Commission will take comments from the public regarding the drafted ordinances. Following the public comment period, the Commission may make a recommendation to the Metro Township Council ("Council") regarding the adoption of the ordinances as drafted. Staff is recommending that the Planning Commission make a recommendation of adoption with revisions to the Council, as outlined later in this report.

BACKGROUND

Project Purpose:

Land Use Ordinances determine the use, development, and subdivision of property within a municipality. A municipality's right to implement land use ordinances is tied to its "Police Power" (or to the essential task of protecting public health, safety, and welfare). Private property rights are balanced with public needs, in order to ensure safe, equitable, and sustainable development.

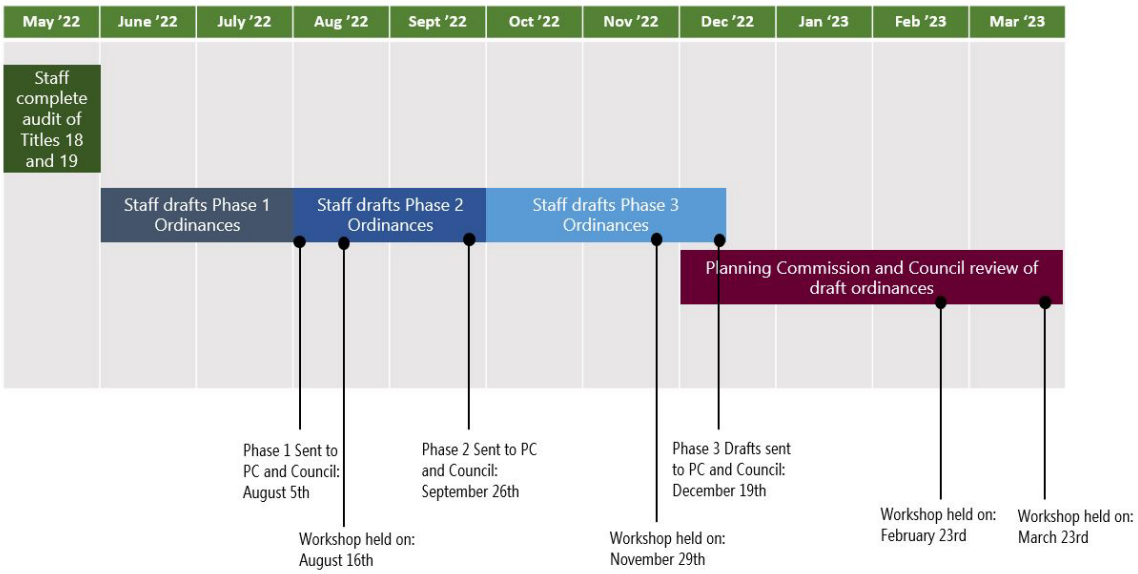
Magna Metro Township identified the need to update its land use ordinances, namely Titles 18 (Subdivisions) and 19 (Zoning) in order to achieve the following:

- Ensure compliance with State Statute, which restricts the authority and powers of local government;
- Encourage conformity with the Magna General Plan, which was adopted in 2021 and sets a vision for the community's future land uses;
- Promote ease of use for both staff and residents by using clear and concise language and incorporating graphics where appropriate; and
- Meet the unique needs and preserve the character of the Magna community.

Project Timeline:

Revisions to Titles 18 and 19 took place over eleven months (May 2022 – March 2023) as shown in Figure 1. The project included initial data collection (audit), ordinance drafting, internal and external review, and discussion at public Planning Commission meetings.

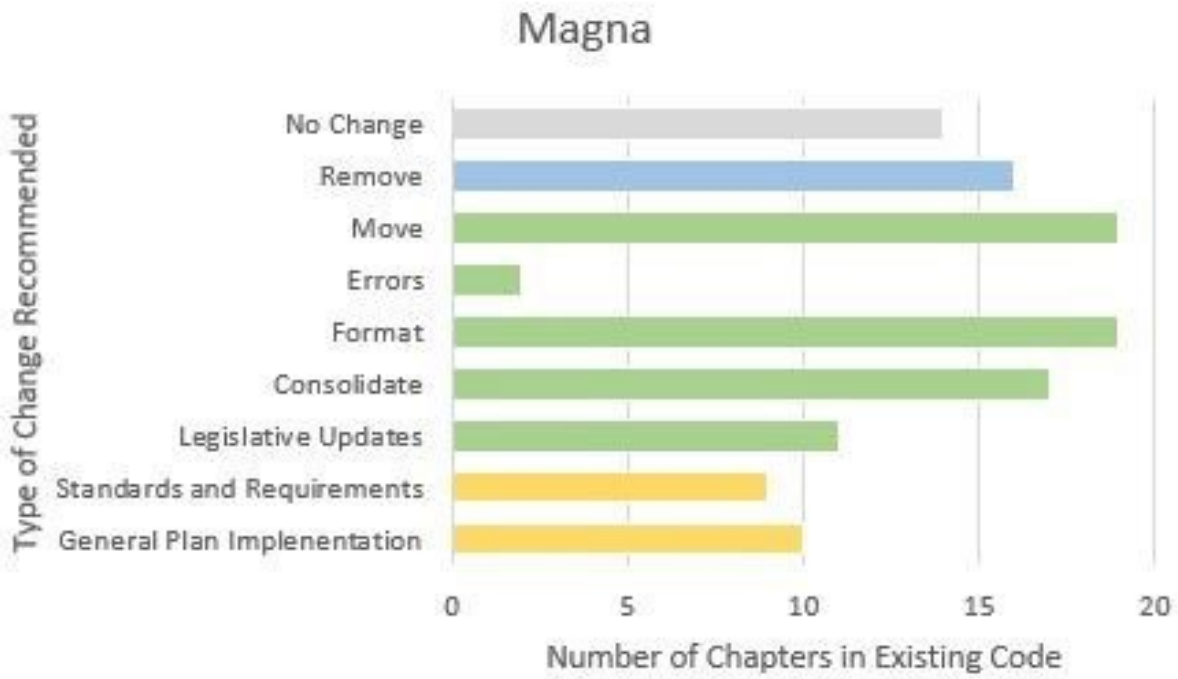
Figure 1: Project Timeline



Methodology:

In the first quarter of 2022, Erin O'Kelley (Long Range Planner) performed an in-depth analysis of existing Title 19 Ordinances to provide a basis from which the project team could begin their revisions. This analysis helped the team understand how much time to allot to various tasks, such as removing outdated sections or obsolete zoning districts, consolidating materials for ease of use, and updating language to reflect recent legislative changes and the vision of the Magna General Plan. Figure 2 comprehensively portrays the work that staff estimated needed to be completed on Magna's Ordinances.

Figure 2: Estimation of Magna Title 19 Needed Actions



Credit: MSD PDS, 2022.

The bar chart is color-coded to show changes that staff expected to require a low, medium, or high effort. Low-effort actions included the removal of certain sections of code that were no longer applicable (blue). For example, Magna did not need to retain the existing Foothills and Canyons Overlay Zone (FCOZ). Medium-effort actions involved moving, reformatting, or consolidating chapters or sections of the ordinance, as well as bringing those sections into compliance with State Code (green). Finally, high-effort actions were those that required an updating of chapters or sections in order to improve standards and requirements or facilitate General Plan implementation (yellow).

In addition to greater staff expertise being needed for the high-effort changes, it was anticipated that those actions would trigger a higher level of engagement from the community. As a general strategy, staff elected to draft the 'High-Effort' ordinance updates first so that the Planning Commission and Council had the most time to look over those sections before adoption. Many of the anticipated High-Effort Draft Chapters (namely the Zone Chapters) were included in Phase One, which was sent to the community at the beginning of August 2022. Phase Two included several Medium-Effort Draft Chapters. Phase Three drafts included the lowest effort chapters, including the Subdivision Ordinance (Title 18). All chapters required thorough review and consideration from the community but some, such as Chapter 19.56 (Floodplain Regulations), did not require a great deal of community-specific revisions.

Ordinance-Writing Methodology: Staff followed several steps in order to produce the drafted chapters presented in Exhibits 1 and 2.

1. Staff members were assigned various chapters to research. They drew on model codes, planning best practices, and existing conditions to draft a "model chapter" that other staff members would later use as a basis for code revisions in their own communities (all five Metro Townships went through this process simultaneously with Magna).
2. Staff members reviewed each other's work at weekly Ordinance Update Meetings. Model ordinances were revised in response to feedback.
3. Model Ordinance Chapters were sent to the Smith-Hartvigsen legal team for review.
4. Staff members revised their model ordinances accordingly.
5. The planner assigned to each community reviewed the Model Ordinance Chapters and tailored them to their specific community (in this case, Magna). Planners reviewed the community's General Plan, existing ordinances, pre-analysis, and other sources relevant to the community vision.

State Code Requirements:

State Code §10-9a-Part 5 establishes powers and limitations related to municipal land use ordinances. This Section was referenced frequently by staff as they prepared drafted ordinances. The State Code provides specific guidance for topics such as amateur radios, conditional uses, residential facilities, and accessory dwelling units. State Code language was incorporated into the drafts of Titles 18 and 19 as applicable.

Section 10-9a-501:503 outlines the process for preparing and adopting municipal land use ordinances. The Planning Commission is responsible for holding a public hearing to consider any proposed land use ordinance or amendment. The hearing must be noticed consistent with State Code §10-9a-205. Following the public hearing, the Planning Commission may make a recommendation to the Council regarding the adoption of the drafted ordinances. Only the Council (as the legislative body) can make a final decision on the ordinances.

Decision-Making Authority:

The Magna Council, as the municipality's legislative body, has the final authority to make a decision regarding the drafted ordinances. However, the Council must first receive a recommendation from the Planning Commission. Following the April 13th public hearing, the Commission may make a motion to:

- Recommend adoption of Titles 18 and 19 as drafted;
- Recommend adoption of Titles 18 and 19 with revisions; or
- Recommend that Titles 18 and 19 not be adopted.

ORDINANCE CONTENT

Sections:

The drafted land use ordinances (Titles 18 and 19) include the following Chapters (with brief descriptions):

1. ***Title 18 Subdivisions (Entirety):*** Title 18 has been significantly revised for state code compliance and consistency with planning best practices. Subdivision application requirements and procedures were clarified. A new, streamlined process was added for subdivisions of five or fewer lots. The Director or Designee is proposed to be the final approval authority on these small subdivisions. An optional concept plan review step was added to the subdivision process, allowing the applicant to obtain feedback and familiarize themselves with requirements before submitting a preliminary plat application. Additional subdivision design standards were included to promote quality development.
2. ***19.02 Title, Purpose, and Applicability*****:** this chapter is much shorter than the existing Chapter 19.02 and explains the new format of the zoning ordinance.
3. ***19.04 Definitions*****:** rather than defining terms in each individual chapter of Titles 18 and 19, staff relocated all definitions to this single chapter. Where possible, terms and definitions were consolidated to reduce redundancy and improve readability.
4. ***19.06 Nonconformities*****:** this Chapter contains the regulations regarding nonconforming uses and structures found in existing Chapter 19.88. There were not any substantive changes to this content.
5. ***19.08 Enforcement*****:** most language related to enforcement is being moved to Title 12 of the Municipal Code. This Chapter was significantly shortened and largely references the Title 12 materials.
6. ***19.10 Procedures for Analyzing Takings:*** this language is derived from state code; minimal changes were made to the existing Ordinance.
7. ***19.12 Administrative Bodies, Powers, and Duties*****:** this Chapter combines all sections related to authorities and their powers, including the existing Chapter on Planning Commissions, into one comprehensive Chapter. The Chapter defines the roles of the Land Use Hearing Officer (an Administrative Law Judge) and Planning and Development Services Director. Language related to these roles was previously scattered throughout the ordinance or not included at all.
8. ***19.14 Establishment of Zones, Maps, and Zone Boundaries*****:** the list of zones established was updated to reflect both newly created zones and those that were removed for the community.
9. ***19.16 Land Use Processes and Procedures*****:** all provisions related to land use processes and procedures, including permitted and conditional use application processes, were combined into this Chapter. Clear application standards are articulated for each type of land use application.
10. ***19.18 Planned Unit Developments*****:** this Chapter was significantly expanded to provide additional clarity around Planned Unit Development (PUD) processes and standards. Different types of PUDs were established, with differing standards depending on the type.
11. ***19.20 Variances, Exceptions, and Appeals*****:** this Chapter combines all standards related to variances, exceptions, and appeals in one place.
12. ***Chapter 19.22 Parks and Open Space Zones*****:** this new chapter creates a zoning district specifically for park spaces, with recreation as the primary goal. This zone is intended for application on Magna's existing park spaces.
13. ***Chapter 19.26 Agricultural Zones*****:** staff removed the A-2, A-5, and A-10 Zones from this Chapter, as they are not currently applied in Magna and are unlikely to be used in the future.

Standards in this zone were simplified and clarified, and as is typical in all of the zone chapters, the use tables have replaced the use lists, resulting in a more user-friendly experience. For the keeping of animals, the previous "Animal and Fowl for Family Food Production" scheme that gave a certain allotment of animals per parcel, regardless of size, has been replaced by an animal rights/animal units scheme, that allows animals according to the size of the parcel. The A-1 zone will now require 1 acre rather than 10,000 square feet. Parcels where subdivisions with lots smaller than 1 acre will now be developed under the single-family residential standards.

14. ***Chapter 19.28 Single-Family Residential Zones*:** staff removed the R-1-15 and R-1-43 Zones, which are not in use currently and are unlikely to be desired in the future. While the stakeholders expressed a desire to eliminate the R-1-3 and R-1-4 zones, there are properties within Magna that have these zoning designations. When these are rezoned the R-1-3 and R-1-4 zones can be eliminated from the code. Several standards were added to this Chapter, including standards for accessory structures, fencing, and lot development. As is typical in all of these zone chapters, the formatting has been modified for ease of use.

15. ***Chapter 19.30 Medium and High-Density Residential Zones:*** R-2, R-4, and RM Zones were combined into a single chapter. Incompatible uses were removed from the zoning districts and development standards were added to ensure that any new development in these zones is compatible with the surrounding neighborhood.

16. ***Chapter 19.32 Commercial Zones:*** the C-V, C-1, C-2, and C-3 zones were combined into a single chapter. The C-V zone is primarily geared toward tourists and travelers and is applied primarily near the Great Salt Lake. The C-1 Zone was re-imagined as a smaller-scale commercial zone. The C-2 Zone is now intended primarily for shopping centers with appropriate standards regarding form. The C-3 Zone is preserved as a legacy Zone only. No new applications of C-3 Zoning are recommended and it is possible that as Magna Main Street is rezoned to more appropriate zones that the C-3 zone can be eliminated. Development standards previously missing from the ordinance were added to this Chapter, including lot size and frontage, build-to-line, walkway, and architectural standards.

17. ***Chapter 19.34 Manufacturing Zones*:** this Chapter was revised to draw greater distinctions between the M-1 and M-2 Zones. The M-1 Zone is intended to promote flex industrial uses and is located near and on the south side of Highway 201 and near the Northrup Grumman Plant on the south side of town. The M-2 Zone allows for more intense industrial uses on the outskirts of communities. This zone is primarily applied north of Highway 201.

18. ***Chapter 19.36 Mixed-Use Zone*s:** this Chapter includes the Downtown Historic (DH) Mixed Use Zone with tweaks to incorporate it into the ordinance and two new mixed-use zones were drafted for possible use in Magna. The NMU Zone allows for the vertical and horizontal mixing of residential, commercial, and civic uses at a small, neighborhood scale. The CMU Zone is intended for transportation corridors and allows for a greater intensity of mixed-use to support housing and commercial needs where such uses can be supported by the existing infrastructure.

19. ***Chapter 19.40 Residential Mobile Home Park Zone*:** this zone was largely preserved from the existing ordinance because there are a few undeveloped parcels in Magna that have this zoning designation. The stakeholders have indicated a desire to eliminate this zone, which can be done when the existing RMH parcels are rezoned.

20. ***19.42 Specific Use Standards*:** this Chapter is new but does carry some of the previous standards from Supplementary and Qualifying Regulations. Development standards were added for

specific uses to encourage quality development, reduce any negative externalities associated with the use, and promote harmonious uses across the community. The standards are intended to regulate those items which the community would typically be concerned with during a conditional use review. Regulating each use through detailed standards allows the community to reduce its reliance on conditional uses and clearly communicate expectations to potential developers.

21. ***19.44 Temporary Use Standards*****:** regulations related to temporary uses (such as fireworks or Christmas tree sales) were updated and combined into this single chapter.
22. ***19.46 Site Development Standards*****:** this is a new chapter that combines provisions related to site development that were scattered across Title 19; it adds additional standards to improve the safety, efficiency, and quality of new development.
23. ***19.48 Off-Street Parking and Mobility*****:** this chapter makes several changes to the existing ordinance, including organizing the required number of off-street parking spaces into a single table based on land use, adding parking maximums, addressing vehicle stacking and loading spaces, and articulating mobility and pedestrian circulation standards for parking lots.
24. ***19.50 Landscaping and Screening:*** the Landscaping Chapter was significantly expanded to include additional language on water-wise landscaping, landscaping of parking lots, and tree replacement standards.
25. ***19.52 Signs*****:** this Chapter was significantly revised to achieve consistency with recent federal case law. In addition, lists of exempt and prohibited signs were expanded to reflect planning best practices, prevent unnecessary sign clutter, improve safety, and protect community character. Pole signs were prohibited, and language regarding sign permitting was clarified.
26. ***19.56 Flood Plain Regulations*****:** this Chapter was updated to match current FEMA standards.
27. ***19.58 Geological Hazards*****:** the Geologic Hazards Chapter retains the same content as what is existing in Title 19 but has been renumbered and reformatted to match the rest of the drafted ordinances.
28. ***19.60 Airport Overlay Zone:*** this Chapter has not changed except for formatting for ease of use.
29. ***19.64 Annexation:*** this Chapter has changed only to the degree necessary to comply with recent legislation.
30. ***19.69 Planned Community (P-C) Zone:*** this Chapter was not part of the scope of the project because it is unique to Magna. This Chapter needs to be retained due to the ongoing development project in the PC Zone. The Chapter has not been changed in any way, including the numbering. Staff intend to revisit this Chapter as a separate project at a later date.

Key Revisions:

Staff worked with the Commission and Council to tailor drafts of Title 18 and 19 to the needs of the Magna community. A few of the notable, community-specific revisions include:

1. The Planning Commission consists of 7 members and 2 alternates, with no limit on number of terms (Chapter 19.12).
2. Administrative decisions by staff are appealed to the Planning Commission. All other appeals to the Land Use Hearing Officer. (Chapter 19.20).

3. Creation of additional mixed-use zoning district that could be applied to portions of Magna Main, 3500 South or other areas as appropriate (Chapter 19.36).
4. Banned Short Term Rentals, with the plan to further explore the issue at a later date. (Section 19.42.300).
5. Required paving or residential driveways from the edge of the paved street. Clarified that vehicles may not obstruct the clear view triangle (Chapter 19.48).
6. Updated the A-1 ordinance to require 1-acre parcels. This requires subdivisions with smaller lots to be rezoned and developed with full standards. (Chapters 19.26 and 19.28)
7. Required 30% live plant material in required landscaping. This 30% is exclusive of any tree canopy. (Chapter 19.50).
8. Created a combination masonry wall/landscape buffer between residential and non-residential uses (Section 19.50.050).
9. Exempted Ornamental Grasses from Weed regulations (Section19.50.180).
10. Eliminated Surety Bonds as a bonding instrument (Chapters 18.16 and 19.16).
11. Inclusion of standards in Title 18 to promote community walkability and sense of place including reduced block lengths and requiring mid-block walk through's, limitations on flag lots, and the addition of masonry wall standards for projects that front on collector and arterial streets.

STAFF ANALYSIS

Modernization of the Ordinance:

- The existing ordinance is filled with extensive lists of permitted and conditional uses. These uses have been consolidated to group similar uses together in easily navigable use tables.
- Typical ordinance elements such as fencing, lot coverage, front yard maximum paving, and other standards that were absent in the existing ordinance have been addressed.
- The very short and insufficient definitions chapter in the existing ordinance has been greatly expanded to include each use listed in a use table.
- Use standards were infrequent in the previous ordinance. Use standards for many more uses have been created to eliminate the need for conditional uses.
- Site Development Standards have been consolidated into one chapter and brought up to date with modern best practices.
- The subdivision approval process has been updated to reflect State Code and actual staff practice.
- Application, plan, and plat standards have been updated and consolidated into one chapter.
- The ordinance as a whole has been written to be more navigable for both the staff and the public.

Compatibility with Existing Plans and Ordinances:

Staff frequently referred to the adopted Magna General Plan as they prepared Titles 18 and 19.

Integration of Staff and Partner Comments:

The stakeholders have had several opportunities to review and provide feedback on drafted chapters. As each phase of ordinances was sent to the Commission and Council, members were asked to call or email the planning team with questions or comments. Workshops were held with the stakeholders after each phase was distributed. Feedback received from the stakeholder during these meetings was incorporated into Titles 18 and 19 as presented in Exhibits 1 and 2.

In addition to the Commission and Council, the drafted ordinances were reviewed by several other entities:

- The Greater Salt Lake Municipal Service District's (MSD's) Current Planning team reviewed and commented on all ordinances.
- The Smith-Hartvigsen legal team reviewed and commented on all ordinances.
- The Salt Lake County District Attorney's Office reviewed and provided feedback on the sign ordinance (Chapter 19.52).
- The International Sign Association and Sign Research Foundation reviewed and provided feedback on the sign ordinance (Chapter 19.52).
- The Salt Lake County Surveyor's Office reviewed and commented on all of Title 18: Subdivisions.
- Salt Lake County Engineering Staff reviewed and provided feedback on Title 18 and the Off-Street Parking Standards (Chapter 19.48).
- The Smith-Hartvigsen legal team is reviewing these final drafts prior to adoption.

Generally, the feedback from these entities was positive. Their questions and recommendations allowed staff to further vet the drafted ordinances and craft improvements. All comments have been incorporated into the public hearing drafts of Titles 18 and 19.

<u>Consistency with State Code Requirements</u>:

State Code requirements related to land use ordinances are found in Part 5 of State Code §10-9a. The staff incorporated all state provisions up to January 1st, 2023. Over the past few months, the Utah Legislature made additional changes to state code that impact land use ordinances. Not all of these changes have been addressed; thus, staff are asking that the Commission make a recommendation of adoption with revisions. The planning team and Smith-Hartvigsen legal team will do a final review for state-code consistency prior to presenting the ordinances to the Council for adoption.

<u>Anticipated Impacts</u>:

The goals of this project were to:

- Modernize a very outdated and cumbersome ordinance;
- Ensure compliance with State Statute;
- Encourage conformity with the Magna General Plan;
- Promote ease of use for both staff and residents; and
- Meet the unique needs and preserve the character of the Magna community.

Staff has sought to uphold these goals by frequently referencing the General Plan during drafting, working closely with their legal team, incorporating graphics and clear language, and reaching out to staff and stakeholders for additional feedback.

It is possible that adoption of Titles 18 and 19 would create some non-conforming uses in Magna. However, it should be noted that any use legally established prior to the adoption date of the ordinances is allowed to continue (even if the owner of the property changes). For the most part, staff tried to prevent the creation of non-conforming uses by crafting ordinances that match existing conditions.

STAFF RECOMMENDATION

The project team has thoroughly reviewed the drafted Title 18 and 19 Ordinances. In addition, the draft was sent to additional MSD departments, outside partners, and the Commission and Council for comment. Based on their review and analysis, staff finds that:

1. The drafted ordinances further the goals of the General Plan.
2. The drafted ordinances increase the clarity and navigability of the ordinance for the staff and the public.
3. The drafted ordinances meet existing state code requirements but will need additional revision to come into compliance with recently passed bills, including:
    a. HB 406 – changes made to the subdivision process and to bonding.
    b. HB 450 – slight revisions to municipal land use authority regarding water-efficient landscaping.
4. The Planning Commission and Council received all drafted Chapters in December 2022, and have had the opportunity to provide feedback to staff virtually and in-person.
5. The revisions to Titles 18 and 19 are expected to meet the project goals identified by the Council and project team. Any non-conformities created will be able to continue into the future (even if a change in ownership occurs) so long as they were legally established prior to the adoption of revised Titles 18 and 19.

Given the above findings, staff recommends that the Planning Commission make a:

Recommendation of adoption with revisions which include incorporating new state code language in HB 406 and 450 and making any other grammar, formatting, or referencing revisions as needed to prepare the final drafts for adoption.

NEXT STEPS

Following the public hearing and a recommendation by the Planning Commission, the Council may adopt, adopt with revisions, or not adopt Titles 18 and 19. If adopted, the drafted ordinances will replace all of existing Title 18 and 19, as well as select provisions in Titles 9, 12, and 14. This item represents a text amendment ONLY, and does not include any revision to Magna's official zoning maps.

MAGNA METRO TOWNSHIP - TITLE 18: SUBDIVISIONS

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Chapter 18.02: TITLE, PURPOSE AND APPLICABILITY

Sections:

18.02.010 - Title.

This Title shall be known as "The Subdivision Ordinance of the Magna Metro Township " and may be so cited and pleaded. This title shall also be known as Title 18, the Magna Metro Township Subdivision Ordinance.

18.02.020 - Purpose.

This ordinance is intended to promote the health, safety, morals, order, prosperity and welfare of the inhabitants of the Magna Metro Township which includes:

A. Facilitating the orderly development of the municipality;

B. Securing efficiency in governmental expenditures;

C. Implementing the municipality's transportation plan;

D. Facilitating the development of a safe and efficient street system;

E. Facilitating the orderly transfer of the ownership of building sites in a manner consistent with state law;

F. Ensuring adequate water, sewer, drainage, utilities, and other services to developing areas of the municipality; and

G. Establishing the rights, duties, and responsibilities of subdividers with respect to the development of subdivisions within the municipality.

18.02.030 - Applicability.

All land within the jurisdictional limits of the Magna Metro Township is subject to the provisions of this Title.

18.02.040 - Severability

If any provision of this Title is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Title. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

Chapter 18.04 SUBDIVISION PLANS AND PLATS REQUIRED

Sections:

18.04.010 - Subdivision Plats Required.

No person shall subdivide, as defined by Chapter 19.04 of this Ordinance, any tract of land within the jurisdictional limits of the Magna Metro Township; nor shall any person sell, exchange, purchase or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a "subdivision" as defined by this Ordinance, unless and until a final plat, prepared in accordance with the provisions of this title, shall have been reviewed and approved by the appropriate decision making body consistent with this title and recorded in the office of the county recorder.

18.04.020 - Exemption from Plat Requirements.

A. Agricultural lot splits that comply with the following standards are exempt from plat requirements:

1. The property qualifies as land in agricultural use under Section §59-2-502 of the Utah Code;
2. Each lot will comply with the minimum lot size requirement of the applicable zone in which the property is located;
3. The property does not contain any existing residential units and will not be used for nonagricultural purposes;
4. The boundaries of each lot or parcel shall be graphically illustrated on a record of survey map, in accordance with Section 17.-23-17 of Utah State Code, that is presented to the city. Upon approval of the parcel by the Director or Designee the record of survey map shall be recorded with the Salt Lake County Surveyor in addition to a subsequent notice of interest referring to the affected parcels and record of survey index with the Salt Lake County Recorder; and
5. If a lot or parcel exempted under Section 18.04.020 is used for a nonagricultural purpose, that lot or parcel must comply with the platting and improvement requirements of this Title.

B. Parcel Boundary Adjustments. Parcel boundary adjustments are exempt from plat requirements. A "parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

1. No additional parcel is created; and
2. Each property identified in the agreement is unsubdivided land, including a remainder of subdivided land.

18.04.030 - Lots Created by Metes and Bounds Description.

A. In order to ensure the accurate location of property lines and the location of future construction and land uses withing those property lines; ensure the orderly dedication of rights of way for public thoroughfares; and facilitate the orderly transfer of ownership of buildable lots, no property created by a “metes and bounds” description and recorded with the Salt Lake County Recorder shall be

considered eligible for the issuance of a building permit unless:1. The property is recognized as a legal lot of record by the Director or Designee, meets all current zoning standards, and a plat describing such parcel of land is approved by the Director or Designee and recorded with the Salt Lake County Recorder; or

2. The property has been recognized by the Director or Designee as a legal nonconforming lot of record, a plat describing such parcel of land is approved by the Director or Designee and the plat is recorded with the Salt Lake County Recorder.

B. A plat authorized by this section shall be prepared in accordance with Final Plat requirements of this Title. The improvements required by this Title 14 and 18 of Magna Municipal Code shall be installed at the Property Owner or Applicant's expense.

C. If a property qualifies as a legal lot of record or a legal nonconforming lot of record and is already developed with a dwelling unit, no plat is required. However, a street dedication may still be required.

18.04.040 - Development Agreements.

A. The developer/property owner and the Magna Metro Township may choose to enter into a development agreement that outlines the duties, responsibilities, obligations, commitments and promises of the developer/property owner and the commitments of the Magna Metro Township.

B. A development agreement does not exempt a developer/property owner from complying with this Subdivision Ordinance or any part of the Development Code unless such an exemption is clearly contained within the executed development agreement.

C. The development agreement shall be recorded by the Magna Metro Township at the Salt Lake County Recorder's office. Recordation by the Magna Metro Township shall only take place after all of the necessary signatures are obtained, all approvals given, and all bonds and fees posted. The development agreement must be recorded prior to the recording of the final plat.

D. Any development agreement entered into by a developer/property owner and the municipality shall comply with the provisions identified in Utah Code §10-9a-532.

Chapter 18.06 – GENERAL REGULATIONS

Sections:

18.06.010 - Time Limits.

Subdivision applications are subject to expiration according to the following schedule unless, for good cause shown, the applicant is granted an extension of time by the Director:

A. A subdivision application expires if the applicant has not filed all of the required documents for preliminary plat approval with Planning and Development Services within six (6) months of the submission of a complete application.

B. A preliminary plat approval expires if a complete final plat application is not submitted to Planning and Development Services within one (1) year of the preliminary plat approval.

C. A preliminary subdivision with an approved phasing plan is granted an automatic preliminary subdivision extension of one (1) year each time a complete final plat application for one or more phases is submitted.

D. A subdivision application expires if the final plat has not been recorded with the Salt Lake County Recorder's Office within six (6) months of the date of the mayor's signature on the plat.

E. Failure to pursue an application, as evidenced by failure to file a complete application, the lack of timely resubmittals to the Development Review Committee's comments and corrections, or failure to communicate delays in a timely manner, shall result in the expiration of the application after six (6) months.

18.06.020 - Exceptions—Permitted When.

A. In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this Title may be made by the Council after the recommendation of the Planning Commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Title.

B. Any variation or exception recommended by the planning commission must be based on a recommendation by the municipal engineer as to whether:

   1. Strict adherence to this ordinance is not in keeping with sound engineering practice;

   2. The variation or exception is the minimal variation or exception to this ordinance to keep with sound engineering practice; and

   3. The variation or exception is associated with a specific hardship at a specific location and not a generally applicable condition.

18.06.030 - Appeals.

The applicant or any person adversely affected by a final decision on a subdivision shall have the right to appeal the decision to the Land Use Hearing Officer by filing a letter to the Land Use Hearing Officer stating

the reasons for appeal within ten (10) days after the decision. The Land Use Hearing Officer shall review the record and the decision to determine whether the decision was arbitrary, capricious, or illegal. After hearing the appeal, the Land Use Hearing Officer may affirm, reverse, alter or remand the decision for further consideration.

18.06.140 - Definitions.

All terms pertaining to the development or division of land as defined in Chapter 19.04 of the municipal zoning ordinance shall also be applicable to this Title.

Chapter 18.08 – PROCEDURE FOR APPROVAL OF A SUBDIVISION

Sections:

18.08.010 - Approval Authority.

A. The Director is the land use authority for all preliminary plat approvals of five (5) or fewer lots that does not include:

   1. The creation of a new public or private street or road, and/or

   2. A request to amend or waive certain public improvement requirements found in Chapter 18.12.

B. The planning commission is the land use authority for subdivisions that do not require legislative action.

C. The Council may approve a legislative action and a subdivision plat simultaneously if a recommendation for both the legislative action and the subdivision plat have been made by the Planning Commission.

18.08.020 - Review Procedures – Director to Administer.

In order to ensure that each subdivision fully complies with the provisions of this Title, the Director or Designee shall administer formal application and review procedures for subdivisions. An application shall not be deemed complete until the full application, fees and all required materials have been submitted to Planning and Development Services. The payment of a partial fee and submission of conceptual plans for a pre-submittal review does not constitute a complete application.

18.08.030 - Development Review Committee.

The Development Review Committee (DRC) is the Planning and Development Services Staff, in consultation with agencies with statutory review and approval authority for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed. The development review committee is an extension of the Director and serves as the Director's Designee with the following responsibilities:

A. Establish subdivision application forms, checklists and standard operating procedures;

B. Review development applications including concept plans, subdivisions, commercial site plans and project plans;

C. Provide recommendations to the Planning Commission and/or Council regarding development applications that require their approval;

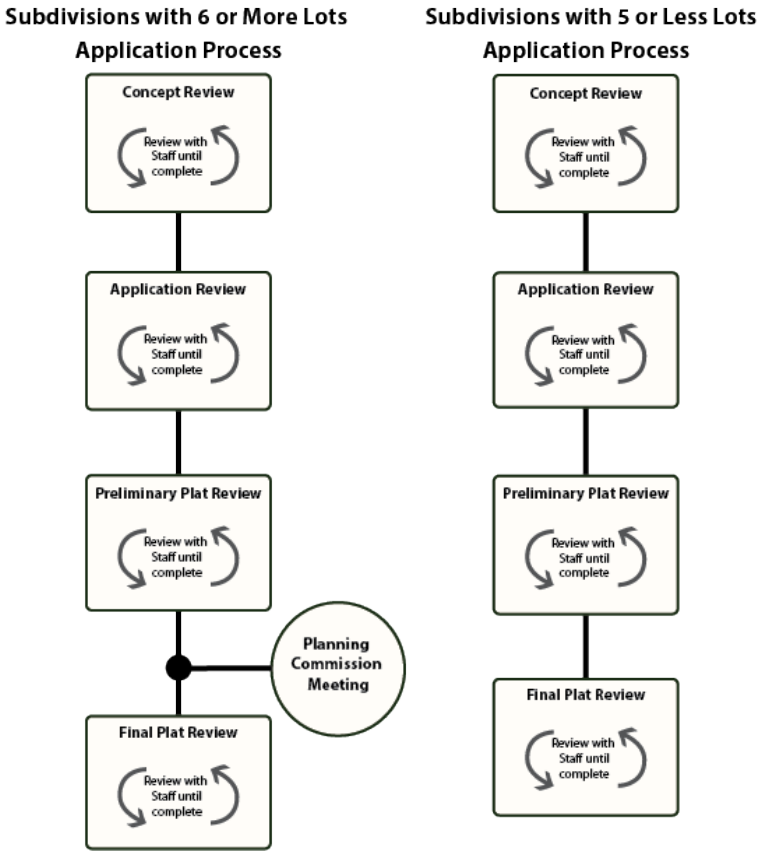
D. Review subdivision final plats and construction drawings, and to approve, approve with conditions or deny final plats and construction drawings; and

E. Hold preconstruction meetings for approved subdivision plats and other applicable development projects.

18.08.040 - Subdivision Procedure, Generally.

The applicant shall prepare and submit a land use application, including fees, in accordance with this Title and Planning and Development Services Division policy. The applicant may submit a concept plan. While the concept plan is optional except under the circumstances provided herein, a preliminary and a final plat are required.

Figure 18.08.040: Procedure for Subdivision Processing.



18.08.050 - Concept Plan.

A. Except as otherwise stated in this Title, a Concept Plan review is not a mandatory step.

B. The purpose of a Concept Plan review is to provide a potential applicant with an economical way to work with the planning staff and elected officials in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the codes, ordinances, plans and policies. For the Concept Plan review, the potential applicant will not need detailed architectural or engineering drawings.

C. An applicant may submit a concept plan if the applicant desires to obtain input from Planning and Development Services Staff or the Council prior to undertaking the preparation and submission of a complete preliminary plat.

D. Prior to a Concept Plan review, the applicant shall submit to the Director or Designee a complete Concept Plan application, including documents, fees, any items specified under Section 18.10.020, and any other matter appropriately required by the Development Review Committee.

E. When the Concept Plan application is complete and accepted by the Director or Designee, the date of acceptance will be noted. For every submittal, the Development Review Committee shall, within fifteen (15) business days of the date of acceptance, schedule a review of the concept plan and give initial feedback.

F. Where the applicant owns or controls more territory than they propose to submit for preliminary or final approval, or under circumstances where the proposed subdivision is part of a larger project or territory which the applicant owns or controls and which includes property in more than one zone, the Director may require that a concept plan covering the larger area be submitted. The concept plan for the larger area shall show how the immediate development relates to:

1. Possible development of the remaining territory;

2. The Magna Metro Township's adopted transportation or street plan, and

3. The provision of other public services, utilities and facilities.

G. If the Director concludes that, because of the scope or complexity of a proposed project, the proposal should be reviewed by the Council at the concept plan stage, they may direct that the plan be forwarded for review by the Council prior to the preparation of the preliminary plat.

H. Any review of a concept plan by the Council shall be considered as advisory only and shall not constitute a commitment of approval of a subsequent preliminary plat or final plat.

18.08.060 - Preliminary Plat Application.

A. Application. The applicant shall submit a preliminary plat application to the Planning and Development Services Division, which shall include:

1. Submission of an approved application form that clearly indicates the type of application, property address, applicant information, and other pertinent information;

2. Submission of a Preliminary Plat and other drawings and documentation conforming to the requirements of Section 18.10.030, technical reports in accordance with Section 18.10.050, supplementary materials as required by this Title and mailing labels (if required) for notifications; and

3. Authorization for application submittal from the Property Owner or Authorized Agent.

B. Completeness Review.

1. The Preliminary Plat application shall be carefully reviewed by the Planning and Development Services Division to determine whether or not it is complete.

2. If it is concluded that the Preliminary Plat application is not complete, the Director or Designee shall notify the applicant in writing within fourteen (14) days:

a. That the application is incomplete; and

b. The specific components of the application deemed insufficient.

3. Upon notice being given, an application deemed incomplete shall be terminated after sixty (60) days if the necessary components to complete the application have not been submitted.

4. At any time during the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of the review process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

C. Complete Application.

1. When the Preliminary Plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director will release the fees for the applicant to pay.

2. When the applicant has paid the required fees, the application is complete, and the application will be deemed accepted by the Director or Designee. The date of acceptance will be noted for the record.

18.08.070 - Preliminary Plat Agency/DRC Review.

A. The purpose of a preliminary plat is to provide a review of a proposed subdivision prior to approval by the land use authority. It is intended that this review will help assure that the plans which are being prepared are in accordance with all applicable development codes and ordinances.

B. The Director or Designee shall review or cause to be reviewed, the complete preliminary plat application as follows:

1. For every submittal, the Development Review Committee shall have at least fifteen (15) business days for review of the preliminary plat, and preparation of review comments.

2. The Director or Designee shall review the application materials, plans, plats and technical documents for compliance with municipal land use ordinances, codes and adopted plans and specifications and other technical requirements. As part of this review, the Director or Designee may conduct one or more on-site reviews, as provided by Utah Code 10-9a-303.

3. The Director or Designee shall refer the application materials, plans, plats and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances, codes and adopted plans and specifications and other technical requirements.

4. Multiple reviews and submittals may be required based on the accuracy of the drawings, consistency with the applicable municipal land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements. In processing reviews and submittals, the municipality will adhere to the standards for subdivision review cycles, as articulated in Utah State Code §10-9a-604.2.

5. Upon preliminary approval by the Development Review Committee, the Director or Designee shall schedule the application for review by the land use authority.

18.08.080 - Preliminary Plat Approval or Disapproval.

A. Following a review of the preliminary plat, the land use authority, as designated in Section 18.08.010, shall act on the preliminary plat as submitted or modified.

B. In reviewing the proposed subdivision, the land use authority shall consider the following:

1. Are the plans, documents and other submission materials (including technical reports where required) sufficiently detailed for proper consideration of the project?

2. Do the submitted plans, documents and submission materials conform to applicable municipal standards?

3. Does the proposed development conform to municipal zoning ordinances and subdivision design standards?

4. Does any combination of natural or manmade conditions, encumbrances, easements, setbacks, geometry, or the dimensions of the lot leave an adequate buildable area for a reasonably sized main structure?

5. Do any natural or manmade conditions exist on or in the vicinity of the site defined in the preliminary plat that, without remediation, would render part or all of the property unsuitable for development? Does the preliminary plat address these conditions?

5. Does the preliminary plat provide for safe and convenient traffic circulation and road access to adjacent properties under all weather conditions?

6. Does the preliminary plat impose an undue financial burden upon the municipality?

7. Are the location and arrangement of the lots, roads, easements and other elements of the subdivision contemplated by the preliminary plat consistent with the municipality's general street system, transportation master plan and/or applicable elements of the general plan?

8. Does the preliminary plat recognize and accommodate the existing natural conditions?

9. Are the public facilities, including public utility systems serving the area defined in the preliminary plat adequate to serve the proposed development?

10. Will the project contemplated in the preliminary plat conform to the purposes and intent of this Title?

C. The land use authority may:

1. Approve the preliminary plat,

2. Approve the preliminary plat with reasonable conditions intended to ensure compliance with the standards and objectives of the applicable zone and this Title,

3. Continue review of the preliminary plat, directing that changes be made to the preliminary plat so that it conforms with the standards and objectives of the applicable zone and this Title, or

4. Deny the preliminary plat because it does not meet the standards and objectives of the applicable zone and this Title.

D. If the plat conforms with the standards and objectives of the applicable zone and this Title and has been approved by the culinary water authority and the sanitary sewer authority, or the local health department where culinary water or sanitary sewer services is not available, the land use authority shall approve the preliminary plat.

E. If the preliminary plat is not approved, the Director or Designee shall notify the applicant in writing and give reasons for the denial.

F. The Director or Designee shall issue a preliminary plat approval letter with the conditions of approval and a copy of the approved preliminary plat. The receipt of said letter shall be authorization for the subdivider to proceed with the preparation of specifications for the minimum improvements required in Chapter 18.14 of this Title and with the preparation of the final plat.

18.08.090 - Submittal of the Final Plat, Engineering Drawings and Documents to the Development Review Committee for Final Plat Approval.

A. Purpose. The purpose of the final plat of a subdivision is to present an accurate depiction of the layout of the subdivision so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the Subdivision. The purpose of the final plat review is to ensure that the plat and the construction plans for the required improvements meet the applicable standards and specifications.

B. Application.

1. The applicant shall submit a Final Plat application to the Planning and Development Services Division, which shall include:

    a. Submission of an application form, as designed by the Director to clearly indicate the type of application, property address, applicant information, and other pertinent information;

    b. Submission of a final plat and other drawings and documentation conforming to the requirements of Section 18.10.040, technical reports in accordance with Section 18.10.050, engineered construction plans for the improvements required in Chapter18.14, and supplementary materials as may be required by this Title; and

    c. Authorization for application submittal from the property owner or authorized agent.

2. Completeness Review.

    a. The final plat application shall be carefully reviewed by the Planning and Development Services Division to determine whether or not it is complete.

    b. If it is concluded that the Final Plat application is not complete, the Director or Designee shall notify the applicant in writing within fourteen (14) days:

        i. That the application is incomplete, and

        ii. The specific components of the application that are deemed insufficient.

c. Upon notice being given, an application deemed incomplete shall be terminated after 60 days if the necessary components to complete the application have not been submitted.

d. At any time during the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of the review process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

3. Complete Application.

a. When the final plat application is determined to include all the of the required documentation, plans, plats, reports and other required submittals, the Director or Designee will release the fees for the applicant to pay.

b. When the applicant has paid the required fees, the application submittal is complete, and the application will be deemed accepted by the Director or Designee. The date of acceptance will be noted for the record.

C. Technical Review of the Final Plat and Construction Documents. The Director or Designee shall review or cause to be reviewed, the complete final plat application and construction documents as follows:

1. For every submittal, the Development Review Committee shall have at least fifteen (15) business days for review of plat and/or construction plans, and preparation of review comments.

2. The Director or Designee shall review the application materials, plans, plats and technical documents for compliance with municipal land use ordinances, codes and adopted plans and specifications and other technical requirements. As part of this review, the Director or Designee may conduct one or more on-site reviews, as provided by Utah Code 10-9a-303.

3. The Director or Designee shall refer the application materials, plans, plats and technical documents to the Development Review Committee and any other government agency and/or affected entity which the Director deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable design standards and specifications, ordinances, codes and adopted plans and specifications and other technical requirements. In processing reviews and submittals, the municipality will adhere to the standards for subdivision review cycles, as articulated in Utah State Code §10-9a-604.2.

4. Multiple reviews and submittals may be required based on the accuracy of the plat, drawings and plans, consistency with the applicable municipal land use ordinances and codes, state and federal law, and adherence to the requirements of the adopted plans and specifications and other technical requirements.

5. Upon a determination that the application is consistent with applicable standards and conditions, the DRC shall provide a written letter of approval to the applicant.

6. If an applicant is proposing substantial changes to the preliminary plat, the applicant shall be referred to the land use authority that approved the preliminary plat for final approval. Substantial changes shall include an increase in the number of proposed lots, changes to the

location and/or configuration of streets including stub streets, and/or other changes deemed substantial by the DRC.

7. If an applicant contests any requirements imposed by the DRC as part of the final plat approval, the applicant may request that the application be referred to the Council for a final decision.

8. The following actions must be taken within one (1) year of final plat approval, or the applicant must reapply for preliminary plat approval:

    a. The subdivision plat shall be recorded in the Office of the Salt Lake County Recorder; or

    b. A Site Restoration/Durability Bond shall be posted with Planning and Development Services and a preconstruction meeting shall have been held with the DRC.

9. The Director may grant a one (1) year extension provided the final plans have been updated to address any changes to the applicable ordinances and standards that may have been updated or changed since the time of the final plat approval.

18.08.100 - Combined Applications.

An applicant may submit application for approval of a preliminary plat and a final plat simultaneously if the subdivision does not include multiple phases. Such application shall be on a form provided by Planning and Development Services. The combination application must contain both a preliminary plat and a final plat that meet all requirements of this Title and all municipal, state, and federal regulations prior to approval by the Land Use Authority. All other agency reviews must also be conducted and approved in accordance with this title.

18.08.110 - Recording the Final Plat.

A. Prior to recording the Final Plat, the developer shall:

    1. Pay any remaining fees, and

    2. Provide Planning and Development Services with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid, and

    3. Complete all required improvements and post a durability bond in accordance with Chapter 18.16. The required improvements shall all be inspected, approved and accepted by the Municipal Engineering staff, or

    4. Post a performance guarantee and a durability bond in accordance with Chapter 18.16 and in an amount determined by the Municipal Engineer.

B. The final plat must include all the required approval signatures (Planning Commission representative, Director, health department, district attorney, the Magna Metro Township Mayor or their designees).

C. Make an appointment with Planning and Development Services Staff to record the final plat in the Salt Lake County Recorder's Office.

18.08.120 - As Built Drawings.

Prior to the final acceptance of the required improvements, the applicant/developer shall provide the Municipal Engineer a complete and accurate set of as-built drawings in an electronic format acceptable to the Municipal Engineer.

Chapter 18.10 – DOCUMENTATION REQUIREMENTS

Sections:

18.10.010 - Document Submittal Requirements.

All subdivision applications shall include, at a minimum, the documents identified in the subdivision application packet provided by Planning and Development Services.

18.10.020 - Concept Plan Specifications.

At a minimum, the following information and materials should be provided as a part of the concept plan application package:

A. An accurate and up-to-date preliminary survey map of the property proposed for subdivision;

B. A vicinity map at a scale of 1:600 showing the property in relation to the general area of the jurisdictional limits in which it is located;

C. A schematic plat drawn clearly and accurately by a design professional at a scale appropriate for the nature of the project, to include:

   1. Scale, North Arrow, and Date of Preparation;

   2. Approximate topography;

   3. All primary and secondary conservation areas;

   4. Existing man-made features on the property;

   5. Proposed streets, lots, public areas, open spaces, greenbelts, buffers, amenity areas, and other significant proposed improvements;

   6. Zoning setbacks, and the approximate area of each lot;

   7. Any other features that will be important in the design and development of the project; and

   8. Any off-site improvements that may be needed to properly develop the property.

D. A Stormwater Management Concept Plan

E. Typical floor plans and elevations of the dwelling units and other major structures that are planned for the proposed subdivision; and

F. A Concept Plan Review fee

18.10.030 - Preliminary Plat Required Information.

The preliminary plat shall contain the information specified in this Section and comply with the following requirements:

A. <u>Description and Delineation.</u> In a Title block located in the lower right-hand corner of the plat, the following shall appear:

   1. The proposed name of the subdivision, which name must be approved by Planning and Development Services;

2. The location of the subdivision, including:

   a. Address:

   b. Section, township and range, base and meridian;

   c. When applicable, the name and phase of the recorded subdivision being amended; and

   d. Municipality and County.

3. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;

4. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.

B. Existing Conditions. The plat shall show:

1. The location and elevation of project benchmark(s) referenced to published Salt Lake County Surveyor datum and its spatial relationship to existing Public Land Survey System monuments or their accessories;

2. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;

3. All property under the control of the subdivider, even if only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted portion of the subdivider's land shall be submitted, and the street system of the portion submitted shall be considered in the light of existing street system, general street plans, other applicable studies and adopted transportation plans.

4. The location, width, names and jurisdiction of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section and municipal and service district boundaries, within and adjacent to the tract;

5. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries;

6. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes, elevations and exact locations;

7. Existing and proposed realignment of ditches, canals, natural drainage channels, and open waterways;

8. Boundary lines of adjacent tracts of subdivided and unsubdivided land, showing ownership and parcel identification number;

9. Contour at vertical intervals of not more than two feet. Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;

10. All existing fire hydrants within five hundred feet (500') of the proposed subdivision, including any additional hydrants proposed to be located within the subdivision; and

11. Accurate locations of all natural features such as lakes, ponds, streams, creeks, State Waters, Wetlands, floodplain boundaries, riparian buffers, Wildlife and Priority Habitats (as identified by Department of Natural Resources), and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features.

C. Proposed Subdivision Plans. The subdivision plans shall include:

1. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;

2. The layout, numbers and typical dimensions of lots;

3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;

4. Building setback lines, including showing dimensions where required by the land use authority;

5. Typical street cross sections. The required street cross sections may be submitted as a separate sheet or as part of the construction plans. Grade sheets may be required by the land use authority or other reviewing agency;

6. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision.

E. Phasing.

1. Where a subdivider proposes to submit a final plat containing less territory than shown on the preliminary plat, indicating a phased development plan, the preliminary plat shall identify each of the proposed phases. Any such final plat phasing scheme shall occur at logical "break points" in the project and provide access and utility services which will be adequate in the event that subsequent phases do not occur. The phasing scheme shall also incorporate the provisions of Chapter 18.12 of this title.

2. A phase shall not include two or more non-contiguous areas on the same plat.

3. No phasing scheme shall have the effect of leaving a residual lot, non-conforming parcel or previously divided land for which the required subdivision improvements have not been previously constructed. For purposes of this Title a "residual lot" shall be defined as a zoning lot, created by the proposed subdivision, but which is not shown as a lot on the final plat of the subdivision project or as future development. A future development parcel must be developable into multiple lots meeting the area standards for the applicable zone.

F. Where required, evidence of any agreements with adjacent property owners relative to the subdivision development shall be presented to Planning and Development Services in writing prior

to its approval of the plat. These agreements shall include those relative to drainage, easements, protection strips and improvement bonds.

18.10.040 - Final Plat Required information.

The final plat shall be prepared by a Professional Land Surveyor licensed in Utah on a sheet of approved reproducible Mylar and made with approved waterproof black ink. The plat shall be oriented so that the top of the sheet is either north or east, whichever accommodates the drawing best. All text shall be a minimum of one-tenth inch in size. The plat must contain all information required on the preliminary plat with the exception of contours and construction information, utilities (except existing and proposed fire hydrants), structures and fences (unless called monuments).

A. Description and Delineation. The final plat shall show:

1. The approved name of the subdivision;
2. North arrow and graphic scale. The minimum scale is 1”=100’;
3. A Legend defining all lines and symbols used on the plat;
4. Lot addresses, and approved street names and numbers;
5. The plat drawing must agree with the boundary description.
6. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Boundaries, lots and streets shall be shown as solid lines, with outside subdivision boundary lines indicated as a heavier, more substantial line than lot, street and easement lines. Easements shall be shown as dashed lines.
7. The lengths of lot lines and boundary lines shall be shown as decimals of a foot with a precision of 0.00’; Bearings and angles will be shown as Deg/Min/Sec with a precision of 0°00’00”. Additional precision may be necessary to meet closure requirements.
8. Bearings and distance to provide a mathematical closure of 0.01 on exterior subdivision boundary and 0.02’ or less, on all lots and centerline of streets.
9. Basis of bearing between two, or more, public land survey monuments; or between identified monuments in a recorded subdivision or street dedication plat
10. Survey ties to public land survey monuments, and where applicable, to identified monuments in a recorded subdivision or street dedication plat, showing measured and record - if different.
11. The accurate location of all survey monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, survey monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position and in compliance with Utah Code, Section 17-23-14 and Salt Lake County Ordinance, Chapter 14.17;
12. The clearly labeled point of beginning.

13. The sum of the lot distances must equal the boundary distance.

14. Existing and proposed streets within two hundred feet (200') of the proposed subdivision boundary. Dimension street width and identify street ownership.

15. Recording information of adjoining subdivisions. Ownership with parcel identification numbers of adjoining lots and parcels.

16. The dimensioned relationship between existing and proposed utility easements with proposed lot lines. Include recording reference(s) of existing easements and provide a utility approval line for proposed easements.

17. All curve data, including radii, internal angles, points and curvatures, tangent bearings and length of all arcs, identified at correct location or in a curve table.

18. Centerline control on existing streets, matching the county's record data. New street monuments will be installed per the Salt Lake County Surveyor's monument permitting process as specified in Salt Lake County Ordinance Chapter 14-17.

19. The dedication to the Magna Metro Township of all streets and highways included in proposed subdivision. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the municipal attorney.

20. Subdivision monuments shall be installed prior to the improvement bond release by the subdivider's engineer or land surveyor at such points designated on the final plat as approved by Planning and Development Services. Standard precast monuments, rings and lids shall be installed through the Salt Lake County Surveyor monument permitting process (SLCo Ord Chapter 14.17);

21. Physical markers shall be placed at each outside boundary corner, in accordance with state statutes and industry standards; and verified to be in their correct location(s) according to the plat

22. Physical markers shall be placed at each lot corner in accordance with state statutes and industry standards;

23. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners;

B. Boundary Description. The boundary description shall include:

1. A caption with reference to current vesting deed(s), location by Quarter Section, Township & Range, Base & Meridian, and if applicable -existing lot(s) and subdivision(s)

2. A survey tie to an existing Public Land Survey monument, or a recognized street or subdivision monument.

3. All necessary bearings, distances and curve data to complete the description and provide a mathematical closure of 0.01' (one hundredth) of a foot or less.

4. Narrative (bound) calls to and along adjoining subdivisions, parcels, streets, and rights of way as necessary to define the intent of the description.

5. Recording reference to any additional easements required for property access where applicable.

6. Total development area in square feet (0.00) and acres (0.000).

C. Standard Forms for the Following. The municipality may adopt a template establishing the expected format of the final plat, which shall at a minimum require:

1. A Professional Land Surveyor's certificate of survey;

2. The owner's certificate of dedication;

3. A notary public's acknowledgement;

4. The land use authority's certificate of approval;

5. The health department's certificate of approval;

6. The planning and development services division's certificate of approval;

7. The municipal attorney's certificate of approval;

8. The mayor's certificate of approval, witnessed by the recorder/clerk;

9. The County Surveyor's record of survey acknowledgment block; and

10. A one and one-half by five-inch (1.5" x 5") space in the lower right-hand corner of the drawing for the County Recorder's use.

D. The final plat may require written acknowledgment of any legal documents recorded at the Salt Lake County Recorder's Office completed as part of the approval process for the subdivision. The acknowledgment shall include the recorded number of the document after it has been recorded at the Salt Lake County Recorder's office.

18.10.050 - Technical Reports Required.

A. The following technical reports are required for all subdivisions:

1. Soils Report. The report shall include, but is not necessarily limited to, information with respect to slope analysis, general soils classification, suitability for development, erosion potential, any recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, and any adverse impact on the natural environment.

2. Stormwater, Grading And Drainage Plan: The plan shall include, but is not necessarily limited to, information on groundwater levels, identification and mapping of drainage channels and systems, floodplains, existing details and contours where modification of terrain is proposed, the direction of proposed drainage flow, proposed plans and the location of all surface and subsurface drainage devices to be constructed as part of the proposed development, erosion control measures during the course of construction, identification of any grading and drainage problems such as the alteration of natural drainage patterns and any other problems of the proposed development,

and a plan to mitigate or eliminate such problems and any adverse impact on the natural environment.

B. The following technical reports are required for subdivision applications in the FCOZ, areas designated as Special Flood Hazard Areas on a FEMA Flood Insurance Rate Map (FIRM), and all other property in designated fault or debris flow areas:

1. Geotechnical And Geology Report (Global And Site Specific): The report shall include, but is not necessarily limited to, identification and mapping of the location of major geographic and geologic features such as fault traces, surface ruptures, zones of deformation, potential slide and other high hazard areas such as mine shafts and avalanche paths, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, recommendations covering the adequacy of sites proposed for development, and any potential adverse impact on the natural environment. This report shall be completed by a geotechnical engineer or an engineering geologist. The geotechnical report shall contain a certification in accordance with section 18.30.090 of this code.

   The geotechnical investigation shall include soil borings extended to a depth sufficient to define the soil stratigraphy, water table and other features within the zone of significant stress of the proposed structural footings of the proposed development. If the development needs evaluation of slope stability then the soil borings will extend deep enough to define all soil layers in the zone of possible slippage.

   If published geologic maps show possible faults in the area or a surface geologic examination reveals signs of faulting then the geotechnical investigation will be supplemented by trenching in addition to the soil borings. The trenches will be so located as to intercept the apparent fault at a perpendicular angle to the trend of the fault. The trenching will extend a minimum of twenty feet (20') each side of the located fault. Developments of two (2) acres or more will require at least two (2) trenches to define the fault. One trench will be approximately where the fault enters the property and the other where it leaves the property. The trenches will be excavated to a depth that will define the fault and allow physical observation and measurement to be taken.

2. Natural Conditions And Vegetation Analysis And Preservation Plan: This report and plan shall include a survey of existing trees, large shrubs and ground covers, a plan for the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation, and the identification of any vegetation problems and recommendations as how to mitigate or eliminate such problems and avoid potential adverse impact on the natural environment.

3. Fire Protection Report: The report shall include, but not be limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment and proposed fire flow capability.

C. The scope and content of these required technical reports and plans shall be in accordance with adopted standards. The Municipal Engineer may waive the necessity for submitting one or more of the technical reports or any elements of a report where, in its opinion, conditions associated with the proposed development do not require consideration of the subject matter covered. Also, where the

lot is contained within an approved subdivision and the technical reports previously submitted as part of the subdivision approval process are sufficient in scope and detail to adequately address the issues required under this Chapter, this requirement may be waived.

18.10.060 - Final approval—GIS Data Required.

A. Prior to the final approval and the issuance of any permit associated with a subdivision or development plan, or in the case of a single lot development or a single building permit, the owner or developer shall provide to Planning and Development Services the GIS data corresponding to the approved plans for all improvements required by Subsection 18.14.020(B). Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted in the following format:

1. All GIS data shall be submitted in conformance with County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering. The Magna Metro Township reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.

2. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, the Magna Metro Township may complete the work on the developer or owner's behalf and the developer or owner shall pay to the Magna Metro Township the cost of completing the work at the hourly rate approved by the Magna Metro Township Council for such work. If the developer or owner fails to pay for such work, the municipality may pursue legal action to recover these costs.

3. Developers with a cost as estimated by Municipal Engineer of ten thousand dollars ($10,000) or less may, prior to construction, petition the Division for an exemption from the GIS requirements of this Chapter. The decision of the Director or Designee shall be final.

B. GIS data will be required for the following improvements:

1. Roadway system: Regulatory signs, street signs, bus and other transit stops, centerlines, curb and gutter, sidewalks, crosswalks, ADA ramps, striping, road width, and monuments; streetlights and signals (including conduit and electrical boxes for streetlights and signals).

2. Storm drain system: Catch basins, manholes, fire hydrants, cleanout boxes, drainage areas, detention basin inlets and outlets, culverts, detention basin area, stormwater quality BMPs, and pipes.

Chapter 18.12 - DESIGN STANDARDS

Sections:

18.12.010 - Departmental Standards.

A. Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the Municipal Engineering and Flood Control divisions; standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the Magna Metro Township, provided that such standards shall be approved by the legislative body.

B. Subject to the provisions of Utah State Code §10-9a-508, no adopted design or construction standards shall have the effect of requiring the installation of pavement on a residential roadway at a width in excess of thirty-two feet (32').

18.12.020 - Conformance with Design Standards.

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall conform with the standards contained herein.

18.12.030 - Streets and Roads, General Criteria.

A. Width. The width of the hard surfacing and the location and type of other required street improvements shall be as set forth on the applicable street cross section standard adopted by the Council.

B. Relationship To Adjacent Streets. The proposed street system shall properly align and be compatible with adjacent streets. Offsets in street alignment of more than fifteen feet (15') or less than one hundred fifty feet (150') shall be prohibited.

C. Street Names. New street names may not duplicate those already existing within Salt Lake County. A street obviously a continuation of another already in existence should bear the same name. Before the street is named, the proposed name must be submitted to and approved by Planning and Development Services.

D. Access To Adjacent Properties. In order to facilitate the development of an adequate and convenient circulation system within the municipality and to provide access for the logical development of adjacent vacant properties, the Land Use Authority may, as a condition of approval, require the subdivision plan to include one or more temporary dead-end streets (stub streets) which extend to the boundary of the subdivision. All such stub streets shall be fully developed to the boundary of the subdivision. Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street.

E. Temporary Dead End (Stub Streets). Where a final plat includes a dead end stub street which is intended to be continued into adjacent property in the future and which serves as the primary access for one or more adjacent lots, said final plat shall make provision for temporarily accommodating vehicular movement and the extension of utility services by designating temporary cul-de-sacs, turnaround areas, travel easements connecting the end of the stub street with other streets in the

vicinity or such other temporary measure as may be approved by the planning commission. Such temporary facilities required pursuant to this provision shall remain until such time as the street has been extended into the adjacent property and the improvements accepted by the Magna Metro Township.

F. Cul-De-Sacs. Cul-de-sacs shall be discouraged.

1. Cul-de-sacs may be appropriate in cases where the possibility of future adjacent development does not exist due to topography or existing development, where an additional through street would be unnecessary, or other special circumstances as determined appropriate by the land use authority. When permitted, permanent cul-de-sacs shall be designed in accordance with adopted standard drawings, each cul-de-sac stem shall meet the standard street requirement including right of way, pavement width, gutter, curb, and sidewalk within residential subdivisions. The maximum length of a cul-de-sac street shall be four hundred feet (400') from the center of the cul-de-sac to the centerline of the intersecting street. The planning commission may allow a five hundred foot (500') maximum cul-de-sac length if the applicant of such can demonstrate one or both of the following requirements:

   a. That a road cannot be extended through the property to connect to another street elsewhere.

   b. That development has occurred on at least three (3) sides of the surrounding property.

2. The land use authority may require a sidewalk connection through a cul-de-sac to allow for pedestrian connectivity to existing or future adjacent development and/or public streets.

G. Vehicle Access. Subdivision projects of twenty (20) lots or more shall provide at least two (2) points of vehicular access.

18.12.040 - Blocks.

A. Length. Blocks shall not exceed one thousand three hundred and twenty (1320’) feet in length.

B. Width. Blocks shall be wide enough to adequately accommodate two tiers of lots except as provided for herein.

C. Walkways. A mid-block walkway is required if a block is longer than eight hundred (800’) feet. Such Dedicated walkways through the block may be required where access is necessary to a point designated by the planning commission. walkways shall be a minimum of six feet (6’) in width, but may be required to be wider where determined necessary by the planning commission. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet (4’) high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet (4’).

D. Commercial and Industrial Block Design. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

18.12.050 - Lots.

A. Design. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly designed according to topography, the character of surrounding development, and to existing requirements. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

B. Zoning Conformity. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. Lots created as part of an approved planned unit development, or subject to a development agreement are subject to the standards set forth in that approval or document.

C. Frontage.

1. Each lot in a subdivision shall abut upon and have access to a street which is:

   a. Dedicated to the municipality by the subdivision plat, or

   b. An existing publicly dedicated street, or

   c. An existing public street which has become public by right of use and which is more than twenty-six (26’) feet wide, or

   d. An existing private street that has been approved by the municipality, or

   e. Have an approved access via private right of way to a public street shown on the plan and approved under the criteria outlined in Subsection 2 of this Section.

2. The Magna Metro Township may approve a request for a private street that complies with the following criteria:

   a. The street must be part of a planned unit development (PUD) or planned community where the municipality and the developer have entered into a development agreement;

   b. Private streets will only be allowed for streets that have no public interest for traffic circulation and connectivity;

   c. The final design and cross section of any private street shall be determined by the Council based on recommendations from the Planning Commission. Unless otherwise authorized by the Council, private streets shall conform to adopted street cross sections and shall in no case be less than twenty feet (20') in width;

   d. The maximum length of a dead-end private street shall not exceed five hundred feet (500');

   e. A note on the plat shall be included indicating that the Magna Metro Township has no responsibility to improve or maintain the private streets contained within, or private streets providing access to the property described in the plat, nor does the Magna Metro Township have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, and/or landscaping; and

   f. The applicant shall provide a maintenance plan outlining how the private streets will be maintained.

D. Corner Lots. Corner lots shall include the minimum lot width along each of the fronting streets, as measured at the front setback line. A corner lot shall have an addition ten feet (10') of width along one of the frontages to accommodate the additional setback requirements.

E. Double Fronting Lots.

1. Single-family or duplex double frontage lots shall be prohibited, except where they may be essential to provide separation of single-family or duplex residential development from fronting on collector or arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Such double frontage lots allowed within the municipality shall be constructed to the adopted engineering design standards.

2. Where lots have double frontage, are not screened, and/or are provided access directly onto an arterial street, building setback lines shall be established for each street side.

3. Lots in single-family or duplex residential subdivisions and lots measuring less than one hundred feet (100') wide and located within multifamily residential subdivisions may abut a street on both the front and rear boundaries, but only under the following conditions:

a. One lot boundary must abut a collector street, arterial street or freeway;

b. No access to the abutting arterial street or freeway. The Land Use Authority may require a reservation, easement or other condition of approval to ensure that no right of access is given; and

c. The Land Use Authority may require that a parkway at the rear of a double frontage lot be landscaped, or other aesthetic treatment be provided by the subdivider, subject to the approval of the planning commission to provide a visual and physical separation between the development and the street.

F. Angle of Lot Lines. Side lot lines or lots shall be approximately at right angles, or radial to the street line, except where topographic or other conditions make it advisable to have side lot lines at sharper angles.

G. Multiple Ownership of Lots. Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the subdivision shall be considered as a joint project and the final plat shall be signed by all affected property owners.

18.12.060 - Remnant Parcels and Nuisance Strips.

A. No subdivision or platting of a lot shall create a nuisance strip, residual lot, or remnant parcel of property less than the minimum lot area or width for the zone in which it is located.

B. If a remnant parcel is proposed, a phasing plan must be submitted demonstrating how the remnant parcel can be developed in the future.

C. Remnant land not included in the proposed subdivision or platting of a lot must be deeded to adjacent property, with the deed or other appropriate instrument being recorded at the same time as the

subdivision or recording of a plat. The resulting deeds shall not result in additional parcels being created that are not within the subdivision boundary.

D. No lot may contain an elongated protuberance, or any other feature intended to deny frontage to another parcel.

18.12.070 - Flag Lots.

A. In order to subdivide an existing lot or parcel so as to create two or more separate lots or parcels (the base lot(s) adjacent to the street and a flag lot(s) to their rear), sufficient land area must be available to maintain:

1. For the base lot(s), compliance with the required area and width requirements of the zone in which the properties are situated, and

2. For flag lot(s) less than one half acre in size:

   a. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the flag lot(s) is retained by or conveyed to the owner of those lots, or

   b. One and one half times the area requirements for the zone in which the properties are situated *minus* the land area included in the access easement across the base lot(s).

3. For flag lot(s) in zones that require a minimum lot area of one half acre in size or larger:

   a. Compliance with the required area and width requirements of the zone in which the properties are situated, *exclusive of* the land area encumbered for access purposes to the flag lot(s), whether by ownership or perpetual easement.

B. Access to a flag lot or lots shall be provided in the following manner:

1. Ownership of the land area connecting the flag lot(s) to the street by the person(s) or entities that own the balance of the land area included in the flag lot(s), or

2. Retention of ownership of the land area connecting the flag lot(s) to the street by the owner of the base lot(s) fronting on the street, but only if conveyance of that land area would render the base lot(s) substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the flag lot(s) shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the base lot(s) and the flag lot(s).

3. In a residential or agricultural zone, no more than one flag lot may use a single access and no more than one access can be created across a base lot.

C. Access to a flag lot(s), whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the base lot(s), must be of uniform width from the flag lot to the intersection with the street right-of-way or easement upon which the base lot fronts in accordance with the following:

1. On properties where the length of the access connection from the flag lot(s) to the public street right-of-way or easement is *less than* one hundred and thirty feet, the width of that connection must be no less than twenty (20') feet unless a lesser width for improvements to the travel way is authorized for access purposes by the Municipal Engineer and the Fire Authority.

2. On properties where the length of the access connection from the flag lot(s) to the public street right-of-way or easement is *more than* one hundred and thirty feet, the width of that connection must be no less than twenty-five (25') feet unless a lesser width for improvements to the travel way is authorized for access purposes by the Municipal Engineer and the Fire Authority.

3. A landscaping, irrigation, and fencing plan shall be submitted to create a buffer between the driveway and adjoining properties to mitigate the negative impacts of the access.

D. In residential and agricultural zones, flag lots are intended to be used only for infill development. No subdivision, concept plan, preliminary plat, or final plat with 3 or more lots may include a flag lot or lots.

18.12.080 - Overpressure Area.

Subdivisions within the 0.2 and 0.3 PSI overpressure areas as defined in Section 15.14.010 and shown on the special development standards areas map shall be designed, to the extent possible, to orient the side yards of the lots toward the center of the overpressure areas. This lot orientation (in conjunction with the manner in which the structure is placed on the lot, the design of the structure, and the type, location, and size of glass surfaces in the structure) is intended to reduce the possibility of damage within the overpressure area in the event of an accidental explosion. New subdivisions shall not be approved in the 0.5 PSI overpressure area. The special development standards areas map is available in the planning and development services division office during regular office hours.

Chapter 18.14 – REQUIRED IMPROVEMENTS

Sections:

18.14.010 - Certification of Improvements.

No final plat of a subdivision of land shall be recorded without receiving a statement signed by Planning and Development Services certifying that the improvements described in the subdivider's plans and specifications have been completed, or that an adequate performance bond has been submitted for the required improvements as allowed under Chapter 18.16. The certification document is to certify that the required improvements meet the minimum requirements of all ordinances of the Magna Metro Township, that they comply with the standards and requirements of the health department, Planning and Development Services, the Planning Commission and the fire authority serving the area.

18.14.020 - Storm Sewers.

Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins and shall be connected to an adequate outfall. A stormwater drainage system subject to the approval of Planning and Development Services shall be provided and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer not in the employ of the county, the MSD or the Magna Metro Township.

18.14.030 - Public Sanitary Sewer.

A. Where public sewer service is available to the subdivision, a public sanitary sewer system, including main lines and laterals from the main to each lot property line, shall be constructed throughout the entire subdivision in accordance with plans and technical standards required by the entity providing public sewer service to the subdivision and shall be connected to the public sewer system.

B. In cases where public sewer service is not presently available to the subdivision, alternate waste disposal systems may only be permitted and used provided that the subdivider or developer installs and constructs concurrently therewith sanitary sewer laterals and mains within the subdivision streets to a point on the subdivision boundary where future connection with the public sewer system shall be made. Sewer laterals shall be laid from each lot to the main line in each street, and a connection shall be available on each lot to connect from the alternate waste disposal systems to the sewer system when public sewer becomes available and operational. Such sanitary sewer system shall be capped until ready for use and shall be constructed throughout the entire subdivision in accordance with plans and technical standards required by the entity that will provide public sewer service to the subdivision in the future.

C. The Council may exempt the subdivider from the requirements of this Section upon a finding that public sewer service is unlikely to be provided to the subdivision in the future due to physical inaccessibility of the terrain. Prior to making a decision concerning a requested exemption, the Council shall request a written recommendation from the planning commission, the municipal engineer, and from the entity most likely to provide sewer service to the area in which the subdivision is located.

D. Subsection C notwithstanding, it is expressly provided that it shall be unlawful for the owner or other person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within three hundred feet (300') of any street, alley, or way in which a public sewer is then in existence and used in the municipality, to construct or permit to be constructed or to use or permit to be used any privy vault, septic tank or cesspool connected with such building. Each such owner or other person shall within ninety (90) days after having been given notice by the Magna Metro Township that an accepted

public sewer is ready to receive connections, therewith cause such building to be connected with the sewer (except that if such building shall not, at the time such notice is given, have therein any toilet or toilets, the owner or person having charge thereof or occupying any such building shall have a period of two years in which to connect it with such public sewer) and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool to which the building is connected or which is used by the occupant thereof. Whenever an accepted public sewer is available to receive connections therewith, the manager of the system shall cause appropriate notice to be served upon the owner, agent or other persons having charge of or occupying all property coming within the scope of this section, that the public sewer is ready to receive connections therewith and that all plumbing must be connected with such sewer.

18.14.040 - Storm Drainage.

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for stormwaters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated prior to the construction of required off-site improvements.

18.14.050 - Street Improvements.

A. The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to Planning and Development Services. Plans and profiles are to be prepared by a professional engineer licensed to practice in the state of Utah and shall be accompanied by the final plat. The subdivider must also provide all GIS data corresponding to the submitted plans as required by Section 18.10.060. Planning and Development Services shall, within a reasonable time not to exceed fifteen (15) business days from the receipt of the plans and profiles, notify the subdivider of approval, and in case of disapproval the reasons therefor. Such plans and profiles shall include:

1. The designation of limits of work to be done;
2. The location of the benchmark and its true elevation according to County Policy 1013, “Standards for Geographic Information System” and the “Salt Lake County Public Works Engineering GIS Standards,” all profiles to be referred to in those standards;
3. Profiles which indicate the finished and existing grades for the centerline of the street. Separate profiles, clearly designated, shall be made for each side of the street;
4. Profile of all public storm drain system and any private system that connects to public system;
5. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catchbasins and storm sewers, elevations and location of fire hydrants, location of existing and proposed public survey control monuments and street centerline monuments, and any other detail necessary to simplify construction;

6. Complete date for field layout and office checking;

7. On curb returns, at least two additional control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage at intersection;

8. The street address of the project as approved by Planning and Development Services and subdivision name if applicable.

B. At least ten days prior to the commencement of construction, the subdivider shall furnish to Planning and Development Services two bound 24”x36” hard copies of the complete set of approved construction plans and profiles of all streets, existing and proposed, as well as all corresponding GIS data in a format compatible with this Chapter. The approved hard copy sets of the construction plans and profiles shall include all information required in Subsection A.

18.14.060 - Arrangement of Streets.

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission. New streets must connect with existing public streets.

18.14.070 - Utility and Facility Systems to Be Underground.

All utility and facility systems including, but not limited to, all poles, towers, wires, lines, cables, conduits, and pipes providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution systems, and transmission systems shall be placed underground in accordance with municipal ordinances and policies. (Refer to Chapter 19.46 of this code, Utility and Facility System Placement Regulations.)

18.14.080 - Street Lighting.

Except as provided for in subsection E below, adequate street lighting shall be provided for the safety and welfare of residents and businesses located in the Magna Metro Township through the installation of a street lighting system as part of subdivision development.

All streetlights intended to illuminate the public street shall be installed in accordance with the "Standard Specifications for Street Light Construction" as established and approved by the Public Works Operations Director or Designee. Street light systems shall be designated on approved plats and installed accordingly.

A. For all residential, multi-family residential, planned unit development, commercial, and industrial subdivision developments approved after the effective date of this ordinance, the subdivider shall install and pay the installation costs for streetlights as shown on the approved subdivision plat or site plan and to post a bond, pursuant to Chapter 18.16, guaranteeing proper installation. The subdivider must also provide a dedicated public utility easement from each respective underground power source to each streetlight.

B. Items to be approved pursuant to the requirements of the "Standard Specifications for Streetlight Construction" include:

1. Appropriate distance or spacing;

2. Alternating sides of street, when applicable;
3. Appropriate illumination at intersections;
4. Location upon the property;
5. Streetlight type and decorative style based on street classification;
6. Height based on location;
7. Installation methods and requirements; and
8. Illumination intensity, electrical specifications, and code requirements as determined by the "Standard Specifications for Streetlight Construction."

C. The subdivider or designee shall submit completed as-built-drawings and the GIS data corresponding to the as-built drawings, as required by Section 18.24 to the public works operations director or designee within thirty (30') days of the completion of the installation of a street light system within a subdivision development.

D. The Public Works Operations Director or Designee shall have the authority:

1. To enforce this section and to ensure that streetlight installation is completed in compliance with all of its requirements; and,
2. To vary the standards referenced in this section and to approve alternative streetlight designs and locations when adverse topography, roadway geometrics and design, the presence of natural vegetation, or any other adverse conditions exist which would justify such variations and alternatives without being detrimental to the public safety or welfare.

E. The Land Use Authority shall have the authority to waive or modify the requirement for streetlight installation in subdivisions upon finding that:

1. The subdivision is located in an environmentally sensitive area; or
2. The subdivision will result in three (3) or fewer new lots; or
3. The subdivision will not result in any other public street improvements.

18.14.090 - Pavement Requirements.

A. All streets within the Magna Metro Township shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations adopted by the Magna Metro Township Council.

B. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations adopted by the Magna Metro Township Council.

18.14.100 - Curbs and Gutters.

A. Curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.

B. All curb corners shall have a radius of not less than twenty-five feet, or thirty-five feet on streets designated as collector or arterial streets.

C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

18.14.110 - Street Name Signs.

Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the Magna Metro Township, shall be provided by the developer at all street intersections. Installation shall be made by the municipality to insure uniformity.

18.14.120 - Trails.

The subdivider shall dedicate trails necessary to provide public access to public lands and other trails shown on the general plan, any other adopted plan, or required by the planning commission. Trails shall be located so that the route is feasible for both construction and long-term maintenance; sideslopes shall not exceed seventy percent and rock cliffs and other insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision. The amount of land required for trail dedication without compensation shall not exceed five percent (5%) of the land within the subdivision excluding trails located within a standard street right-of-way.

18.14.130 - Fire Hydrants.

Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the Fire Authority.

18.14.140 - Stormwater Inlets and Catch Basins.

Stormwater inlets and catch basins shall be provided within the roadway improvements at points specified by the Municipal Engineer.

18.14.150 - Open Ditches and Canals—Permitted When.

A. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:

   1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;

   2. The size of pipe and culverts required;

   3. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the planning and development services division.

B. Irrigation components, whether open or piped, require water master approval.

   1. If existing irrigation components are suspected and not identified, then verification is required.

   2. If irrigation components are present, they are checked to comply with the ordinance.

3. The water master's signature is required on any sheet in the final construction plans which show irrigation components.

4. Final approval of the construction plans shall be withheld until water master's signature is confirmed.

18.14.160 - Open Ditches and Canals—Fencing Requirements.

The subdivider shall install a six-foot, nonclimbable chain-link fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in Section 18.12.010, along all open ditches, canals or waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights-of-way and other such features of potentially hazardous nature on, crossing or contiguous to the property being subdivided, except along those features which the planning commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

18.14.170 - Fencing Requirements.

A. Where lots rear on a public street the developer shall install a decorative masonry wall along the street right-of-way which is:

   2. A solid visual barrier screening constructed of brick, reinforced stacked stone, cast stone, split faced block, architecturally treated concrete masonry units, or brick or stone veneer over block;

   3. A minimum of six feet (6’) high from the top of curb or, if there is no curb, from the crown of the street;

   4. Maintained by the abutting property owner;

   5. Constructed with a sealant placed on any masonry fence to help with the removal of graffiti and to preserve the surface;

   6. Constructed according to development standards approved by the Land Use Authority;

   7. Placed on the property line with the space between the fence and the sidewalk hard surfaced or planted with a perennial, climbing, groundcover and an irrigation system.

B. In lieu of a masonry wall, the Land Use Authority may authorize a decorative masonry wall equivalent such as architectural precast concrete may be permitted by the Director if the concrete is articulated and colored in a manner to be comparable to natural materials .

18.14.180 - Construction of Improvements.

A. Twenty-four hours prior to construction of any required improvements, the Municipal Engineer shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.

B. As-built plans, profile drawings, and corresponding GIS data shall be furnished to the Municipal Engineer of all street improvements, storm drain, sanitary sewer, and water systems upon completion. Planning and Development Services shall retain the improvement bond until such plans have been submitted.

C. Extreme care should be exercised on the part of the subdivider, the contractor and all other associated agencies for the protection and maintenance of all existing or newly placed improvements or facilities within the roadway sections during development.

18.14.190 - Responsibility for Damages.

All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and must be replaced to the satisfaction of the Municipal Engineer before final acceptance of any improvements, and bond release. Any damages that occur during building construction, shall be the responsibility of the builder, and will be satisfactorily repaired prior to the issuance of any certificates of occupancy. At the discretion of the Municipal Engineer, additional bonding may be required.

Chapter 18.16 – PERFORMANCE GUARANTEES

Sections:

18.16.010 - Performance Guarantee Required.

Wherever a performance guarantee is required under the terms of this title, the performance guarantee shall be submitted:

A. In conformance with this chapter; and

B. Prior to the commencement of any improvements.

18.16.020 - Performance Bonds.

A. Prior to the recording of a plat or conducting any development activity, in lieu of actual completion of the improvements listed in this Title, subdividers may file with the Planning and Development Services Division a performance bond to assure actual construction of such improvements within a one-year period.

B. If the applicant elects to post a performance bond in lieu of completing the improvements prior to the recording of the final plat, the applicant shall provide a performance bond for:

   1. The completion of 100% of the required improvements; or

   2. If the Municipal Engineer has inspected and accepted a portion of the required improvements, 100% of the incomplete or unaccepted improvements.

C. The amount of the performance bond for public improvements such as curb, gutter, sidewalk, road construction and surfacing, flood control and fire hydrants shall be established by the Municipal Engineer's estimated cost of completion.

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

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

F. A performance bond agreement shall be entered into by the Planning and Development Services division and the subdivider:

   1. The performance bond agreement shall include a provision that the performance bond shall expire within thirteen (13) months from the date issued.

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

   3. All remaining funds shall be thereafter remitted to the Planning and Development Services division as set forth in the performance bond agreement.

   4. A performance bond may be extended only if special circumstances warrant an extension, as determined by the Municipal Engineer.

G. A performance bond may be partially released if the performance to which it relates has been satisfactorily completed, except that not less than ten percent (10%) of the performance bond shall be retained to ensure completion of the entire performance.

H. The Director or Designee may establish objective procedures consistent with this section relating to the administration of performance bonds, including fund management, default and collection.

18.16.030 - Final Disposition and Release.

A. Upon completion of the work for which a performance bond has been posted, the developer shall submit to the Director or Designee, one copy of a written request for release.

B. After receipt of the notice and request under Subsection A of this Section, within five (5) days the Municipal Engineer shall make a preliminary inspection of the improvements and shall submit a report to the Director or Designee setting forth the condition of the facilities.

C. The Director or Designee shall receive the report and, within seven (7) days of the inspection, authorize release of a portion of the performance bond corresponding to the work completed and approved if the Municipal Engineer finds, based on objective inspection standards, that the condition of the improvements are satisfactory.

D. The portion of the bond to be held as a durability bond under Section 18.16.050 of this Chapter may not be release until the durability period has expired and an inspection has been conducted by the Municipal Engineer that finds, based on objective inspection standards, that the condition of the improvements is satisfactory.

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

1. Finds that the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability; or

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

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

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

H. In the case of a dispute over the release of a performance bond under this section, the Director may refer the matter to the Council for subsequent action to secure performance.

Such bonds shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of this code.

18.16.040 - Default.

A. Upon substantiating a finding under subsection B of this section, the Director with approval of the Council may, with due notice to the developer:

1. Declare the performance bond forfeited; and

2. Install or cause the required improvement to be installed using the proceeds from the performance bond to defray the costs.

B. A performance bond may be forfeited under subsection A of this section if the Director finds that a developer has failed or neglected to:

1. Satisfactorily install the required improvements;

2. Make required corrections;

3. Make payment to the Planning and Development Services division for administration and inspections; or

4. Otherwise failed to carry out the activity for which the performance bond was required.

C. The developer is responsible for work beyond the limits of the bond amount.

D. Any funds remaining after completion of the required improvements will be returned to the developer.

18.16.050 - Warranty Bond, Phase I: Reclamation.

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

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

C. The reclamation bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit.

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

18.16.060 - Warranty Bond, Phase II: Durability.

A. The Planning and Development Services division shall retain a durability bond in the amount of not less than ten percent (10%) of the initial amount of the performance bond or the applicant's reasonable proven cost of completion. The durability bond shall be in the form of a cash bond, an escrow agreement, or an irrevocable letter of credit. The durability bond shall be for the purpose of warrantying the improvements and shall be for a period of:

1. One (1) year after final acceptance of the improvement or warranty work; or

2. Two (2) years after final acceptance of the improvement or warranty work, if the Director:

   a. Determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and

   b. Has substantial evidence of any of the following:

      i. Prior poor performance of the applicant; or

      ii. Unstable soil conditions within the subdivision or development area; or

      iii. Extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period.

B. A determination under Subsection A2 of this Section shall be made by the Municipal Engineer in consultation with the Director.

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

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

1. The project has been completed and found acceptable and all monies have been released except for the durability bond;
2. An error in the initial amount of the performance bond or the original calculation of the durability bond; or
3. Fact that was previously unknown to the Municipal Engineer that is material in a determination that the municipality's public health, safety, and welfare would still be adequately protected.

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

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

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

18.16.070 - Fee In Lieu of Required Improvements.

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

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

Chapter 18.18 – SUBDIVISION AMENDMENTS

Sections:

18.18.010 - Purpose.

This Chapter establishes review and approval procedures for subdivision amendments and boundary line adjustments.

18.18.020 - Boundary Line Adjustments.

A. If properly executed and acknowledged as required by law, an agreement between owners of adjoining property that designates the boundary line between the adjoining properties acts, upon recording in the office of the Salt Lake County Recorder as a quitclaim deed to convey all of each party's right, title, interest, and estate in property outside the agreed boundary line that had been the subject of the boundary line agreement or dispute that led to the boundary line agreement.

B. Requirements. Adjoining property owners executing a boundary line agreement described in Subsection A shall:

1. Ensure that the agreement includes:

   a. A legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;

   b. The name and signature of each grantor that is party to the agreement;

   c. A sufficient acknowledgment for each grantor's signature;

   d. The parcel identification number and street address of each grantee for assessment purposes;

   e. A legal description of the parcel or lot each grantor owns before the boundary line is changed;

   f. The date of the agreement if the date is not included in the acknowledgment in a form substantially similar to a quitclaim deed; and

   g. Ensure that violations of the width, area, frontage, setback and other requirements are not created, and that any existing, legal nonconformities are not increased by any degree.

2. If any of the property subject to the boundary line agreement is part of a subdivision lot, prepare an amended plat, to be approved by the land use authority designated by section 18.08.010, before executing the boundary line agreement; and

3. If none of the property subject to the boundary line agreement is a part of a subdivision lot, ensure that the boundary line agreement includes a statement citing the file number of a record of a survey map on file with the County Surveyor.

C. Presumptions. A boundary line agreement described in Subsection A that complies with Subsection B presumptively:

1. Has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document; and

2. Relocates the parties' common boundary line for an exchange of consideration.

D. Metes and Bounds Parcels. A boundary line agreement that only affects metes and bounds parcels is not subject to:

1. Any public notice, public hearing, or preliminary platting requirement;
2. The review of a land use authority; or
3. An engineering review or approval of the municipality, except as provided in Subsection E.

E. Boundary Line Agreements when Dwelling Units are present.

1. If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the owners shall submit the boundary line agreement to the Planning and Development Services division for review.
2. The purpose of the review is to ensure that violations of the width, area, frontage, setback and other requirements are not created, and that any existing, legal nonconformities are not increased by any degree.
3. Planning and Development Services shall complete the review within fourteen (14) days after the day on which the property owner submits the boundary line agreement for review.
4. If Planning and Development Services determines that the boundary line agreement is deficient or if additional information is required to approve the boundary line agreement, the division shall, within 14 days, send written notice to the property owner that:
   a. Describes the specific deficiency or additional information required to approve the boundary line agreement; and
   b. State that the municipality shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in the notice;
5. If Planning and Development Services approves the boundary line agreement, the Director or Designee shall send written notice of the boundary line agreement's approval to the property owner within fourteen (14) days.
6. If a municipality fails to send a written notice within fourteen (14) days, the property owner may record the boundary line agreement as if no review was required.

18.18.030 - Subdivision Amendments.

A. Application Required. A fee owner of land, as shown on the last county assessment roll, in an approved subdivision that has been recorded with the Salt Lake County Recorder may file an application with Planning and Development Services to request a subdivision amendment.

B. Plat Required. Upon filing an application to request a subdivision amendment, the owner shall prepare a plat in accordance with Section 18.10.040 that:

1. Depicts only the portion of the subdivision that is proposed to be amended;
2. Includes a plat name distinguishing the amended plat from the original plat;
3. Describes the differences between the amended plat and the original plat; and

4. Includes references to the original plat.

C. Notice. The Director or Designee shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least ten (10) calendar days before the land use authority may approve the petition for a subdivision amendment.

D. Public Hearing Required. The planning commission shall hold a public hearing within forty-five (45) days after the day on which the petition is filed if:

1. Any owner within the plat notifies the Magna Metro Township or Planning and Development Services of the owner's objection in writing within ten (10) days of mailed notification; or

2. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.

E. Public Hearing Not Required. The public hearing requirement does not apply, and the planning commission may consider at a public meeting an owner's petition for a subdivision amendment if:

1. The petition seeks to:

a. Join two (2) or more of the petitioner fee owner's contiguous lots;

b. Subdivide one (1) or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

c. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;

d. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

e. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

i. Owned by the petitioner; or

ii. Designated as a common area; and

2. Notice has been given to adjoining property owners in accordance with any applicable local ordinance.

E. A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

F. A request to amend a public street or municipal utility easement is also subject to Section 18.18.050.

G. A request to amend an entire plat or a portion of a plat shall include:

1. The name and address of each owner of record of the land contained in the entire plat or on

that portion of the plat described in the petition; and

2. The signature of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition who consents to the petition.

H. The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this Section. An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Salt Lake County recorder's office.

1. The surveyor preparing the amended plat shall certify that the surveyor:

a. Holds a license in accordance with Utah Code; and

b. Has completed a survey of the property described on the plat in accordance Utah Code and has verified all measurements; or

c. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

d. Has placed monuments as represented on the plat.

18.18.040 - Approval of Vacation or Amendment of Plat

A. The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

1. There is good cause for the vacation or amendment; and

2. No public street or municipal utility easement has been vacated or amended.

B. The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the Salt Lake County Recorder.

C. If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

D. The Council may vacate a subdivision or a portion of a subdivision by recording in the Salt Lake County Recorder's office an ordinance describing the subdivision or the portion being vacated. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.

E. An amended plat may not be submitted to the Salt Lake County recorder for recording unless it is:

1. Signed by the land use authority; and

2. Signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

F. A management committee may sign and dedicate an amended plat as provided in Utah Code, Title 57, Chapter 8, Condominium Ownership Act.

G. A plat may be corrected as provided in Section 57-3-106.

18.18.050 - Petition to Vacate a Public Street.

A. In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Utah Code, a legislative body may approve a petition to vacate a public street in accordance with this Section.

B. Application. A petition to vacate some or all of a public street or municipal utility easement shall include:

1. The name and address of each owner of record of land that is:

    a. Adjacent to the public street or municipal utility easement between the two nearest public street intersections; or

    b. Accessed exclusively by or within three hundred feet (300') of the public street or municipal utility easement;

2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and

3. The signature of each owner due notice who consents to the vacation.

C. Notice. If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the legislative body shall hold a public hearing, giving notice of the date, place, and time of the hearing as follows:

1. At least ten (10) days before the public hearing, the legislative body shall ensure that notice is:

    a. Mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;

    b. Mailed to each affected entity;

    c. Posted on or near the public street or municipal utility easement in a manner that is calculated to alert the public; and

    d. Publish notice on the municipal website and the Utah Public Notice Website until the public hearing concludes.

D. Determination. After having held a public hearing as required herein, the Council shall determine whether:

1. Good cause exists for the vacation; and

2. The public interest or any person will be materially injured by the proposed vacation.

E. Adoption. The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:

1. Good cause exists for the vacation; and

2. Neither the public interest nor any person will be materially injured by the vacation.

F. Recording. If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the Salt Lake County Recorder:

1. A plat reflecting the vacation; or

2. An ordinance described in Subsection D and a legal description of the public street to be vacated.

G. Limitations. The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use:

1. Operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and

2. May not be construed to impair:

a. Any right-of-way or easement of any parcel or lot owner;

b. The rights of any public utility; or

c. The rights of a culinary water authority or sanitary sewer authority.

G. Municipal Petition to Vacate. A municipality may submit a petition, in accordance with Subsection B, and initiate and complete a process to vacate some or all of a public street.

1. If a municipality submits a petition and initiates a process under this subsection:

a. The legislative body shall hold a public hearing;

b. The petition and process may not apply to or affect a public utility easement, except to the extent:

i. The easement is not a protected utility easement as defined in Utah Code;

ii. The easement is included within the public street; and

iii. The notice to vacate the public street also contains a notice to vacate the easement; and

c. A recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.

H. Water and Sewer Easements. A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

18.18.060 - Amendments to Create Additional Lots.

An amendment to a recorded subdivision to create one or more additional lots shall follow the approval procedure outlined in Chapter 18.08. Where the amendment does not include the creation of additional infrastructure beyond service lines, this amendment process may utilize a streamlined final plat process.

18.18.070 - Other Amendments to Subdivisions.

An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in Chapter 18.08 with the following variations:

A. Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and

B. No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.

18.18.080 - Correction of Technical Errors.

An amendment to correct a technical error, such as misnumbered street addresses or an errant note on the plat may be done through recording an affidavit of correction by the Director.

Chapter 18.20 - FILLING PROFESSIONAL SURVEYS

Sections:

18.20.010 - Filing Required, Indexing and Fees.

A. Any licensed professional land surveyor making a boundary survey of private lands within this state who establishes or reestablishes any property boundary line; or to obtain data for construction of a map or plat showing the boundary line, shall file a map of the survey that meets the requirements of this Chapter with the County Surveyor within ninety (90) days of the establishment or reestablishment of the boundary line.

B. The County Surveyor shall file and index the map of the survey which will thereafter be a public record in the office of the County Surveyor and will be available for examination and purchase by the public. The County Surveyor will provide facilities for copying such maps and associated documents.

C. Fees will be charged for services in accordance with the adopted fee schedule.

D. The requirements of this section are in addition to Chapter 14.17, Excavation Permit for Monuments.

18.20.020 - Contents of Maps.

A. The county surveyor will screen maps of survey that are submitted to ensure that they conform to the requirements set forth in this Chapter before receiving them. Such maps shall be drawn on a twenty-four-inch by thirty-six-inch reproduceable Mylar using waterproof black drawing ink with text of not less than one-tenth inch in size; or submitted as a digital electronic file in a type and format approved by the County Surveyor; and shall show:

1. The location of survey by quarter section and township and range;
2. The date of survey;
3. The scale of drawing and north point;
4. The distance and course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision;
5. All measured bearings, angles and distances separately indicated from those of record;
6. A written boundary description of property surveyed;
7. All monuments set and their relation to older monuments found;
8. A detailed description of monuments found and monuments set, indicated separately;
9. The surveyor's seal or stamp;
10. The surveyor's business name and address; and
11. Each boundary survey map shall reserve a one and one-half by four-inch (1.5” x 4”) space in the lower right-hand corner of the drawing for the County Surveyor’s use in indexing.

18.20.030 - Written Narrative.

A. The map of survey will include a written narrative that explains and identifies the purpose of the survey; the basis on which the lines were established; and the found monuments and deed elements that controlled the established or reestablished lines. **18.20.040 Marking Monuments.**

A. Any monument set by a licensed professional land surveyor to mark or reference a point on a property of land or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.

B. If the monument is set by a public officer, it shall be marked with the official Title of the office.

18.20.040 - Changes of Section or Quarter Section Corners.

A. If, in the performance of a survey, a surveyor finds or makes any changes to the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the office of the County Surveyor, the surveyor shall complete and submit to the County Surveyor a record of the changes made.

B. The record shall be submitted within forty-five (45) days of the corner visits and shall include the surveyor's seal, business name, and address.

18.20.050 - Compliance by Governmental Agencies.

Each federal or state agency, board or commission, special service district, or municipal corporation that makes a boundary survey of lands within Salt Lake County shall comply with this Chapter.

18.20.060 - Amendment by Affidavit.

A. Any survey map or narrative filed and recorded under the provisions of this Chapter may be amended by an affidavit of corrections:

   1. To show any courses or distances omitted from the map or narrative;

   2. To correct an error in the description of the real property shown on the map or narrative; or

   3. To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.

B. The affidavit of correction shall be prepared by the licensed professional land surveyor who filed the map or narrative.

C. In the event of the death, disability or retirement from practice of the surveyor who filed the map or narrative, the County Surveyor may prepare the affidavit of correction.

D. The affidavit shall set forth in detail the corrections made.

E. The seal and signature of the registered professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

18.20.070 - County Surveyor Certification.

A. The County Surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this section.

B. Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

18.20.080 - Penalty.

Failure to file a map of survey as required in this Chapter is guilty of an infraction..

Chapter 18.22 - HEALTH DEPARTMENT REGULATIONS

Sections:

18.22.010 - Adoption of Health Regulations.

The regulating provisions of the Salt Lake County Health Department, entitled "Subdivisions," as currently adopted by the board of health under authority of the Utah State Code are incorporated in their entirety by reference. Three copies of the current regulations shall be filed with and retained by the county clerk and the health department for examination by any person.

18.22.020 - Violations.

Violation of any provision of any health regulation incorporated into this Title shall constitute a Class B misdemeanor as defined by the Utah State Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

Chapter 18.24 - FEES, ADMINISTRATION AND ENFORCMENT

Sections:

18.24.010 - Building Permit Issuance.

From the time of the effective date of the ordinance codified in this Title, the building inspector shall not grant a permit, nor shall any municipal officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this Title until a subdivision plat has been recorded or approved as required in this Chapter. Any license or permit issued in conflict with such provisions shall be void.

18.24.020 - Filing Fee.

Any and all persons filing plats with the Salt Lake County Recorder shall first have paid all fees required in this Title. In addition, persons filing plats shall pay to Planning and Development Services prior to recording, an office checking fee as provided for in Section 3.48.020.

18.24.030 - Inspections.

Planning and Development Services shall inspect or cause to be inspected all buildings, street improvements, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for the fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the service provider. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

18.24.040 - Enforcement Authority.

Planning and Development Services, Municipal Engineer, Fire Authority, and such other divisions as are specified under the provisions of this Title are designated and authorized as the agencies charged with the enforcement of the provisions of this Title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions.

18.24.050 - Forms and Instructions.

Application forms and instructions for preparing and processing plats and plans in accordance with these regulations are periodically updated. Current copies of these forms and instructions are available upon request from the Director. Applicants will be required to submit such other information as may be required by the Director of Designee.

Chapter 18.26 – VIOLATIONS AND PENALTIES

Sections:

18.26.010 - Prohibited Acts.

A. If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.

B. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of this subsection or from the penalties or remedies provided in this Chapter.

C. Notwithstanding any other provision of this subsection, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

   1. Does not affect the validity of the instrument or other document; and

   2. Does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

18.26.020 - Violation—Penalty.

Whoever shall violate any of the provisions of this Title, including the violation of a condition, limitation or requirement contained on a recorded subdivision plat, shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punished as provided by the state criminal code for Class B misdemeanors.

18.26.030 - Violation - Remedies.

A. A municipality may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

B. An action under this Subsection may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.

C. A municipality need only establish the violation to obtain the injunction.

MAGNA METRO TOWNSHIP - TITLE 19: ZONING

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Chapter 19.02: TITLE, PURPOSE, AND APPLICABILITY

19.02.010 - Title.

This Title shall be known as "The Uniform Zoning Ordinance of the Magna Metro Township" and shall be referred to herein as “the Ordinance”, “this Ordinance,” or Magna Zoning Ordinance.”

19.02.020 - Organization.

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

A. Article I, “General Provisions” comprising chapters 19.02 – 19.10, addresses:

   1. The organization and purpose of the Ordinance, together with definitions and enforcement procedures; and

   2. The criteria for addressing nonconforming uses, as well as procedures for analyzing takings.

B. Article II, “Administration” comprising chapters 19.12 – 19.20, addresses:

   1. The process for applying for various types of land use and land development permits, and the procedures for amending the General Plan, amending the Ordinance, and petitioning for zone changes;

   2. The roles of each administrative body in the land use and development process; and

   3. The administrative processes relating to planned unit developments.

C. Article III, “Zone Regulations” comprising chapters 19.22 – 19.40, addresses the regulations for each zone, including the permitted or conditional land uses and densities that are allowed in each zone.

D. Article IV, “Specific and Temporary Use Standards,” comprising chapters 19.42 – 19.44, addresses standards that are specific to the activity or use of a given property, including standards for long-term as well as temporary uses.

E. Article V, “Development Standards,” comprising chapters 19.46 – 19.64, addresses:

   1. General standards applicable to the development of land;

   2. Standards particular to a development district or overlay zone; and

   3. Infrastructure, site design, signs, additional building standards (mass, height, setbacks), and natural conditions (such as slope, soils, drainage, etc.).

19.02.030 - Purpose.

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

A. Reducing congestion on the streets and roads;

B. Securing safety from fire and other dangers;

C. Protecting the quality of light and air;

D. Classifying land uses, development, and utilization;

E. Protecting the tax base;

F. Securing efficiency in governmental expenditures;

G. Fostering agriculture and economic development;

H. Protecting both urban and nonurban development; and

I. Balancing private property rights with public purposes.

19.02.040 - Applicability.

A. Territorial Application. All land and parcels of real property within the jurisdictional limits of the Magna Metro Township is covered by the provisions of this Ordinance.

B. General Applicability.

1. Except if specific exemptions have been granted for nonconforming uses, noncomplying structures, or lots of record, the regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.

2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups, guest houses and approved detached accessory dwelling units, not more than one dwelling structure shall occupy one lot.

C. General Prohibition. No portion or whole of any structure or land shall be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may not be sold or conveyed away from such lot or building.

D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.

E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances or regulations.

19.02.050 - Transition Rules.

A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply.

1. Previously Approved Lots.

a. The requirements of this Ordinance as to minimum lot area or lot width may not be construed to prevent the use of any lot or lot of record for a land use listed as a permitted use in the underlying zone, provided that:

i. The use and development standards set forth in Articles IV and V of this Ordinance are followed, and

ii. The lot was legally divided according to the applicable laws at the time of division and was held in separate ownership no later than the effective date of an ordinance under which the lot would not meet the minimum lot area or width.

2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within 180 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.

3. Previously Granted Approvals.

   a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.

   b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

19.02.060 - Severability.

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

Chapter 19.04: DEFINITIONS

19.04.010 – Definitions and Interpretation of Language.

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

19.04.020 – General Definitions.

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

1. "Affected Entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
   a. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
   b. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
   c. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Ordinance or Utah Code.
2. "Agent" means a person with written authorization to represent a property owner or applicant.
3. "Animal Rights" means the keeping of livestock and fowl, limited to one animal unit and their seasonal offspring for each ten (10) thousand square feet.
4. "Animal Unit" means a proportionate combination of the following:
   a. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
   b. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
   c. Two (2) goats.
   d. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens, see Chapter 19.42 of this Title.
   e. Twelve (12) rabbits, or twelve (12) similar small animals.
   f. Two (2) large birds such as ostriches, or emus, or peacocks.
   g. Four (4) turkeys.
   h. The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition does not include the unweaned offspring of any residing animal which is less than six (6) months in age.

5. "Appeal Authority" means the same as "Land Use Hearing Officer."
6. "Applicant" means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19.
7. "Benchmark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
8. "Boundary Line Agreement" means an agreement to establish the location of a boundary between adjoining properties if the location of the boundary is ambiguous, uncertain, or disputed.
9. "Buffer, Riparian" means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
10. "Business Day" means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.
11. "Concept Plat / Drawing" means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
12. "Conditional Use" means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this title.
13. "Conservation Easement" means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the [insert name of jurisdiction], permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
14. "Council" means the Magna Metro Township Council, unless otherwise clearly indicated. The Magna Metro Township Council may also be referred to as the Magna Council or municipal council.
15. "Culinary Water Authority" means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
16. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
17. "Development Code" means Titles 18 and 19 of the Municipal Code.
18. "Development Review Committee (DRC)" means Planning and Development Services Staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.
19. "Director" means the Greater Salt Lake Municipal Services District Director of Planning and Development Services, unless otherwise clearly indicated.

20. "Dwelling" means any building or structure, or portion thereof, intended for residential use.
21. "Dwelling, Primary" means a single-family dwelling that:
    a. Is detached;
    b. Is occupied as the primary residence of the owner of record; and
    c. "Dwelling, Primary" includes a garage if the garage:
        i. Is a habitable space; and
        ii. Is connected to the primary dwelling by a common wall.
22. "Dwelling unit" means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:
    a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
    b. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
    c. There is only one electric and/or gas meter for the building.
23. "Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
24. "Facility company" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.
25. "Family" means one of the following groups of individuals, but not more than one group at the same time:
    a. An individual living alone; or
    b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
    c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
    d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.
26. "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

27. "Graffiti" means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.
28. "Guest" means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.
29. "Guestroom" means a room that is designed for double occupancy by guests, for sleeping purposes.
30. "Health Department" means the Health Department of Salt Lake County, Utah.
31. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in the State of Utah or in another state, or which has been dismantled or wrecked to the point of being non-drivable.
32. "Land Trust" means a private non-stock, non-profit corporation that has as its purpose the preservation.
33. "Land Use Application" means an application required by the zoning or subdivision ordinances.
34. "Land Use Authority" means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.
35. "Land Use Decision" means any final decision of the municipal council, planning commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.
36. "Land Use Hearing Officer" means the "Appeal Authority" created pursuant to section 10-9a.701 of the Utah Code annotated to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the planning commission. The land use hearing officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of this Ordinance. The land use hearing officer is also charged with the powers and duties enumerated in Section 19.12.040.C of this Title.
37. "Legal Lot Of Record" means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.
38. "Local Jurisdiction" means the municipality, or other political subdivision adopting this Ordinance.
39. "Membrane Covered Frame Structure" means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.
40. "Minor Local Street" means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.
41. "Monument" means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor's specifications and referenced to County survey monuments.

42. "Municipal Engineering Division" means the division or personnel hired by or contracted with the municipality to provide engineering services. The "Municipal Engineering Division" is also referred to as the "Municipal Engineer" or "Municipal Engineering".
43. "Municipal Flood Control Division" means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.
44. "Municipal Geologist" means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.
45. "Natural Condition" means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.
46. "Noncomplying Structure" means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. Includes Nonconforming Structures.
47. "Nonconforming Use" means a use which lawfully occupied a building or land at the time the ordinance codified in this title became effective and which does not conform with the use regulations of the zone in which it is located.
48. "Nonconforming Lot" means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.
49. "Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.
50. "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
51. "Permitted Use" means any use allowed in a zone and subject to the restrictions applicable to that zone.
52. "Planning and Development Services" means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District. "Planning and Development Services" may also be referred to as the Planning and Development Services Department.
53. "Planning Commission" means the Magna Planning Commission.
54. "Portable Storage Container" means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers. Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.
55. "Pre-Existing Lot" means a lot that was created prior to the adoption of this ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning and subdivision regulations in effect at the time of its creation. For the purposes of this title, a pre-

existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

56. "Pre-Existing Structure" means a structure that was legally constructed prior to the adoption of this ordinance. For the purposes of this title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.
57. "Pre-Existing Use" means a use that was legally established prior to the adoption of this ordinance and has not been abandoned for more than one year. For the purposes of this title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.
58. "Provisional Parking" means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved.
59. "Public Works Operations" means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.
60. "Road" can be used interchangeably with the word street.
61. "Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code.
62. "Residential Roadway" means a public local residential road that:
    a. Will serve primarily to provide access to adjacent primarily residential areas and property;
    b. Is designed to accommodate minimal traffic volumes or vehicular traffic;
    c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
    d. Has a posted speed limit of 25 miles per hour or less;
    e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
    f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
    g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
63. "Sanitary Sewer Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
64. "Standards and Specifications" means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution by the Council.
65. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the

stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

66. "Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.

67. "Street, Private" means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership.

68. "Streetlight" means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.

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

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

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

    a. "Subdivision" includes:

        i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

        ii. Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

    b. "Subdivision" does not include:

        i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

        ii. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;

        iii. A recorded document, executed by the owner of record:

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

(b) Joining a lot to a parcel;

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

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

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

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

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

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

(iii) Has not been approved by the land use authority;

(iv) A parcel boundary adjustment;

(v) A lot line adjustment;

(vi) A road, street, or highway dedication plat;

(vii) A deed or easement for a road, street, or highway purpose; or

(viii) Any other division of land authorized by law.

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

a. Vacates all or a portion of the subdivision;

b. Alters the outside boundary of the subdivision;

c. Changes the number of lots within the subdivision;

d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

e. Alters a common area or other common amenity within the subdivision.

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

74. "Substantial improvement" means:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:

i. Before the improvement or repair is started; or

ii. If the structure is damaged and is being restored, before the damage occurred.

b. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

c. The term does not, however, include either:

i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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

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

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

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

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

    b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;

    c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;

    d. Vehicles with more than two axles; or

    e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

19.04.030 – Site Standard Definitions.

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

1. "Active Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.

2. "Arterial Street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.

3. "All Weather Surface" means a surface composed of gravel, stone, macadam or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
4. "Alley" means a public or private way which affords a secondary means of access to abutting property.
5. "Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.
6. "Base Density" means the original density permitted under the property's zoning category, in dwelling units per acre.
7. "Buildable Area" means a lot or portion thereof possessing all of the following physical characteristics:
    a. The area contains no territory having a slope of thirty percent (30%) or greater;
    b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
    c. The engineering properties of the soil provide adequate structural support for the intended use; and
    d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.
8. "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
9. "Building Alteration" means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.
10. "Building Coverage" means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
    a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
    b. The outer four feet of completely open, uncovered, cantilevered balconies that have a minimum of eight feet of vertical clearance below.
11. "Building Envelope" means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development shall occur. The building envelop is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
12. "Building Facade" means the exterior of a building located above ground and generally visible from public points of view.
13. "Building Footprint" means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than 30' tall, measured from the finished grade are not part of the building footprint.

14. "Building Height" means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.
15. "Building Street Frontage" means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.
16. "Build-to-Line" means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.
17. "Collector Street" means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. "Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. "Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. "Entrance" means the location of ingress to a room, building, or lot; a location of admittance.
21. "Exit" means the location of egress from a room, building, or lot.
22. "Fence" means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. "Final plat" means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat shall be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.
24. "Frontage" means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage does not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. "Grade, finished" means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".

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

42. "Marginal Access Street" means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.
43. "Off Street Parking" means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.
44. "Organic Disposal Site" means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.
45. "Open Space" means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building may not be considered open space.
46. "Parking Lot" means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
47. "Parking Space" means space within a building, lot, or parking lot for the parking or storage of one automobile.
48. "Passive Recreation" means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
49. "Preliminary Approval" means an approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.
50. "Preliminary Plat" means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a Preliminary Plat in the Ordinance.
51. "Public Utility Easement" An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.
52. "Setback" means a distance from a curb, property line, or structure within which building is prohibited.
53. "Side Yard, Corner Lot" means a side lot line that abuts a street.
54. "Side Yard, Interior Lot" means a side lot line that abuts a side or rear lot line of another lot.
55. "Stealth Design" means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth

design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.

56. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

57. "Story, First" means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

58. "Story, Half" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

59. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as provided herein.

60. "Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

61. "Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

62. "Yard, Required" means the open space around buildings which is required by the terms of this title.

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

19.04.040 – Telecommunications Definitions.

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

1. "Amateur Radio Antenna" means a radio antenna that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or meets the standards related to amateur radio service adopted under 47 C.F.R. Part 97.

2. "Amateur Radio Antenna Support Structure" means a lattice or pole structure which acts as a support to the amateur radio antenna. Typical support structures are triangular or square in cross-section, crank up, or guyed, and are constructed with galvanized steel or aluminum.

3. "Antenna" means a transducer, attached to a support structure, designed to transmit or receive electromagnetic waves.

4. "Distribution system" means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service, (2) the service drop and the

receive site (headend) for cable television, or (3) the service drop and the transmission system for telephone service.

5. "Earth Station" means a communication facility that transmits and/or receives signals to and from orbiting satellite(s).
6. "Lattice Tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.
7. "Service Drop" means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.
8. "System" means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.
9. "Telecommunication Facilities, Wireless Communication Facilities, and Radio/TV Transmitting Towers" means facilities used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. Telecommunications Sites/Facilities do not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97.
10. "Transmission System" means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of forty-six KV or more.
11. "Wireless Facility" means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including (a) equipment associated with wireless communication; and (ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or back up power supply, or comparable equipment. Wireless Facility does not include the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or utility poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility. (Utah Code 54-21-§101)
12. "Wireless Telecommunications Antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
13. "Wireless Telecommunications Equipment Shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
14. "Wireless Telecommunications Site/Facility" means an unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

15. "Wireless Telecommunications Tower" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

19.04.050 – Landscaping Definitions.

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

1. "Active Recreation Area" means an area that is dedicated to active play where turf grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses.

2. "Bubbler" means an irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

3. "Check Valve" means a device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

4. "Controller" means a device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

5. "Drip Emitter" means drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

6. "Grading Plan" means a plan that shows all finish grades, spot elevations, drainage as necessary and existing and new contours with the developed landscaped area.

7. "Ground Cover" means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

8. "Hardscape" means patios, decks and paths. Does not include driveways and sidewalks.

9. Irrigation Plan**"** means a plan showing the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

10. "Landscape Architect" means a person who holds a professional license to practice landscape architecture in the state of Utah. Per State Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans. Each municipality has the authority to require that only a licensed landscape architect can stamp plans that fall under the practice of landscape architecture.

11. "Landscape Designer" means a person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

12. "Landscape Documentation Package" means the preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as

plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Documentation Package shall include a project data sheet, a Site Plan, a Planting Plan, an Irrigation Plan, Construction Details, and a Grading Plan.

13. "Landscape Zone" means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

14. "Landscaping Improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

    a. Will be dedicated to and maintained by the municipality; or

    b. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

15. "Landscaping" means any combination of living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

16. "Localscapes®" means a locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.Localscapes.com).

17. "Mulch" means any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

18. "Park Strip" means a typically narrow landscaped area located between the back-of-curb and sidewalk.

19. "Planting Plan" means a plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

20. "Pop-up Spray Head" means a sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

21. "Precipitation Rate" means the depth of water applied to a given area, usually measured in inches per hour.

22. "Pressure Regulating Valve" means a valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

23. "Pressure Compensating" means a drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

24. "Rotor Spray Head" means a sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

25. "Runoff" means irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.
26. "Spray Sprinkler" means an irrigation head that sprays water through a nozzle.
27. "Stream Sprinkler" means an irrigation head that projects water through a gear rotor in single or multiple streams.
28. "Turf" means a surface layer of earth containing mowed grass with its roots.
29. "Water-Conserving Plant" means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.
30. "Weed(s)" means any vegetation commonly referred to as a weed, or which has been designated a noxious weed by the Utah Department of Agriculture and Food. Weeds also refer to areas of lawn or landscaping that have grown to the point of seeding.

19.04.060 – Sign Definitions.

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

1. "Address Sign" means a sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.
2. "Awning" means a shelter extending from the exterior wall of a building and composed of nonrigid materials, including cloth, plastic, or other nonrigid materials, except for the supporting framework.
3. "Awning Sign" means any sign painted on, attached to, or supported by an awning.
4. "Balloon Sign" means a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device.
5. "Banner" means a temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method, or that may be supported by stakes in the ground. Banners do not include flags.
6. "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located (as defined in Utah State Code 10-9a-103).
7. "Blade Sign" means the same as "Sign, projecting".
8. "Canopy" means a freestanding, permanent roof-like shelter, other than an awning, that may be either freestanding or attached to an adjacent building or structure.
9. "Canopy Sign" means a permanent sign attached to or constructed on a canopy.
10. "Drive-Thru Facility Sign" means a freestanding sign that is located along the path or aisle utilized for a drive-through facility.

11. "Driveway Sign" means a small permanent sign located near driveway access points and/or at the intersection of internal access drives.
12. "Electronic Message Center" means a sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g., electronic or digital signs).
13. "Flag" means any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. Flags do not include banner.
14. "Flat Sign" means the same as "Wall Sign".
15. "Holiday Decorations" means signs or displays including lighting which are a non-permanent installations timed around national, state, and local holidays, religious or cultural holidays, or other holiday seasons.
16. "Illegal Sign" means a sign that is not permitted or allowed to be established in a zone, does not meet the requirements of the zoning ordinance, and/or has not received nonconforming status. Any sign not specifically listed as a permitted or conditional use is prohibited in that zone.
17. "Incidental Sign" means signs that are often attached to doors, windows, gas pumps, or other structures that are small in nature and typically intended to be read by a user up close, rather than from a distance by pedestrians or drivers.
18. "Light Pole Banner" means a temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.
19. "Limited Duration Sign" means a non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.
20. "Marquee Sign" means a permanent, roof-like canopy with an integral sign that extends from part or all of a building face that may or may not project over a public right-of-way.
21. "Monument Sign" means a sign permanently affixed to the ground at its base, supported entirely by a base structure that is flush to the ground, and not mounted on a pole.
22. "Mural" means a large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.
23. "Permanent Sign" means a sign attached or affixed to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
24. "Pole Sign" means a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
25. "Portable Sign" means a sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

26. "Projecting Sign" means a double-sided sign, excluding canopy and awning signs, mounted on a building such that the faces of the sign are perpendicular to the building and normal flow of traffic. It may also be referred to as a blade sign.

27. "Roof Sign" means any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

28. "Sidewalk or Sandwich Board Sign" means a moveable sign not secured or attached to the ground or surface upon which it is located that's supported by its own frame. A common form of sidewalk sign may be referred to as a sandwich board sign that has the cross-sectional shape of the letter A. Sidewalk signs may also be in a form that has a cross-sectional shape of an upside-down letter T.

29. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, an event, a gathering, or product, which are visible from any public way. "Sign" also includes the sign structure supports, lighting system, and any attachments, ornaments, or other features intended to draw the attention of observers.

30. "Sign Alteration" means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or changing position.

31. "Sign Area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than ten degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square, or other such shape shall be computed as one-half of the total surface area.

32. "Sign Copy" means the words logos, symbols, or message displayed on a sign.

33. "Sign Face" means an exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

34. "Sign Height" means the vertical distance above the natural grade at any point on the perimeter of the sign to the highest point of the sign structure.

35. "Sign Maintenance" means the upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.

36. "Sign Setback" means the minimum distance that any portion of a sign or sign structure shall be from any street property line.

37. "Sign Structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having a location on or below the ground.

38. "Snipe Sign" means a temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

39. "Temporary Sign" means a type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

40. "Vehicle Sign" means a sign or advertising device attached to or located on a vehicle or trailer parked on a public right-of-way, public property, or parking area with access by the general public so as to be visible from a public right-of-way for the basic purpose of directing people to a business or activity.

41. "Wall Sign" means a building-mounted sign that is either painted on, attached to, or displayed on a wall or its facing in a manner parallel to the wall surface.

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

19.04.070 – Use Definitions.

A. Uses identified in Title 19 are defined as follows:

1. "Accessory Equipment" means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.

2. "Accessory Structure" means a detached subordinate building or structure the appropriate use of which is subordinate and customarily incidental to the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. Accessory Structures include detached garages or carports, garden or storage sheds, and children's playhouses, but do not involve the conduct of a business.

3. "Accessory Dwelling Unit, Attached" means a habitable living unit attached to a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of 30 consecutive days or longer. An "Accessory Dwelling Unit, Attached" may include an addition to the footprint of the primary dwelling.

4. "Accessory Dwelling Unit, Detached" means a habitable living unit detached from a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of 30 consecutive days or longer.

5. "Accessory Dwelling Unit, Internal" means an accessory dwelling unit created:

   a. Within a primary dwelling:

   b. Within the footprint of the primary dwelling at the time the internal accessory dwelling unit (IADU) was created; and

   c. For the purpose of offering a long-term rental of 30 consecutive days or longer.

6. "Accessory Outside Storage" means the accessory location of any goods, wares, merchandise, commodities, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours. The area used for outdoor storage may not constitute more than fifteen percent (15%) of the lot area. With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a minimum six-foot (6') high opaque fence or, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, a fence or screening of a height and material determined by the Planning Commission. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. "Outdoor storage" as defined herein does not include construction yards, storage yards, or other storage uses where the storage of items outside of an enclosed building is a primary characteristic of the use. See the definition of "storage yard."
7. "Accessory Use" means a use clearly incidental and subordinate to the existing primary use and customarily related to the primary use and located on the same lot or in the same building as the primary use.
8. "Agricultural Building" means a structure that is primarily associated with and supports agricultural use or activity but may not be used for human occupancy and complying with the requirements of Utah Code, as amended. To qualify as an agricultural building the structure shall meet all requirements of Utah Code, as amended, and be clearly associated with and necessary to support an agricultural use or activity.
9. "Agricultural Products Processing" means the processing of non-animal agricultural products including but not limited to the processing, cleaning, sorting, grading, packaging, or milling of products intended for human or animal consumption or use.
10. "Agricultural Sales" means the retail or wholesale sale of agricultural or horticultural products grown or raised on site and not produced or purchased from another location for resale. This use does not include the commercial slaughtering, processing, packaging, or sale of meat, poultry and dairy, concentrated animal feeding operation, or similar uses.
11. "Agriculture" means the tilling of the soil, the raising and harvesting of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.
12. "Agritourism" means a commercial enterprise linking agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. This excludes guest ranches and other forms of overnight accommodation.
13. "Airport/Heliport" means an area used for the landing and takeoff of both fixed-wing aircraft and helicopters and buildings, structures, or other facilities associated with these activities, including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and used by commercial, private, or military aircraft.
14. "Animal Control or Rescue Facility" means a location, with buildings, structures, and holding facilities necessary to provide temporary housing and food for animals (primarily pets or companion animals) from abusive homes or homeless situations, rehabilitation (if the animal has health or behavior problems, or for treatment if the animal requires veterinary care). This may include publicly licensed facilities to detain and/or dispose of stray dogs, cats, and other animals.

15. "Animal Feeding Operation" means a facility that confines, feeds, and maintains domestic livestock in either an open or enclosed lot or space for a total of 45 days or more in any 12-month period. The area(s) where the livestock are confined does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. An AFO may also be a Concentrated Animal Feeding Operation ("CAFO" See CAFO). An AFO may be subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).

16. "Animal Hospital or Clinic" means facilities for the diagnosis, treatment and hospitalization of domesticated animals in indoor holding facilities but does not include any outdoor holding or boarding facilities.

17. "Animal Hospital or Clinic with Outdoor Holding Facilities" means facilities for the diagnosis, treatment, hospitalization, and boarding of animals (including large animals) that may include indoor and/or outdoor holding and boarding facilities.

18. "Apiary" means the assembly of one or more colonies of bees at a single location. For regulations regarding the keeping of bees, see Chapter 19.42 of this Title.

19. "Assembly Use" means a business where finished parts are assembled to develop a final product. These uses include computer and electronic assembly, and similar uses, but do not include vehicle or manufacturing type uses.

20. "Assisted Living Facility" means Either a Type I Assisted Living Facility, which is a residential facility that supports activities of daily living and social care to two or more residents who require protected living arrangements and are sufficiently mobile to exit the facility without the assistance of another person. OR A Type II Assisted Living Facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under Department rule to need any of these services.

21. "Athletic Clubs" means an indoor establishment that provides for aerobic exercises, weightlifting, bodybuilding, running, exercise equipment, game courts, swimming facilities, saunas, spas, showers, and lockers. See "Recreation Facility, Commercial" and "Recreation Facility, Private".

22. "Bank" means the same as "Financial Institution."

23. "Bar" means a commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises, subject to the Utah Alcoholic Beverage Control Act.

24. "Bed and Breakfast" means dwellings in which two (2) or more rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided by the host family, the price of which is included in the room rate.

25. "Breweries and Distilleries in association with a Restaurant" means a business which conducts the retail sale of beer or liquor which is brewed or distilled on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.

26. "Breweries and Distilleries, Industrial" means an industrial use that brews ales, beers, meads, and/or similar beverages on site. Industrial breweries and distilleries are engaged predominantly in manufacturing and do not include a bar or restaurant. Industrial breweries and distilleries may include incidental retail sales when permitted by the Department of Alcoholic Beverage Control.

27. "Boardinghouse" means a building with not more than five guestrooms, where, for compensation, meals are provided for at least five but not more than fifteen persons.
28. "Campground" means a public area designated by a public agency for camping, or a private area licensed by the local governing body for camping. And/or any lot or parcel of land upon which two or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes. This may include accessory facilities such as kitchens, pavilions, playgrounds, or storage for recreation equipment.
29. "Camping" means the use of any tent, trailer, lean-to, teepee, recreational vehicle, or similar non-permanent structure or vehicle for temporary living quarters for residential, recreation, education, or vacation purposes.
30. "Canopy" means a roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy and providing a protective shield for service-station pump islands and walkways.
31. "Car and Light Truck Wash" means a facility with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of automobiles and light trucks. A car and truck wash may be able to accommodate more than one vehicle at a time.
32. "Carport" means a private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.
33. "Cemetery" means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.
34. "Check Cashing" means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the State pursuant to the Check Cashing Registration Act. Check cashing does not include the activities of depository institutions or persons who cash a check in a transaction that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or three dollars.
35. "Child Care" means the provision, day or night, of supplemental parental care, instruction, and supervision for a non-related child or children, on a regular basis, and for less than twenty-four hours a day. The term does not include babysitting services of a casual, non-recurring nature, or in the child's own home or cooperative, or reciprocative child care by a group of parents in their respective domiciles.
36. "Child Care Center" means a facility, operated by a person qualified and licensed by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all applicable state standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following:
    a. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
    b. Facilities operated in connection with a fitness center, shopping center, or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or

c. Special activities or programs, including athletics, crafts instruction, and similar activities, are conducted on a periodic basis by civic, charitable, private, or governmental organizations.

37. "Child Care, Licensed Family" means the provision of childcare for sixteen or fewer children, including the provider's children who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child's parents, for four (4) or more hours but less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A "Child Care, Licensed Family" is subject to licensing by the Utah Department of Health and Human Services.

38. "Child Care, Residential" means the provision of childcare for eight or fewer children, including the provider's children, who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child's parents, for less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A "Child Care, Residential" is subject to licensing by the Utah Department of Health and Human Services.

39. "Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings" means a building, with accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, with accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

40. "Club" means a building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but may not include any organization, group, or association, of which the principal activity is to render a service usually and ordinarily carried on as a business. A club may also be a bar, subject to the Utah Alcoholic Beverage Control Act.

41. "Cluster Subdivision" means a subdivision in which the lot sizes are reduced below those normally required in the zone in which the development is located, in return for the provision of permanent open space.

42. "Commercial Plant Nursery" means a business where young plants or trees are raised for experimental horticultural purposes, for transplanting, or for sale.

43. "Commercial Recreation" means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.

44. "Community Garden" means the production of a harvestable product, planted, grown, and cultivated in the soil by an identifiable group of community members. Includes products grown and managed by a community or neighborhood organization for local consumption or sale.

45. "Concentrated Animal Feeding Operation" An Animal Feeding Operation (AFO) is a "Concentrated Animal Feeding Operation" ("CAFO") if it meets the regulatory definition of CAFO or if it is designated as a CAFO by the State of Utah. A CAFO is defined in 40 CFR 122.23 Appendix B as "an animal feeding operation where more than 1,000 'animal units' (as defined by the regulation) are confined at the location; or more than 300 animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made devices; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation." ("Animal unit" means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (UAC) R317-8-3.5 and used to determine if an operation meets the definition of a concentrated animal feeding operation). A CAFO is subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).

46. "Contractor's Office" A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning, and heating, within a fully enclosed building, and that may include the open storage of associated building materials, equipment, or vehicles.
47. "Contractor's Storage Yard" means the same as "Storage Yard".
48. "Corral" means a space, other than a building, less than one acre in area or less than one hundred feet in width, used for the confinement of animals.
49. "Correctional Facility" means any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or non-secure setting; which includes any facility operated by a municipality or a county to house or detain criminal offenders, any juvenile detention facility, and any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.
50. "Court" means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
51. "Crematorium" means a building that contains cremation chambers and a holding facility for human or pet remains, and which may receive remains from funeral establishments.
52. "Critical infrastructure materials" means sand, gravel, or rock aggregate.
53. "Critical Infrastructure Materials Operations" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
54. "Critical Infrastructure Materials Operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
    a. Owns, controls, or manages a critical infrastructure materials operations; and
    b. Has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
55. "Dairy" means a commercial establishment for the manufacture or processing of dairy products.
56. "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.
57. "Duplex" means the same as "Dwelling, Two Family."
58. "Dwelling, Manufactured Home" means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. A manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the City's Building Code, as adopted. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the City's Building Code, as adopted.

59. "Dwelling, Mobile Home" means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the HUD Code. HUD Code means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

60. "Dwelling, Modular Unit" means a structure: (a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and (b) the purpose of which is for human habitation, occupancy, or use

61. "Dwelling, Multiple Family" means a building containing five (5) or more residential dwelling units.

62. "Dwelling, Single-Family" means a building containing one (1) residential dwelling unit.

63. "Dwelling, Single-Family Attached" A residential structure designed to house a single-family unit from the lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.

64. "Dwelling, Three- and Four-Family (3-plex and 4-plex)" means a building containing three (3) or four (4) residential dwelling units, each unit designed to be occupied by one (1) family.

65. "Dwelling, Two Family" means a building containing two (2) residential dwelling units.

66. "Dwelling group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

67. "Educational Facility" means: (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and programs for children with disabilities; (ii) a structure or facility: (A) located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the use of that building; and (iii) a building to provide office and related space to a school district's administrative personnel; and (b) does not include: (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is: (A) not located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the purposes of a building described in Subsection (12)(a)(i); or (ii) a therapeutic school.

68. "Educational Facility with Residential Accommodation" means an educational facility with living accommodations for students or staff, such as universities, colleges, boarding schools, and seminaries. Educational facility includes public and private schools (PreK-12) designed for educational activities with a curriculum for technical or vocational training, pre-kindergarten, kindergarten, elementary, secondary, or higher education and recognized as an educational institution by the State of Utah Board of Education, the State of Utah Board of Higher Education, or the State Board of Regents.

69. "Family food production" means the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese, and twenty pigeons; provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot in zones where family food production may be a permitted or conditional use.

70. "Farm Products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.

71. "Farmers' Market" means an outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more Producers, at which (a) at least [75] percent of the products sold are Farm Products or Value- Establishing Land Use Protections for Farmers' Market 13 added Farm Products and (b) at least [75] percent of the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.

72. "Financial Institutions" means a trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association—which is chartered under federal or state law—solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. "Financial institutions" does not include "check cashing", "pawn shops" or other similar uses.

73. "Financial Institutions, Nondepository" Establishments that are primarily engaged in short term lending, such as title loans, check cashing, deferred deposit loan, or similar type of businesses.

74. "Fireworks Stand" means a type of temporary use that sells fireworks or explosives defined and regulated under state law Fire Prevention and Fireworks Act.

75. "Food Cart" means a cart:

    a. That is not motorized; and

    b. That a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

76. "Food Truck" means:

    a. A fully encased food service establishment:

    b. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and

    c. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption;

    d. A food cart; or

    e. An ice cream truck.

77. "Freight Service" means an establishment primarily engaged in undertaking the transportation or transferring of goods, merchandise, materials, and commodities of any kind for compensation, and which may in turn make use of other transportation establishments in effecting delivery.

78. "Garage, Private" means a detached accessory building or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises.

79. "Gardening for Personal Use" An accessory use that includes the production of fruits, vegetables, spices, and other food plants for personal use. Gardening for personal use may include a greenhouse or plant nursery subject to accessory structure regulations.

80. "Guest house" means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

81. "Guest Ranch" means a vacation resort offering activities (such as horseback riding) typical of western ranches; may be associated with a working ranch.

82. "Home Occupation" means any use or activity conducted entirely within a residential dwelling or a legal accessory building or structure that is clearly incidental and secondary to the existing residential use and does not change the character of the residence or neighborhood and there is no display of any stock and the use complies with the applicable business license requirements.

83. "Home Preschool" means a preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than ten (10) children for each session of instruction. If there are eight or more children, there shall be two or more providers present. Sessions shall last for not more than four (4) hours and may not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

84. "Hospital" means a facility licensed by the Utah Department of Health, providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

85. "Hotel" means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. A central kitchen, dining room, accessory shops and services catering to the general public can be provided. Additional services, such as restaurants, meeting rooms, conference space and recreational facilities are allowed as accessory and subordinate uses.

86. "Household Pet" means animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.

87. "Industrial Flex Space" means a one-story building containing a mixture of warehouse, retail, office, and light industrial uses, with at least 25% of the net floor area dedicated to office space.

88. "Inoperable Vehicle" means a vehicle that is not currently registered or licensed in the State of Utah or in another state, or which has been dismantled or wrecked so that it is no longer considered street legal.

89. "Institutional Use" means a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.

90. "Junk" means any worn out, stripped, or discarded materials no longer safely useable for the purpose(s) for which they were manufactured, including but not necessarily limited to scrap metal, inoperable motor vehicles or recreational vehicles which are inoperable for more than sixty (60) days, and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

91. "Junkyard" means the same as "Salvage Yard."

92. "Kennel, Commercial" means a shelter or place where over three dogs or cats are bred, boarded, or trained for monetary gain.

93. "Kennel, Private" means a shelter for or a place where over three and no more than five dogs and cats are bred, boarded, or trained for no monetary gain.

94. "Laboratory, Medical or Dental" means an establishment providing biological, dental, medical, or optometrical laboratory and testing services.

95. "Laboratory, Research and Development" means facilities for the investigation of natural, physical, or social sciences that may include engineering and product development.

96. "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.

97. "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.

98. "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.

99. "Machine Shop" means shops where lathes, presses, grinders, shapers, and other wood or metal working machines are used—such as blacksmith, tinsmith, welding, and sheet metal plumbing, heating, electrical repair, and overhaul shops.

100. "Major Seasonal Sale" means a type of temporary use offering goods not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred (800) square feet.

101. "Major Seasonal Use" means a type of temporary use that offers a service or activity not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred (800) square feet.

102. "Manufacturing, Heavy" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

103. "Manufacturing, Light" means an establishment primarily engaged in the production, fabrication, processing, or assembly of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activities take place and are located entirely within a building. Such uses include research and development facilities and testing laboratories. These uses do not include refineries, rock crushers, incinerators, and similar uses.

104. "Meat or Poultry Processing Facility" means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop.

105. "Medical, Urgent Care, and Dental Clinic" means the same as "Office, Medical."

106. "Micromobility Support Infrastructure" means infrastructure, such as docking stations, signage, or other small-scale infrastructure, needed to support licensed micromobility systems. Micromobility shall mean small, light-weight, and low-speed (less than 30mph) motorized vehicles that may be part of a shared-use program.

107. "Mining (Subsurface)" means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.

108. "Mining (Surface)" means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from

deposits lying exposed in their natural state, and shall include dredge operations conducted in or on natural or artificially created waterways.

109. "Minor Seasonal Sale" means a type of temporary use offering goods not offered year-round by another business on the property, and the total area of the use takes up eight-hundred (800) square feet or less.

110. "Minor Seasonal Use" means a type of temporary use that offers a service or activity not offered year-round by another business on the property and the total area of the use takes up eight-hundred (800) square feet or less.

111. "Minor Ski Resort Improvements" means construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts, and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities, and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

112. "Mobile Home" means a dwelling unit designed to be transported, after fabrication, on its own wheels designed and intended for permanent occupancy as an independent dwelling unit, upon connection to required utility systems; but which is not constructed in compliance with the municipality's adopted Building, Mechanical, Electrical, and Plumbing Codes or the Federal Manufactured Home Construction and Safety Standards (HUD Code). The term "mobile home" shall also include any structure meeting the above description, which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such uses.

113. "Mobile Home Park" means an area or tract of land used to accommodate two (2) or more mobile homes intended to be occupied as residences connected to required utility systems.

114. "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.

115. "Model Home/Temporary Sales Offices" means a dwelling unit, unoccupied for residential purposes, temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other approved residential development. Model Home may also include sales or rental offices for dwellings within the development.

116. "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.

117. "Motel" means the same as "Hotel."

118. "Nursing Home, Convalescent Care Center" means a health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living

accommodations, 24-hour staff availability, and at least two of the following patient services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or (c) a supervised living environment that provides support, training, or assistance with individual activities of daily living.

119. "Office, General" means a building offering executive, administrative, professional, or clerical services, or a portion of a building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

120. "Office, Intensive" means a business offering executive, administrative, professional, or clerical services with a high level of client interaction and traffic generated; and/or a business that employs five (5) or more persons per one thousand (1,000) square feet of net leasable office space.

121. "Office, Medical" means a building used by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

122. "Outdoor Dining" means an area of designated size used as a seating area with tables and chairs for the contiguous restaurant.

123. "Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations" means areas or facilities that offer recreation or entertainment outside and require significant land or are expected to create a larger impact. Such uses include shooting ranges, go-carts, motor vehicle and/or motorbike tracks, golf courses, zoological parks and botanical gardens, amphitheaters, outdoor stages and concert venues, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

124. "Outdoor Sales Event" means a type of temporary use that uses a portion of outside space to temporarily sell products from a business in a building already located on the property with a business license.

125. "Outdoor Storage" means the same as "Accessory Outside Storage"

126. "Package Agency" means a retail liquor location operated under a contractual agreement with the Utah Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the commission to sell package liquor for consumption off the premises of the agency.

127. "Park and Ride" means an area or structure intended to accommodate parked vehicles for the general public, where commuters park their vehicles and continue to travel to another destination via public transit, carpool, vanpool, or bicycle. The parking lot may be shared with other uses or stand-alone.

128. "Pawn Shop" means any person, firm, corporation, or business that loans money on deposit of personal property, or deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

129. "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.

130. "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.

131. "Planned Unit Development" means an Integrated design for the development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

132. "Post Office" means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

133. "Private Nonprofit Locker Club" means a social club, recreational, athletic, or kindred association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

134. "Private Nonprofit Recreational Grounds And Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act or a corporate sole.

135. "Private Residential Tennis Court/Sports Court" means a recreation court requiring a base surface with a gross square footage of four hundred square feet or more, permitted as an accessory use to and on the same lot as a single-family residential dwelling.

136. "Private Swimming Pool" means any structure or container holding water to a depth of eighteen inches (18") or greater and having either a diameter or diagonal measurement of ten feet (10') or greater, permitted as an accessory use to and on the same lot as a single-family residential dwelling.

137. "Producer" means a person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

138. "Protective Housing" means a facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to: (1) Abused or neglected children awaiting placement in foster care; (2) Pregnant or parenting teens; (3) Victims of sexual abuse; or (4) Victims of domestic abuse.

139. "Public Parks" means parks that are maintained by a public agency.

140. "Public Service Training Facility" means an establishment for training state and local law enforcement, fire safety, national guard, transit personnel, or other public service personnel and accessory facilities including but not limited to dining and overnight accommodations, classrooms, indoor shooting ranges, auto test tracks, and fire suppression simulations.

141. "Public Use" means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, government and public utility administrative offices, fire stations, police stations, and facilities that are part of the local service delivery system for public utilities. "Public use" does not include public utility production, storage, and treatment facilities such as power plants, refineries, natural gas processing and storage plants, water treatment plants, or sewage treatment facilities.

142. "Public Utility, Major" means structures that house operations for public utilities like, but not limited to, power generation plants, electrical switching stations, primary substations, refuse collection and disposal facilities, and water and wastewater treatment facilities and similar facilities.

143. "Public Utility, Minor" means local utility structures that are necessary for a specific development or service like, but not limited to, poles and lines.

144. "Public Utility" includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Section 54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use.

145. "Rail Transit Mixed-Use" means a use that allows rail-oriented development that combines different land uses within a single development, tract of land, building, or structure. Its purpose is to encourage development that is high quality, human-scale, and pedestrian-friendly, while creating a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact, walkable, urban form.

146. "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.

147. "Recreation Facility, Commercial" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated as a business on private or public property and open to the public for a fee.

148. "Recreation Facility, Private" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated on private property and not open to the public, including recreation facilities owned by a homeowners' or property owners' association for private use.

149. "Recreation Facility, Public" means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated by a public agency and open to the public with or without a fee.

150. "Recycling Processing Facility" means a building or enclosed space for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, shredding, mechanical sorting, cleaning, and re-manufacturing.

151. "Rehabilitation/Treatment Facilities" means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. Does not include residential facilities for the elderly or persons with disabilities.

152. "Resource Recycling Collection Point" means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation.

153. "Reiki" means a business devoted primarily to Reiki healing, or any other system that has elements of the following. The practitioner, trained to access and serve as a channel for a sacred life force, places his or her hands on or just above the client's body in order to activate healing energy within receptive points on the body. The practitioner's hands move progressively with a passive touch through various positions on the body, remaining in each position for a period of time. As a harmonic flow of energy is strengthened, within the client and practitioner, healing occurs through the return of physical, mental, and spiritual balance. For purposes of this title, a Reiki business may not include Reiki healing, or similar system, which are performed in a hospital or medical clinic.

154. "Residential Facility for Elderly Persons" means a dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility: (1) Operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility; (2) Where persons are placed: (a) For alcoholism or drug abuse treatment; or (b) As part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility which is: (i) A health care facility as defined by Utah Code or successor law, or (ii) A residential facility for persons with a disability.

155. "Residential Facility for Persons with a Disability" means a residence: (1) In which more than one person with a disability resides; and (a) Which is licensed or certified by the Department of Human Services under Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities; or (b) Which is licensed or certified by the Department of Health under Utah Code Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

156. "Residential Keeping of Chickens or Ducks" means the keeping of a small number of domesticated hens and/or ducks on a lot with a single-family dwelling for personal use only, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated hens and ducks do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept.

157. "Resort" means a place offering amenities for recreation and relaxation in addition to lodging and meals to transient vacationers. May involve multiple, compatible uses of the land, such as open space, agriculture, and lodging.

158. "Restaurant, Fast Food" means a building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its' food in wrappers, boxes, or cartons

regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive-up facility.

159. "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.

160. "Retail and Service Commercial" means a business primarily engaged in the sale or rental of goods, merchandise, or services directly to the consumer, and includes no outdoor storage. These uses do not include sexually oriented businesses, retail tobacco specialty stores, check cashing, pawn shops, vehicle or large equipment rental, sales, repair, or assembly. Uses include department, grocery, variety and drug stores; art galleries; bakeries; jewelry stores; florists; auto parts stores; business and social services; and similar uses. These uses may include twenty-four-hour uses and drive-up windows subject to this title.

161. "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.

162. "Retail Tobacco Specialty Business" means a commercial establishment in which: (a) the sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment; (b) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (c) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (d) the commercial establishment holds itself out as a retail tobacco specialty business and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; (e) any flavored electronic cigarette product is sold; or (f) the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. (Utah Code 10-8-§41.6)

163. "Salvage Yard" means a place where scrap, waste, discarded, or salvaged materials is brought, sold, exchanged, baled, packed, disassembled or handled, or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage, house wrecking, and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or yard, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

164. "School, Charter" means (i) an operating charter school; (ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Utah Code, Title 53G, Chapter 5, Part 3, Charter School Authorization; or (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. School, Charter does not include a therapeutic school.

165. "Self-Service Fuel Station" means a location where flammable or combustible liquids or gases are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such

establishment may offer the retail sale of convenience items. "Self-Service Fuel Station" specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair, lubrication, and engine tune-up. "Self Service Fuel Station" may be combined with "Vehicle and Equipment Repair, Minor" when the applicable zone allows both uses. Does not include "Truck Stop and Service Facilities."

166. "Self-Service Storage Facilities, Enclosed" means structures, commonly referred to as storage units, containing separate enclosed, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any self-storage enclosed storage facility: (1) Commercial, wholesale or retail sales, or miscellaneous or garage sales. (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment. (3) The operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar equipment. (4) The establishment of a transfer business. (5) Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

167. "Self-Service Storage Facilities, Outdoor" means the use of any lot, portion of a lot, or tract of land for outside storage of operative automobiles, trucks, recreational vehicles, boats, trailers, or non-motorized storage, containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. The following activities are prohibited within any self-storage outside storage facility: (1) Commercial, wholesale or retail sales, or miscellaneous or garage sales. (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment. (3) The establishment of a transfer business. (4) Junkyard or impound yard. (5) Storage of non-motorized storage may not exceed the height of the screened fence. (6) Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

168. "Sexually Oriented Business or Activity" means adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, or adult entertainment out-call services in the form of semi-nude dancing or exhibitions, adult motion picture theater, adult theater, seminude model studios, or sexual encounter establishments.

169. "Shared Mobility Device" means bicycles and motor-assisted scooters operated by a shared mobility device system.

170. "Shared Mobility Device System" means any transportation service that involves the commercial use of shared mobility devices by users, either concurrently or sequentially after one another.

171. "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.

172. "Short-Term Rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

173. "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.

174. "Ski Resort" means a ski area that also includes sales, rentals, and services of related equipment and accessories, eating places, residences, and hotels and motels.

175. "Solar Energy System, Accessory" means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

176. "Solar Energy System, Commercial" means a solar array meant for commercial production of energy.

177. "Solar Evaporation Pond for the Processing of Salt" means the recovery of minerals in solution through natural evaporation and subsequent harvesting.

178. "Storage – Hazardous Materials" means the storage of any item or chemical which is a health or physical hazard, or can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

179. "Storage Yard" means the location of goods, wares, merchandise, commodities, equipment, materials, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours when such storage is a primary characteristic of a permitted use or constitutes more than fifteen percent (15%) of the lot area. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. Storage yards shall be screened from public view by a minimum six-foot (6') high masonry fence and, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, additional screening of a height and material determined by the Planning Commission. For the purposes of this title, construction yards, lumber yards, and like uses are considered to be storage yards as regulated herein. Compare with the definition of "accessory outdoor storage".

180. "Sportsman's Kennel" means a kennel for the keeping of three to five dogs that has a valid permit from the department of animal services and is located on a lot of at least one acre.

181. "Stable, Private" means a detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire, or sale.

182. "Stable, Public" means a stable other than a private stable.

183. "Swap Meets And Flea Markets" means a market operating for the sale or exchange of merchandise at retail by many sellers within a drive-in theater or enclosed building. This does not include garage sales.

184. "Tavern" means the same as "Bar."

185. "Temporary Construction Office" means a temporary building or structure used as a construction office for a project located on the same site during its construction. A temporary construction office shall be removed from the property prior to the final certificate of occupancy being issued on the building or project.

186. "Temporary Sale, Farm Products" means a type of temporary use that is less than six hundred square feet and at least seventy five percent (75%) of the products sold are farm products or value-added farm products.

187. "Temporary Use" means any use that does not continue more than one hundred twenty (120) days out of the year.

188. "Temporary Use, Weekly or Weekly Temporary Use means any use occurs not more than two days a week and not more than one hundred twenty (120) days out of the year.

189. "Temporary Use, Inside" means a use on a property proposed to be established for a maximum period of)one hundred and twenty (120) days or use being discontinued after the expiration of one hundred and twenty (120) days and conducted in compliance with all the requirements of this title that is inside a permanent building.

190. "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 (see "Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations").

191. "Therapeutic School" means a residential group living facility: (a) for four or more individuals that are not related to the owner of the facility or the primary service provider of the facility; (b) that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and (c) that offers room and board, and an academic education integrated with (i) specialized structure and supervision or (ii) services or treatment related to a disability, emotional development, behavioral development, familial development, or social development. (Utah Code 62A-2-§101)

192. "Tiny Home" means a dwelling less than 400 square feet in size, not including loft space, that meets building code requirements and is on a permanent foundation. A tiny home is either a single-family dwelling or an accessory dwelling unit. A tiny home used as the primary residential use on a lot or parcel is a single-family dwelling for the purposes of this ordinance. A tiny home used as an accessory dwelling is subject to the same restrictions as any other accessory dwelling unit.

193. "Towing Services and Impound Lots" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard.

194. "Transitional Housing" means a building or facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization that provide free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. Transitional Housing Facilities do not include homeless shelters, dwelling units provided to a family for more than 30 days as part of a transitional housing program, or residential facilities for elderly persons or persons with disabilities.

195. "Transmission Line/Right of Way (Major)" means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages of 140,000 volts (140 kV), or greater or eight (8) inches in diameter and that provides electrical, gas, or petroleum products transmission and found by the City to conform to the General Plan, or has been considered by the Commission and Council and a General Plan amendment has been approved.

196. "Transmission Line/Right of Way (Minor)" means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages less than 140,000 volts (140 kV) or less than eight (8) inches in diameter and that provides electrical, gas, or petroleum products transmission and found by the City to conform to the General Plan, or has been considered by the Commission and Council and a General Plan amendment has been approved.

197. "Truck Stop and Service Facilities" means facilities intended to provide services to the trucking industry, including but not limited to, dispensing of fuel, servicing, repair, automated washes, and overnight parking. The facilities may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Such establishment may offer the retail sale of convenience items.

198. "Twin Home" means the same as "Dwelling, Two Family."

199. ""Value-added Farm Products" means any product processed by a Producer from a Farm Product.

200. "Vertical Indoor Agriculture" means growing crops in vertically stacked layers indoors, often incorporating controlled-environment agricultural techniques and soilless farming techniques such as hydroponics, aquaponics, or aeroponics.

201. "Vehicle Assembly" means a business where finished vehicle-related parts are put together to develop a final product.

202. "Vehicle and Equipment Repair, Commercial and Industrial" means the repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds as well as industrial or other heavy equipment. Typical uses include semi-trailer truck repair, and the repair of bulldozers, graders, dump trucks, cement mixers, and similar heavy industrial and construction equipment.

203. "Vehicle and Equipment Repair, Major" means an establishment primarily engaged in the major repair of motor vehicles or equipment. Typical uses include major auto repair such as the removal of engines and transmissions, rebuilding of engines and transmissions, repair of the internal components, repair or removal of differentials or axles, body work and paint. "Vehicle and Equipment Repair, Major" may also include uses that are often accessory to businesses engaged in the repair of vehicles such as offices, part sales, storage of merchandise, and vehicle storage when such vehicle storage is fully and adequately screened. "Vehicle and Equipment Repair, Major" does not include repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds, industrial or other heavy equipment, "vehicle assembly", "manufacturing use", auto dismantling or wrecking, salvage, "junkyards", or similar uses.

204. "Vehicle and Equipment Repair, Minor" means an establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings and may include the retail sale of fuels, lubricants, and other supplies for motor vehicles. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, auto detailing, generator and starter repairs, muffler and other minor underbody repair, frontend alignments, battery recharging, lubrication, and other similar repairs. Vehicle and Equipment Repair (Minor) also includes sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) does not include paint and body

shops, or other activities associated with Vehicle and Equipment Repair (Major), auto dismantling or wrecking, salvage, junkyards, and similar uses.

205. "Vehicle Rental" means a business primarily engaged in the rental of vehicles.

206. "Vehicle Sales and Service" means the use of any building, land area, or other premises for the display and sale or lease of more than three (3) new or used vehicles, and including outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair service conducted as an accessory use. "Vehicle Sales and Service" includes the sale or lease of new or used boats, cars, light trucks, motorcycles, off-road vehicles, camp trailers, recreational vehicles, motor homes, and utility or box trailers with a payload capacity of less than eight thousand five hundred (8,500) pounds. "Vehicle Sales and Service" does not include the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of over five thousand (5,000) pounds.

207. "Vehicle Sales and Service, Commercial Vehicles and Trailers" includes the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds. "Vehicle Sales and Service, Commercial Vehicles and Trailers" includes outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair services conducted as an accessory use.

208. "Vehicle Sales, Small Dealership" means a business specializing in the sale of a limited number of new and/or used vehicles, with no more than three (3) vehicles displayed outside at any one time and with no more than a total of eight (8) vehicles stored on-site at any given time and licensed as required by the State of Utah. A small dealership may be permitted as an accessory use to a related business on the same property and under the same ownership.

209. "Vested Critical Infrastructure Materials Operations" means critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the municipality that existed or was conducted or otherwise engaged in before:

    a. A political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations; and

    b. January 1, 2019.

210. "Warehouse and Distribution Facilities" means buildings used primarily for the inside storage and distribution of goods and materials, which include land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

211. "Water Pumping Plant and Reservoir" means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.

212. "Water Treatment Facility" means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

213. "Wind Energy System, Accessory" means a wind energy system that is accessory to the main use and is designed to power only the site on which it is constructed.

214. "Wind Energy System, Commercial" means a wind energy system consisting of one or more wind turbines for commercial generation.

Chapter 19.06: NONCONFORMITIES

19.06.010 - Continuation of Use.

The occupancy of a noncomplying structure or of a structure occupied by a nonconforming use, which existed at the time this Ordinance or any amendment thereto became effective, may be continued, provided that the use has not been abandoned or the structure left vacant, as provided in this chapter.

19.06.020 - Noncomplying Structure or Structure Occupied by a Nonconforming Use.

A. Maintenance Permitted.

A noncomplying structure may be maintained.

B. Repairs and Alterations Permitted.

1. Repairs and structural alterations may be made to a noncomplying structure or to a structure occupied by a nonconforming use.

2. Unless the new construction complies with this Ordinance, any remodel or structural alteration that requires the demolition of an outside wall of a noncomplying structure is only allowed upon approval by the Land Use Hearing Officer.

3. The Land Use Hearing Officer decision regarding applications for the removal and replacement of outside walls of a noncomplying structure shall be based upon the following criteria:

   a. The proposed change is in harmony with the purpose and intent of this Ordinance.

   b. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity.

C. Additions, Enlargements, Moving and Reconstruction at Another Location.

1. Additions, enlargements, relocations and/or tear down and replacements of a noncomplying structure or of a structure occupied by a nonconforming use that comply with the regulations and intent of this Ordinance shall be allowed.

2. Additions, enlargements, relocations and/or tear down and replacements of a noncomplying structure or structure occupied by a nonconforming use that do not comply with the regulations of this title may not be allowed, except as allowed by a permit authorized by the Land Use Hearing Officer, provided that the Land Use Hearing Officer finds:

   a. The proposed change is in harmony with the purpose and intent of this Ordinance.

   b. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity.

D. Restoration of Damaged Structure.

A noncomplying structure or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, and the damage is not the result of the intentional or reckless disregard of the owners or occupants, may be restored, and the occupancy or use of such structure or part thereof that existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year following damage or destruction, and the restoration is diligently prosecuted to completion.

19.06.030 - Structure Declared a Noncomplying Structure.

The owner of a structure in violation of the maximum height or minimum yard requirements of this Ordinance may file an application to have the structure declared noncomplying. The Director may approve the application when the evidence clearly establishes:

A. The structure has existed at its current location for at least 10 years, with the same size, height and setbacks.

B. The structure poses no threat to the health or safety of persons in or around the structure.

C. No enforcement action for the violation has been taken or initiated for five consecutive years during which the violation existed.

19.06.040 - Nonconforming Use.

A. Occupancy Within One Year.

A vacant structure may be occupied by the nonconforming use for which the structure was designed or intended if occupied within one year after the use became nonconforming.

B. Abandonment.

With the exception of dwellings, a structure or portion thereof occupied by a nonconforming use which is abandoned can only be occupied by a use that conforms to the zone in which it is located. If a nonconforming use has not applied to the premises for at least 60 consecutive days during any 12 month period, the use is deemed abandoned.

C. Expansion of Use Permitted.

The area occupied by a nonconforming use may be expanded to include up to the entire floor area of the existing structure in which it is conducted, not to exceed the floor area that existed at the time the use became nonconforming.

D. Change of Use.

1. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning Commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.

2. Any change of a nonconforming use to another nonconforming use is a conditional use and subject to the conditional use approval standards, except that the proposed nonconforming use need not conform to the adopted General Plan.

3. As part of the change of use, structures cannot be enlarged, removed, reconstructed or otherwise altered except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located.

4. As part of the change of use, the existing lot cannot be enlarged or modified except to create landscape, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking to provide a safer and more compatible facility.

E. Nonconforming Use of Land.

Subject to the limitations in this section, the nonconforming use of land may continue, provided that no such nonconforming use of land can in any way expand or extend either on the same or adjoining property.

Chapter 19.08: ENFORCEMENT

19.08.010 - Enforcement Authority.

The Director is charged with the enforcement of this Ordinance and may employ all legal means available to do so as set forth in Title 12 Code Enforcement and Community Preservation.

19.08.020 - Unlawful Use Prohibited.

A. No land, building or structure shall be developed, constructed, remodeled, restored, altered or used in violation of the provisions of this Ordinance or the zone in which such land, building or structure is located.

B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in the municipal code.

19.08.030 - Violation--Penalties and Remedies.

A. Violation of any provision of this title is punishable as a Class C misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, any other remedies provided by law, or any combination thereof.

B. For purposes of penalties and remedies set forth in this title, each day that a violation continues is a separate offense.

C. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

19.08.040 - Violation--Persons Liable.

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held jointly and severally responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

Chapter 19.10: PROCEDURES FOR ANALYZING TAKINGS CLAIMS

19.10.010 - Findings and Purpose.

The Council finds that:

A. Enactment of zoning and other land development regulations within the Magna Metro Township is necessary to protect the health, welfare and safety of the residents of the Magna Metro Township.

B. When an owner of private property claims that the enforcement of any municipal land use regulation constitutes an unconstitutional taking of private property, it is in the Magna Metro Township's best interests to have established procedures for obtaining relevant information for analyzing and resolving such claims.

19.10.020 - Takings Relief Petition.

A. <u>Takings Relief Petition.</u>

1. Any applicant may file a takings relief petition with the Director alleging that a final decision of the Director, Planning Commission, Land Use Hearing Officer, Mayor or Council on a land use application results in an unconstitutional taking of the applicant's private property.

2. A takings relief petition shall be filed no later than 30 calendar days from the final decision of the Director, Planning Commission, Land Use Hearing Officer, Mayor, or Council.

B. Information to Be Submitted with Takings Relief Petition.

1. The takings relief petition shall be submitted on a form prepared by the Director, and shall be accompanied at a minimum by the following information:

   a. The name of the petitioner;

   b. Sufficient facts to show that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah or the Fifth Amendment to the United States Constitution.

   c. The name and physical street address and mailing address of the current owner of the property; form of ownership (whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture, limited liability company, or other); and if owned by a corporation, partnership, joint venture, or limited liability company, the names and addresses of principal shareholders, partners, or members;

   d. The price paid and other terms of any sale of the property or any portion thereof, including the date of purchase, the name of the seller, and the relationship, if any, between the petitioner (owner or developer) and the party from whom the property was acquired;

   e. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;

   f. All appraisals of the property prepared for any purpose, include financing, offering for sale, or ad valorem taxation, within the three years prior to the date of the petition;

   g. The assessed value of and ad valorem taxes on the property for the three years prior to the date of the petition;

   h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance, term of the loan, and other significant provisions, including but not limited to, right of purchase to assume the loan;

   i. All listings of the property for sale or rent, price asked and offers received (if any), during the period of ownership or interest in the property;

   j. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;

   k. For income producing property, itemized income and expense statements from the property for the previous three years;

l. Evidence and documentation of improvements, investments, and expenditures for professional and other services related to the property made during the past three years;

m. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

n. Information describing all use(s) of the property during the five years prior to the petition.

2. The Director may request additional information reasonably necessary to arrive at a conclusion concerning whether there has been a taking.

C. Failure to Submit Information.

In the event that any of the required information from the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and the reasons why such information is unavailable.

19.10.030 - Procedures to Determine Takings Claims.

A. Preliminary Determination of Taking.

1. Within 30 days of the filing of a petition with all required information, the Council, in consultation with the Director and the Attorney, shall make a preliminary determination on the issue of whether a taking may have occurred.

2. If the Council makes a preliminary determination that a taking may have occurred, the Director and Attorney shall recommend whether a further hearing shall be formal or informal under the rules of procedure adopted by the Council for such hearings. The Council shall then:

a. Appoint a hearing officer,

b. Elect to conduct either formal or informal administrative proceedings, and

c. Proceed with a full review of the petition.

3. If the Council, upon consultation with the Director and the Attorney, determines that a taking has not occurred, the petition shall be denied and no hearing officer shall be appointed.

B. Appointment and Qualifications of Hearing Officer.

1. Within 30 days following a preliminary determination by the Council that a taking may have occurred, the Director shall contact the appointed hearing officer to review information by the petitioner. The hearing officer shall hold a public hearing to determine whether a taking has occurred, and make a recommendation to the Council concerning the petition.

2. The appointed hearing officer shall be licensed to practice law in the state of Utah. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest under the Utah Rules of Professional Conduct, in connection with the petitioner or petition at issue.

C. Notice of Public Hearing. Within ten days following appointment of the hearing officer, written notice of a public hearing shall be published and posted in accordance with the Utah Code 10-9a. The hearing shall be held within 30 days of the date of written notice unless a reasonable extension of time is agreed to by both the Director and petitioner.

D. Conduct of the Hearing.

1. Rules of Procedure. The hearing shall be conducted according to the requirements of the rules of procedure adopted by the Council for such hearings.

2. Burden of Proof. The petitioner shall have the burden of proving by a preponderance of the evidence that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking.

3. Municipality Response. The Magna Metro Township shall have the right to respond to any allegations provided by the petitioner and present evidence at the hearing.

E. Determining the Takings Issue. The hearing officer shall consider, among other items, the following information or evidence:

1. Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility of construction or development on the property as of the date of the petition, and in the reasonably near future;

2. Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and

3. Any evidence or testimony concerning the value or benefit to the petitioner of clustered development on other remaining contiguous property owned by the petitioner, and eligibility for such clustering as provided elsewhere in this title.

F. Findings of the Hearing Officer. On the basis of the evidence and testimony presented, the hearing officer shall make the following specific findings as part of his/her report and recommendations to the Council:

1. Whether the petitioner has provided the required information for a takings relief petition;

2. Whether the petitioner has a protectable interest in the property that is the subject of the petition;

3. The market value of the property under the existing zoning regulation;

4. The market value of the property under the proposed use;

5. Whether there are other economically viable uses that may be made of the property;

6. The market value of, or benefit accruing from eligible clustered development on other remaining contiguous property owned by the petitioner;

7. Whether it was feasible to undertake construction on, or development of, the property as of the date of the application, or in the reasonably near future thereafter;

8. Whether the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation.

G. Report and Recommendations of the Hearing Officer.

1. The hearing officer shall prepare a report and recommendation which shall be submitted to the Council and mailed to the petitioner within 30 days following the conclusion of the public hearing.

2. If the hearing officer finds that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation, the matter shall be remanded to the Council with recommendations concerning relief that might be appropriate. In making such recommendations, the hearing officer shall consider, among other remedies:

   a. Approval of development on some portion of the property;

   b. A rezoning of the property to a more appropriate classification, approval of an alternative development plan, modification or waiver of normally applicable development standards, or other appropriate land-use regulatory action;

   c. An opportunity to cluster development. Recommendations for clustering within the boundaries of the subject property owned by the petitioner shall require a written finding by the hearing officer that such clustering and the resulting increase in development density will be compatible with existing developments and land use patterns on properties surrounding the subject property. For purposes of such "compatibility" finding, the hearing officer shall compare the petitioner's proposed development, incorporating the increased transfer density with existing development on surrounding properties, and take into consideration the following factors:

      i. Architectural character;

      ii. Building size, height, bulk, mass, and scale;

      iii. Building orientation;

      iv. Privacy considerations in terms of privacy for prospective residents within the petitioner's development and in terms of privacy protection for adjoining land uses;

      v. Building materials;

      vi. Building color; and

      vii. When applicable, operations of the petitioner's development project, including but not limited to hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.

d. A waiver of permit fees; or

e. Acquisition of all or a portion of the property at market value.

H. Council Review and Consideration.

1. Within 60 days following receipt of the hearing officer's report, the Council shall review the report and recommendations and approve or deny the takings relief petition.

   a. The Council may extend the period for final determination upon a finding that due to the size and complexity of the development or proposal and similar factors, additional review time is necessary.

2. The Council may hold a public hearing and provide notice as set forth in Utah Code 10-9a. Only new testimony and evidence shall be presented at any such public hearing.

3. The Council may adopt any legally available incentive or measure reasonably necessary to offset the taking and may condition such incentives upon approval of specific development or site plans.

4. The decision of the Council does not become final until it adopts a resolution approving or denying the petition and specifying any relief it may deem appropriate.

I. Time Limits/Transferal of Relief or Incentives. Any relief or incentives adopted by the Council pursuant to this chapter may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the relief incentives be valid after the expiration date of a specific development approval.

Chapter 19.12: ADMINISTRATIVE BODIES POWERS AND DUTIES

19.12.010 - Purpose

The purpose of this chapter is to outline the specific powers and duties of the different boards, commissions and officials having administrative, legislative, or quasi-judicial roles set forth in this Ordinance.

19.12.020 - Council

The Council has the authority to enact and amend land use ordinances and to enact and amend a zoning map for the Municipality.

19.12.030 - Planning Commission

A. Appointment—Term.

1. The Planning Commission shall consist of seven members and up to two alternate members, each of whom shall reside in the municipality. Members and alternate members shall be appointed by the mayor with the advice and consent of the Council.
2. Terms shall commence on March 1st of each year. Members shall serve three-year terms or longer until successors are appointed. Terms shall be staggered so that the terms of at least two members, and not more than three, expire each year.
3. If a member's term expires before a successor is appointed, the member shall continue to serve until a successor is appointed.
4. Members and alternate members may be reappointed for additional three-year terms by the mayor with the advice and consent of the Council .

B. Vacancy—Removal.

1. Any vacancy occurring on the planning commission by reason of death, resignation, removal or disqualification shall be filled by the Council for the unexpired term of such member.
2. The mayor, with the advice and consent of the Council, may remove a member of the planning commission for cause after filing written charges against the member. The member will be provided with a hearing on the charges if requested by the member being removed.

C. Organization—Procedures.

1. The planning commission shall elect a chairperson from its members who shall serve a one-year term. The chairperson is a voting member.
2. The planning commission shall elect a vice chairperson from its members who shall serve a one-year term. The vice chairperson is the designated chair pro-tempore and a voting member.
3. The planning commission may create and fill any other necessary offices it deems necessary and may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purpose the planning commission considers necessary for its proper function.
4. A minimum of four (4) full and/or alternate members in attendance at the meeting is required to constitute a quorum.
5. The minimum number of "yes" votes necessary to carry an action of the commission shall be a majority of the members of the quorum in attendance but shall never be less than four (4).
6. Alternate members shall be designated to sit as voting members of the commission at any time one or more regular members are absent from the meeting. The designation of the alternate member to voting status shall be made by the chairman at the commencement of the meeting in accordance with the seniority of the alternate members in attendance at the time, and any alternate so designated shall serve as a voting member until the conclusion of the meeting.

D. Powers and duties.

The planning commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the council;
2. Prepare and recommend zoning ordinances and maps and amendments to zoning ordinances and maps to the council;
3. Prepare and recommend subdivision ordinances and amendments to those ordinances to the council;
4. Prepare and recommend condominium ordinances and amendments to those ordinances to the council;
5. Review subdivision plats as set forth in Title 18 Subdivisions;
6. Approve or deny condominium plans and plats;
7. Approve or deny conditional use permits;
8. Advise the council on matters that the council directs;
9. To make, at the request of the Director, an interpretation of the zone map regarding the location of zone boundary lines;
10. To decide, at the request of the Director, the meaning of disputed terms or phrases within the text of the zoning regulations; and
11. Provide other functions as specified in this chapter or as directed by the council.

E. Effect on present members.

Nothing in this chapter shall be construed to affect the eligibility or qualifications to serve of any of the present members of the planning commission whose terms have not expired or to affect their eligibility for reappointment.

19.12.040 - Land Use Hearing Officer

A. Creation.

1. The position of land use hearing officer is created pursuant to the enabling authority granted by the Land Use, Development, and Management Act, section 10-9a-701 of the Utah Code Annotated.
2. The land use hearing officer shall be an administrative law judge appointed as provided in the Municipal Code.

B. Procedures.

1. The land use hearing officer may administer oaths and compel the attendance of witnesses.
2. Hearings the land use hearing officer holds on appeals of a land use decision are not subject to Chapter 4, Title 52, Utah Code, Open and Public Meetings Act.
    a. The land use hearing officer shall:
        i. Keep minutes of all proceedings;

ii. Keep records of all examinations and other official actions; and

iii. File all records in the office of Planning and Development Services. All such records are public records.

3. Decisions of the land use hearing officer become effective immediately following the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

C. Powers and duties.

The land use hearing officer shall:

1. Act as the appeal authority for zoning decisions applying this title as provided in Section 19.16.020 and for decisions by a planning commission;

2. Hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.20.020.B.3;

3. Hear and decide variances from the terms of the zoning ordinance as set forth in Section 19.20.010;

4. Hear and decide applications for the expansion or modification of nonconforming uses; and

5. To make, upon appeal, an interpretation of the zone map regarding the location of zone boundary lines or decide the meaning of disputed terms or phrases within the text of the zoning regulations.

19.12.050 - Director

The Director has the following powers:

A. To make an interpretation of the zoning map regarding the location of zone boundary lines, or decide the meaning of disputed terms or phrases within the text or the zoning regulations. The Director, at his or her discretion, may defer interpretations of the zoning map or the meaning of disputed terms or phrases within the text of the zoning regulations to the Planning Commission;

B. To make administrative determinations as to the classification of uses not specifically listed in this Ordinance subject to appeal to the Planning Commission. Administrative determinations shall be based upon a comparison of the nature and characteristics of the proposed use with those uses specifically authorized in the intended zone;

C. To review and make decisions on conditional use amendments as set forth in 19.16.040.G.1;

D. To review and make decisions on occupancy permits;

E. To receive and forward applications for zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews required by this Ordinance to the appropriate board, commission or official;

F. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews;

G. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, to order corrective action;

H. To administer application review procedures as set forth in chapter 19.16; and

I. To review and make decisions on special exceptions, waivers, or modifications as specified in this Ordinance.

Chapter 19.14: ZONES, ZONING MAP, AND BOUNDARIES

9.14.010 - Zones Established.

For the purpose of this title, the Magna Metro Township is divided into classes of zones, as follows:

R-1-3	Single family residential zone
R-1-4	Single family residential zone
R-1-5	Single family residential zone
R-1-6	Single family residential zone
R-1-7	Single family residential zone
R-1-8	Single family residential zone

R-1-10	Single family residential zone
R-1-21	Single family residential zone
R-2-6.5	Medium density residential zone
R-4-8.5	Medium density residential zone
R-M	High density residential zone
RMH	Mobile home residential zone
A-1	Agricultural zone
A-20	Agricultural zone
DH	Downtown Historic zone
NMU	Neighborhood Mixed Use zone
CMU	Corridor Mixed Use zone
C-1	Commercial zone
C-V	Commercial zone
C-2	Commercial zone
C-3	Commercial zone
M-1	Manufacturing zone - flex
M-2	Manufacturing zone - heavy
P-C	Planned Community zone
P-R	Parks and Recreation zone
OS	Natural Open Space Zone
AOZ	Airport Overlay Zone

19.14.020 - Zoning Maps.

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

19.14.030 - Filing of This Title and Zoning Maps.

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

19.14.040 - Boundary Location Rules.

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

A. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;

B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone;

C. If the application of the above rules does not clarify the zone boundary location, the land use hearing officer shall interpret the map.

19.14.050 - Zoning of Annexed Areas.

Properties that are annexed into the Magna Metro Township shall be given a zoning designation by action of the Council at the time of annexation. The Council shall be guided by the general plan and by the criteria set forth in Table 19.16-2 in zoning the subject property. Annexations of multiple parcels may result in more than one zone applying to the annexation area; however, except in the case of overlay zones, only one zone may apply to each parcel.

Chapter 19.16: LAND USE PROCESSES AND PROCEDURES

19.16.010 - Purpose

The purpose of this chapter is to delineate the procedures, requirements and approval standards that apply to land use and zoning applications and approvals. Table 19.16.010 provides an illustrative summary of the administrative and legislative decision processes in Title 19. If there are any inconsistencies between this table and the other provisions of this Title, the other provisions of the Title govern.

Table 19.16.010: Legislative and Administrative Decision Processes.					
REFERENCE TABLE: APPLICATIONS & APPROVALS	**ZONING TEXT AND MAP AMENDMENTS AND OTHER LEGISLATIVE ACTS**	**PERMITTED USE**	**CONDITIONAL USE**	**VARIANCES**	**SPECIAL EXCEPTIONS**
APPLICATION INITIATION	Property owner, person authorized in writing by the property owner, Council or Planning Staff	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner
NOTICE[1]	In accordance with Utah Code 10-9a	Not required	In accordance with Utah Code 10-9a	In accordance with Utah Code 10-9a	In accordance with Utah Code 10-9a[2]
RECOMMENDATION	Planning Commission, public input	Public agency review	Public input, Public agency review	Public input	Public input
FINAL DECISION	Council	Director or designee	Planning Commission	Land use hearing officer	Land use hearing officer, Planning Commission, or Director (dependent on application type)
APPEAL BODY	3rd District Court	Land use hearing officer	Land use hearing officer	3rd District Court	3rd District Court

TABLE 19.16-1: FOOTNOTES

[1] When required, notices shall be mailed 10 days prior to the meeting to property owners within 300 feet of the subject property's boundary.

[2] Not required for exceptions approved by the Director.

19.16.020 - General Administrative Procedures

The Director is the administrator of the Zoning Ordinance with power to review and make decisions on zoning ordinance interpretations. The authority and responsibility of the Director shall include the following:

A. Review of Development Plans. The Director shall establish development plan review processes to ensure that proposed land uses and development plans comply with the provisions of this Ordinance

and protect the public health, safety, and general welfare. At the discretion of the Director or Designee, review of permit or license applications may be conducted without submittal of a land use application if compliance can be ascertained based on the permit or license application documents.

B. Interpretation of Permitted and Conditional Uses – Administrative Determination. The Director shall determine whether proposed uses of property are consistent with the permitted and conditional uses within each zone. The procedure to request the Director's determination shall be as follows:

1. Written Request. A written request for a determination shall be filed with the Director or Designee, which shall include a detailed description of the proposed use and such other information as the Director may require.

2. Investigation. The Director shall undertake such investigations as deemed necessary to compare the proposed use with those uses specifically listed in this title, and to make a determination of the proper classification.

3. Determination. Within 30 days of the filing of a written request, the Director shall prepare a written determination, which shall be provided to the applicant. The determination shall state the zone classification in which the proposed use will be permitted as well as the basis for finding that such use is of the same character as uses allowed in that zone classification. The determination and all information related thereto shall become a permanent public record in the office of the Director.

4. Effect. The use as specified in the determination of the Director shall thereafter become a permitted or conditional use in the class of zone specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

5. Appeal. The Director's determination may be appealed to the Land use hearing officer. Such appeal shall be filed in writing within 10 days after written notification to the applicant of the Director's determination.

19.16.030 - Land Use Applications

A. Applications. A property owner, or other person expressly authorized in writing by the property owner, may file for a land use permit. All land use applications for permitted or conditional uses shall be filed with the Director or Designee. Applications shall contain:

1. An application form provided by Planning and Development Services, which form may be via online submitting software.

2. Property identification documents such as a legal description, plat map, and if applicable, site survey. This is not required for text amendments.

3. Plans and other documents as necessary to evaluate the proposed application for compliance with applicable codes, including a site plan (*see* Subsection 19.16.030.B), building elevations, preliminary landscape and amenities plans, preliminary grading/drainage plan, and any other pertinent documents.

4. Applications are subject to the Completeness Review process outlined in 19.16.030.C. An application is considered as having been accepted only when deemed a complete application and

the applicable application fees have been paid.

B. Plans.

1. Site Plan. A detailed site plan is required as part of all applications for land use or development approval, including conditional uses, permitted uses, variances, special exceptions, site development plans for the Foothills and Canyons Overlay Zone, and building permits. The Director may specify the number of plans required and the medium (electronic, paper, etc.) in which site plans may be submitted. The site plan shall show:

   a. Scale.

   b. Direction of North point.

   c. Lot lines and adjacent streets, roads and rights-of-way.

   d. Location of all existing structures on subject property and adjoining properties, completely dimensioned, including utility lines, poles, etc.

   e. Location and building elevations of any proposed construction and improvements, including the location of all signs.

   f. Vehicle access, including circulation patterns and the location of individual parking stalls, curbs, gutters, and sidewalks.

   g. Any necessary explanatory notes, including calculations of lot coverage, parking ratios, gross floor area of buildings, easements, floodplains, topography, rights of way and other notes necessary to evaluate for compliance with all applicable land use requirements.

   h. Name, address and telephone number of builder and owner.

   i. Any other information required by the Director or indicated on the application form.

2. Building Elevations. Building elevations, when required, shall show:

   a. Note of scale used.

   b. Orientation of each elevation, including distance to nearest property line

   c. Explanatory notes describing building, cladding and trim materials.

   d. Original and finished grade at all points along each elevation of the building.

   e. A building envelope that describes that maximum buildable height of all elevations as measured from original grade.

   f. Finished floor elevations of all levels of a building including, but not limited to, basements, garages, patios, and decks.

   g. Top of footing elevations at each corner of the building.

   h. Total height of building, as measured from original ground surface to the highest point of the coping i. of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs.

j. Necessary explanatory notes to address any requirements particular to the zone in which the property is located.

k. All other information that may be required, as determined by the Director or indicated on the application form.

C. Preliminary Landscape Plan. Preliminary landscape plans, when required, shall show:

1 Note of scale used, north arrow and preparation date.

2. Project name and address.

3. General landscape design intent statement including the general character and location of proposed landscaping and open areas.

4. A legend showing all plant types and sizes, symbols, line types, hatching and abbreviations used in the plan set.

5. Site boundary, property lines, and any construction phasing lines.

6. All existing significant vegetation, including an indication of what is proposed to be removed.

7. All existing and proposed structures.

8. All proposed softscape and hardscape areas.

9. A tabulation of the total project area, landscaped area, impervious areas, building coverage areas and building coverage percentage.

10. Detailed landscape improvements with planting symbols clearly drawn to indicate each plant.

11. The name and contact information of the landscape design professional who prepared the plan.

12. Other plans and documents. Other plans and documents may be required in order to verify compliance with this Title or other applicable codes, ordinances, statutes and regulations.

D. Completeness Review.

1. Upon receipt of an application request and associated documents, the Director or Designee shall review the application to determine whether:

a. Complete and accurate plans have been submitted,

b. The application itself contains complete information regarding the property, applicant, proposed land use,

c. All prerequisite conditions for the specific land use have been addressed, and,

d. The property owner or authorized agent has authorized the submittal of the application.

2. If the application is determined to be incomplete, the Director or Designee shall notify the applicant in writing within 14 days:

a. That the application is incomplete, and

b. The specific components of the application deemed insufficient.

3. Upon notice being given, an application deemed incomplete shall be terminated after 60 days if the necessary components to complete the application have not been submitted.

4. If the application is determined to be complete, the Director or Designee shall authorize the payment of the applicable application fees.

5. At any time during the Completeness Review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or Designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of review process, the Director or Designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.

E. Application Review. The application review process may include:

1. The creation of a planning file for reference by the applicant, staff and the public.

2. An on-site review by the Director or Designee as allowed in Utah Code 10-9a-303.

3. Review of the submitted site plan and elevations for compliance with the Ordinances in effect on the date that the applicant submitted a complete application.

4. Referral of the application and site plans to those government agencies and affected entities authorized to protect the health, safety and welfare of the public and to ensure the project's compliance with this Ordinance and all other applicable ordinances and codes.

5. Referral of the application for conditional uses to the appropriate decision-making body as set forth in section 19.16.040.

6. An action letter informing the applicant as to whether the application has been approved, approved with conditions, denied, or tabled pending the submittal of additional information or amended plans.

19.16.040 - Conditional Uses

A. Initiation

1. A property owner, or other person expressly authorized in writing by the property owner, may file for a conditional use permit for that property. In addition to the request for land use approval, a conditional use application may include a request for land development plan approval.

2. The Planning Commission is the land use authority and shall take formal action on requests for conditional use permits. When a land development plan is submitted in conjunction with a conditional use application, the land development plan shall be included in the materials presented to the planning commission. In rendering an approval, conditions of approval may be imposed by the planning commission that necessitate changes to the land development plan.

3. As administrator of the zoning ordinance, the Director is responsible to ensure the land development plan not only complies with the applicable codes and ordinances, but also complies to the conditions of approval imposed by the planning commission. If, during the course of land

development plan review, the Director finds changes are made to the site plan not in harmony with the conditions imposed by the planning commission, the Director may, at their discretion, refer the land development plan to the planning commission for review.

B. Land Use Approval

1. Approval Process

   a. The Planning Commission shall consider applications for a conditional use permit in a public meeting and shall make a decision on the proposed conditional use, evaluating the application in accordance with the standards in subsection D below.

   b. The Planning Commission shall take action in the form of approval, modified approval or denial on applications for conditional uses. Unless otherwise designated, a decision by the Planning Commission approving a conditional use application authorizes the Director to proceed with approval of the land development plan.

   c. The Planning Commission shall take action on a complete conditional use permit application within a reasonable time frame, not to exceed 90 days from the date the application was first heard by the Planning Commission unless a further extension of time is requested by the applicant.

   d. Failure by the applicant to provide information that has been requested by the Planning Commission or the Director to resolve conflicts with the standards in Subsection D may result in an application being denied.

2. The Director, under authority of the Planning Commission, shall grant final approval of conditional use permit applications after all of the conditions and requirements of the preliminary approval have been met. Applications with a land development plan element may not receive final conditional use approval until the land development plan has been approved by the Director. As a condition of preliminary approval, the Planning Commission may require that final land development plan be brought before the Planning Commission for final approval.

   a. Final approval of a conditional use permit application is in the form of a letter to the applicant, which, together with the approved land development plan if required, constitutes the conditional use permit. Final approval may not modify or invalidate any of the conditions or terms imposed by the Planning Commission.

C. Approval Standards

The Planning Commission shall review the site plan and other information submitted to evaluate the impacts of the proposed conditional use. The Planning Commission may impose conditions to mitigate the reasonably anticipated detrimental impacts of the proposed use. A conditional use permit shall be approved unless the imposition of conditions cannot mitigate reasonably anticipated detrimental effects in accordance with the following standards:

1. The proposed site development plan complies with all applicable provisions of the zoning ordinance, including specific use standards, parking, building setbacks, and building height.

2. The proposed use and site development plan complies with all other applicable laws and

ordinances.

3. The proposed use and site development plan does not present a serious traffic hazard or create anticipated traffic increases on the nearby road system which exceeds the amounts called for under the adopted transportation engineering standards.

4. The proposed use and site development plan do not pose a serious threat to the safety of occupants or 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.

5. The proposed use and site development plan do not adversely impact properties in the vicinity of the site through lack of compatibility with adopted community general plan standards.

D. Rules for Approved Conditional Uses

The following general rules apply to all approved conditional uses:

1. Approval of a conditional use authorizes only the particular use for which the conditional use is issued.

2. No use authorized by a conditional use may be enlarged, extended or relocated, unless an application is made for approval of a new conditional use in accordance with the procedures set forth in this section.

3. Development of the property may not commence until the applicant has secured all the permits and approvals required by municipal ordinances and any permits required by regional, state, and federal agencies.

E. Expiration and Extension of Time

1. A conditional use expires 12 months from the date of final approval by the Director, unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period in compliance with all required conditions and this Ordinance.

2. One 12-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee. Such extension shall be filed before the end of the initial 12-month period.

F. Revocation of Conditional Use

1. The Planning Commission may revoke a conditional use permit upon a finding of failure to comply with the terms and conditions of the original approval or for any violation of this Ordinance or other applicable law.

2. The Planning Commission shall hold a public hearing prior to taking action on revocation. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee and affected entities at least 10 days prior to the hearing.

G. Amendments to Conditional Uses. Applications may be submitted for amendments to previously approved conditional uses or to sites for which conditional uses have been approved. Applications for

amendment will be reviewed and approved in harmony with the provisions of subsection D above but shall be evaluated for the anticipated impacts that will result from the specific amendment being requested. Approval authority for conditional use amendments is as follows:

1. Director Approval. The Director has the authority to approve the following conditional use amendments:

    a. Changes of use from one conditional use to another, if no site modifications are proposed or required, and if no significant additional impact will result.

    b. Amendments to the site plan that do not involve changing the land use and that also meet the following criteria:

        i. The building footprint is not increased by more than 20%.

        ii. The site acreage is not increased.

        iii. No dwelling units are being added.

        iv. No significant additional impact will result.

    c. Amendments to the conditions of approval imposed upon a conditional use that the Director previously approved if the proposed change in conditions is the result of a clear change in the circumstances of the property, and the change is in harmony with subsection D above.

    d. Approval of a use that is listed as a conditional use in the zone, but which is clearly accessory to another land use on the property, and no significant additional impact will result.

2. Planning Commission Approval. The Planning Commission has the authority to approve:

    a. All other amendments to conditional uses, and

    b. Amendments that may meet the criteria for Director approval outlined above, but for which the Director determines the public interest is better served by referring the application to the Planning Commission.

H. Appeals. Appeals may be made to the Land use hearing officer within 10 days of the date of the decision of the Planning Commission or Director, as applicable.

19.16.050 - Withdrawal of Application

A. An applicant may withdraw an application at any time prior to the final decision on the application, including any time during which the application has been tabled.

B. An applicant may request a refund of fees at the time the application is withdrawn. The Director shall consider the amount of work performed by Staff on the application when determining whether or to what extent fees may be refunded. Fees associated with a public meeting or hearing may not be refunded if the item has been heard at a public meeting or hearing.

C. A notice of withdrawal of an application and a request for refund of fees shall be in writing and submitted to the Director.

19.16.060 - Performance Bonds

A. Any required improvements such as curb, gutter and sidewalk, fences, and landscaping shall be satisfactorily installed prior to the municipality authorizing final electrical service or, if no electrical service is required, prior to issuance of any occupancy permit.

B. In lieu of completing such improvements, the developer may file a cash bond, escrow agreement, or letter of credit with Planning and Development Services, in an amount sufficient to ensure completion of improvements within one year.

1. 10% of a bond amount for public improvements shall extend for a one year period beyond the date the improvements are completed to guarantee replacement of any defective public improvements.

2. 10% of a bond amount for live plants shall extend for a one year period beyond the date of planting to guarantee replacement of diseased or dead plants.

3. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer may call for inspections of the improvements by the Director.

C. Whenever necessary in order to protect the health, safety and welfare of county residents from traffic, flood, drainage or other hazards, the Mayor may require as part of bond approval that improvements be completed in a specified sequence and in less than one year. Such requirements shall be incorporated into the bond.

D. Bonds will be processed and released in accordance with the procedures set forth in chapter 3.56 of the Municipal Code.

E. When the developer is a school district, municipality, service area, special-purpose district or other political subdivision of the State, the Mayor may waive the bond and accept in lieu thereof a letter from the governing body guaranteeing installation of the improvements. Before approving any such waiver, the Mayor shall receive a recommendation from the Director.

19.16.070 - Occupancy Permits

A. A permit of occupancy is required prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or if any vacant land is hereafter proposed to be occupied or used for anything other than permitted agricultural uses.

B. The permit of occupancy shall be issued by the chief building inspector and the Director if the use and/or building or premises conforms to the provisions of this title and related ordinances.

C. A permit of occupancy shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use.

D. Upon written request from the owner, a permit of occupancy shall also be issued covering any lawful use of a building or premises existing on the effective date of this Ordinance, including nonconforming buildings and uses.

19.16.080 - Zoning Map and Text Amendments

A. Initiation. A zoning text or map amendment may be initiated by the Council, the Planning Commission, the Director, a property owner(s) in the municipality, or a person authorized in writing by the property owner(s).

B. Authority. The Council shall take formal action on requests for zoning map or text amendments

after receiving a recommendation from the Planning Commission.

C. Procedure.

1. Filing of Application.

   a. All zoning map or text amendment applications shall be filed with the Director or Designee in accordance with the requirements of Chapter 19.14. The Director or Designee shall forward the application to the Planning Commission for further review and recommendation no later than 90 days from the date the application is deemed complete.

   b. Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification, or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application unless the council finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period.

2. Notice.

   The Director or designee shall provide notice of proposed zoning map or text amendments in accordance with Utah Code Section 10-9a-205. An "adjacent property owner" under this section of State law is an owner of property located within three hundred (300') feet of land that is directly affected by the land use ordinance change.

3. Action by Planning Commission**.**

   a. The Planning Commission shall consider a proposed zoning map or text amendment in a public hearing.

   b. After the close of the public hearing, the Planning Commission may evaluate the application against the applicable standards in subsection D below and shall make a recommendation to the Council for approval, modified approval, or denial.

4. Action by Council.

   a. The Council shall consider the application within forty-five (45) days of receiving a recommendation from the Planning Commission.

   b. After considering the recommendation of the Planning Commission at a public meeting, the Council may approve, deny, alter, or remand for further review and consideration any application.

D. Approval Standards. The Planning Commission recommendation and the Council decision on any zoning text or map amendment are matters of legislative discretion. In making a recommendation and decision, the Planning Commission and the Council, respectively, may consider one or more of the factors in Table 19.16.080.

TABLE 19.16.080: GUIDELINES FOR CONSIDERING ZONING MAP & TEXT AMENDMENTS		
FACTORS	**MAP AMEND-MENTS**	**TEXT AMEND-MENTS**
1. The proposed amendment is compatible with the Adopted General Plan.	X	X
2. The proposed amendment promotes the public health, safety and welfare.	X	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X	
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X	X
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X	X
6. The proposed amendment benefits the citizens of the Municipality as a whole.	X	X
7. The proposed amendment does not create a significant number of nonconformities.	X	X
8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X	

F. Appeals. Any person adversely affected by a zoning map or text amendment decision of the Council may appeal the decision to the 3rd District Court of Salt Lake County as provided for in Section 10-9a-801 of the Utah Code, as amended.

Chapter 19.18: PLANNED UNIT DEVELOPMENTS

19.18.010 - Purpose.

The purpose of a planned unit development (PUD) is:

A. To provide a high-quality living and/or working environment, to utilize and incorporate natural features in the land development design, and to provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.

B. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development.

C. To provide developments, including mixed use areas where feasible, that are compatible with existing nearby land uses and harmonious to the community.

D. To ensure compliance with the intent of this chapter related to the public health, safety and general welfare, while securing the efficient use of the land for residential, commercial, and mixed use development.

19.18.020 – Applicability and Area Requirements.

A planned unit development ("PUD") may allow for any combination of residential, commercial, and mixed uses allowed in the underlying zone in which a PUD is proposed. The development requirements section of this Chapter (19.18.030) shall govern if conflicts exist between this chapter and other development and specific use standards of this title. The following categories of planned unit development may be reviewed and approved consistent with section 19.18.030 through 19.18.070, as well as with all other applicable standards and codes not specifically addressed by this chapter:

A. Condominium Conversion PUD

Condominium Conversion PUDs are existing condominium developments that cannot be sold or refinanced without the common area adjoining the units in the development being divided up into individual lots that include the existing homes, and if these newly created lots would not qualify as traditional subdivision lots under municipal ordinance. In such cases, the newly created lots may be approved as a planned unit development. Condominium Conversions are exempt from the Development Requirements of this chapter but shall comply with Section 19.18.060 relating to review and approval of the development.

B. Infill Development PUD

Infill Development PUDs are residential planned unit developments in or adjacent to existing residential neighborhoods. The minimum area for an Infill Development is one-half (1/2) acre and the maximum area is three (3) acres.

C. Residential Neighborhood PUD

Residential Neighborhood PUDs are residential planned unit developments with a minimum area of three (3) acres and a maximum area of twenty (20) acres.

D. Residential Community PUD

Residential Community PUDs are residential planned unit developments with an area of over twenty (20) acres.

E. Mixed Use PUD

Mixed Use PUDs are developments containing both residential land use and non-residential land use within the same integrated plan. The residential and commercial land uses shall be within the same building unless demonstrated that all buildings in the proposed development plan are integrated into

a shared campus of common areas and amenities. The minimum area for a Mixed-Use PUD is one (1) acre.

F. Commercial PUD

Commercial PUDs are developments containing non-residential land uses within an integrated plan. The minimum area for a commercial PUD is one (1) acre.

19.18.030 – Development Standards.

A. The following standards apply to the PUD categories listed in the heading for each standard. Any PUD for which a specific standard below does not apply shall comply with the applicable equivalent standard in this title. The various categories of PUD shall be abbreviated as follows:

Standards applicable to all categories of PUD – (**All**)

Standards applicable to a Condominium Conversion PUD – (**CC**)

Standards applicable to an Infill Development PUD – (**ID**)

Standards applicable to a Residential Neighborhood PUD – (**RN**)

Standards applicable to a Residential Community PUD – (**RC**)

Standards applicable to a Mixed-Use PUD – (**MU**)

Standards applicable to a Commercial PUD – (**C**)

B. Ownership (**All**). The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

C. Open Space (**ID**, **RN, RC**). Open space shall be provided and shall cover no less than forty percent of the gross site area. For purposes of this chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right-of-way. Open space shall be provided as follows:

1. Except for infill development, common open space shall be provided in the amount of at least twenty percent of the gross site area. Infill development shall include forty percent (40%) open space but is not required to include common open space.

2. The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with thirty percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

3. Private open space is that space which is provided for each dwelling unit for personal use. Private open space is typically located immediately adjacent to or attached to the dwelling unit it is designed to serve and is for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units are considered private open space and are not to be calculated as part of required common open space.

4. The planning commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this chapter.

D. Interior Streets (**RN, RC, MU**). The design of public and private streets within a development shall follow standards for roadway development adopted by the municipality. Private streets shall be subject to the same inspections and construction standards as required for public streets. The municipality shall be granted a utility easement for the entire interior street system in a development project. All private streets shall be conveyed to a private association.

E. Garbage and Recycling (**All**). The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than ten feet to any perimeter property line. Enclosure structures shall have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

F. Parking (**ALL**). Parking shall comply with Chapter 19.48 of this Title. In addition, the following minimum standards shall apply to covered parking:

1. Garages are encouraged.

   a. Garage parking, if used, shall have a minimum unobstructed size of twenty-two feet wide by twenty feet in length, or twenty feet wide by twenty-two feet in length. Single-car garages are also permitted and shall have a minimum unobstructed size of ten feet wide by twenty-two feet in length, or eleven feet wide by twenty feet in length.

   b. Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.

   c. Tandem spaces may be allowed with a minimum size requirement of twenty feet long by nine feet wide per parking space, up to a maximum of two contiguous spaces per unit.

2. Underground parking. Installation of underground parking adequate to meet fifty percent of the parking requirements of this section excluding guest parking, shall receive up to a twenty percent density bonus for the planned unit development.

G. Building Materials (**ID**, **RC, RN, MU, C**). Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to exceed fifty percent on street-facing facades. Other materials may be considered for soffits, or as an accent or

architectural feature. Twenty-five year guarantee architectural shingles and/or other longer lasting roof materials are required.

H. Landscaping on Public Right-of-Way (**All**). Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per Chapter 19.50, and approved by the planning commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per Chapter 19.50. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per Chapter 19.50 with a five-foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per Chapter 19.50.

I. Fencing (**ID**, **RN, RC**). Unless otherwise allowed by the planning commission, exterior fencing along a public right-of-way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of five feet from the property line to allow for a landscaping buffer designed in accordance with Chapter 19.50 to soften long expanses of walls. Interior fencing shall comply with Section 19.18.030.L.6. A lot or unit with primary access from a public right of way is not subject to the fencing requirements for the front yard of that lot or unit.

J. Interior Street Lights (**RN, RC**). With the exception of Forestry Zones, street and pedestrian lighting for streets on the interior of the PUD is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum average foot-candles for local residential roads (thirty-five feet maximum) shall be 0.3, and shall be 0.5 for residential collector roads (thirty-six feet—forty-five feet).

K. Signage (**RN, RC, MU**). Only low profile signs with a maximum size of fifty square feet, and five feet in height are allowed. No temporary signs are allowed other than for sale or rent signs with a maximum of six square feet in area per side. Only three such signs are allowed per three hundred feet of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and, except as provided in this chapter, shall be consistent with the characteristics of the community and Chapter 19.52, Signs.

L. Site Plan (**See Below**). All developments shall be guided by a total design plan in which the following development standards may be varied to allow density bonuses, and flexibility and creativity in site design and building location. The planning commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the planning commission principally to assure the design objectives of this section are met.

1. Density (**ID, RN, RC, MU**). Subject to the following density bonuses, the density allowed for a development shall be no greater than that allowed in the zone in which it is located. Density shall be calculated using only net developable acreage. A density bonus in the following amounts is allowed if either or both of the following conditions exist:

a. For developments with underground parking that is adequate to meet the parking requirements of this chapter excluding guest parking, a density bonus of up to twenty percent is allowed pursuant to 19.18.030.E.2; and/or

b. For developments within one-quarter mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of twenty percent is allowed. For developments within one-half mile (improved walking distance) of a rail or BRT station, but greater than one-quarter mile, a density bonus of ten percent is allowed.

2. Maximum Height (**All**). For the purpose of this chapter, building height is to be measured from the lowest point of original grade to the highest ridge.

   a. For any PUD located in and adjacent to an R-1, R-2, A-1, or A-2 zone ("residential zone"), the maximum height for structures on the perimeter of the PUD adjoining said zones shall be twenty-eight feet. The maximum height of all other structures in such a PUD shall be thirty-five feet. PUDs with one building only, are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of seventy-five feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within fifty feet of the property line of the PUD.

      i. The height of buildings along the perimeter of a planned unit development adjoining a residential zone may be increased to the maximum height allowed in the underlying zone by one-foot increments, with each additional one-foot height increment requiring an additional one (1) foot in setback from the perimeter (see figure 1 below for graphical rendering).

   b. The height of structures in all other planned unit developments shall conform to the applicable zone.

   c. At the discretion of the planning commission, height for dwelling structures along state highways and not adjoining a residential zone, may be increased up to 20% above the otherwise applicable maximum height to accommodate a density bonus provided for in this chapter.

   d. Notwithstanding the above, the planning commission may at its discretion reduce or increase the otherwise stated maximum heights if mitigation is warranted, but only in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.

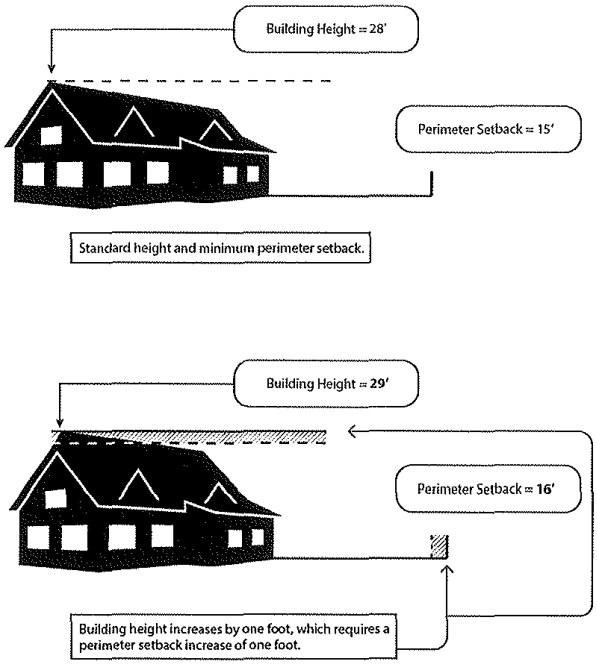


Figure 1. *An illustration of height allowance as described in 19.18.030.K.2.a.i. above when approved by the planning commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to adjacent properties while allowing for increases in height where appropriate.*

3. Perimeter Setbacks (**All**). Buildings (including covered decks or covered patios, or decks or patios in excess of eighteen inches above existing grade) located on lots on the perimeter (excluding the public frontage of the development as defined in Chapter 19.18.040), shall have not less than a fifteen-foot setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone. Otherwise, no specific yard, setback, or lot size requirement is imposed by this chapter. However, the purpose and design objectives of this chapter shall be complied with in the final development plan, and the planning commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.

4 Site Calculations (**All**). Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.

5. Traffic Circulation (**All**). Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths, and may include bicycle paths, preferably separated from vehicular traffic. If recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.

6. Privacy (**ID, RN, RC**). Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and sound reducing construction techniques

shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

7. Sidewalks (**ID**, **RN, RC, MU**). With the exception of forestry zones, as required elements of a development, interior sidewalks a minimum of five (5) feet wide shall be installed to serve the units and connect to the public street.

8. Utilities (**All**). All utilities shall be located underground, except as may be provided for in state law. Utility equipment shall be screened from view and preferably, not fronting on a public street.

9. Private outdoor spaces (**ID, RN, RC**). Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of one hundred square feet, or a balcony with a fifty square foot minimum.

L. Desirable Amenities (**ID, RN, RC**). Amenities that are identified in an adopted Recreation and Open Space Standards Policy shall be installed in accordance with that policy. If conflicts exist with this chapter and the adopted Recreation and Open Space Standards Policy, requirements identified in this chapter shall supersede.

M. Miscellaneous (**All**). Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact/water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total development and shall project the residential character.

19.18.040 – Planned Unit Development Mixed Use.

In a planned unit development, vertical mixed-use is allowed in zones that allow both residential and commercial and/or office uses, provided it meets the following requirements, in addition to the other requirements in this chapter. For purposes of this section, vertical mixed-use means commercial or office uses sharing the same building as residential uses. Planned unit developments in mixed-use zones shall comply with the standards of that zone.

A. The property is abutting or contiguous to a corridor as defined in the general plan, or major or minor arterial ("street").

B. Commercial uses shall only be allowed on the first floor of buildings fronting on the street. Office uses shall only be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least fifty percent of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.

C. Parking is not allowed between the building(s) and the street.

D. The front yard setback shall be fifteen feet, except as provided in subsection (E), and the side and rear yards shall be twenty feet minimum. Corner lots are deemed to have two front yards.

E. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building(s) shall be built within ten feet of the build-to-line or as approved by the planning commission. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.

F. Landscaping along the street shall comply with this chapter and Chapter 19.50.

G. Signage for commercial or office uses shall be limited to signs on the building(s) that comply with Chapter 19.52.

19.18.050 – Maintenance of Common Facilities.

A. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.

B. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, Title 57-8-101, et seq., or the Utah Community Association Act, Title 57-8a-101, et seq.

19.18.060 – Review Process.

A. PUDs less than 3 acres in size are subject to the permitted use review process outlined in section 19.16.030 of the Municipal Code.

B. PUDs 3 acres in size or greater are subject to the conditional use review processes outlined in sections 19.16.030 and 19.16.040 of the Municipal Code.

C. Subdivision of property within a PUD is subject to the review and approval procedure outlined in Title 18 Subdivisions of the Municipal Code.

19.18.070 – Phased Planned Unit Development.

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan.

Chapter 19.20: VARIANCES, EXCEPTIONS, AND APPEALS

19.20.010 - Variances

A. Initiation

1. A property owner or other person expressly authorized in writing by the property owner may apply for a variance for that property in those circumstances where the requirements of this Ordinance may create unnecessary hardship or practical difficulty as set forth in Subsection D below and Section 10-9a-702 of the Utah Code.

2. The Land Use Hearing Officer hears all applications for a variance.

B. Procedure

1. All applications shall be filed with the Director in accordance with the requirements of Chapter 19.14.

2. Approval by the Land Use Hearing Officer

   a. The Land Use Hearing Officer shall consider a proposed variance in a public meeting.

   b. Based upon the evidence presented at the public meeting, the Land Use Hearing Officer shall make a decision on the variance, evaluating the application in accordance with the standards in Subsection D below.

   c. The Land Use Hearing Officer may take action on applications for variances in the form of approval, modified approval, or denial.

C. Conditions and Restrictions

1. When approving a variance, the Land Use Hearing Officer may impose such conditions and restrictions upon the location, construction, design and use of the property, as appropriate to mitigate impacts and protect the public interest and adjacent property in recognition of 19.20.010.D.5 (below). The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.

2. The Land Use Hearing Officer may grant a variance less than that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.

3. Use variances are prohibited.

D. Approval Standards. The Land Use Hearing Officer may grant a variance only if all of the following standards are met. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.

1. Literal enforcement of this Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Ordinance. In determining whether or not enforcement of this Ordinance would cause unreasonable hardship, the Land Use Hearing Officer shall find all of the following:

   a. The alleged hardship is located on or associated with the property for which the variance is sought;

   b. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and

c. The alleged hardship is not self-imposed (including pre-existing conditions created by previous property owners) or economic.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone. In determining that there are special circumstances attached to the property, the Land Use Hearing Officer shall find that:

   a. The special circumstances relate to the alleged hardship; and

   b. The special circumstances deprive the property of privileges granted to other properties in the same zone.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. The variance will not substantially affect the policies of the General Plan and will not be contrary to the public interest.

5. The purpose and intent of this Ordinance is observed, and substantial justice done.

E. Appeals: Any person adversely affected by a variance decision of the Land Use Hearing Officer may appeal the decision to the 3rd District Court of Salt Lake County.

F. Any variance granted shall run with the land.

19.20.020 – Special Exceptions

A. Initiation and Authority

1. A property owner or other person expressly authorized in writing by the property owner may file for any special exception identified in Subsection B for that property.

2. The Land Use Hearing Officer, Planning Commission, or Director, as appropriate, will take formal action on these requests.

B. Procedure

1. Submittal of Application. All applications shall be filed in accordance with the requirements of Chapter 19.16.

2. Special Exceptions Approved by the Land Use Hearing Officer.

   a. The Land Use Hearing Officer may consider approval of the following special exceptions:

      i. If a zone boundary line divides a lot in single ownership, extension of a use allowed on either portion of the lot a maximum of 50 feet into the other portion of the lot.

      ii. The enlargement of or addition to a noncomplying structure or a structure occupied by a nonconforming use.

      iii. The relocation of a noncomplying structure or a nonconforming use to another portion of the lot.

iv. The reconstruction on a lot of a noncomplying structure or a structure occupied by a nonconforming use.

b. The Land Use Hearing Officer shall consider a proposed special exception in a public meeting.

c. During or after the close of the public meeting, the Land Use Hearing Officer may take action in the form of approval, modified approval or denial.

d. Based upon the evidence presented at the meeting, the Land Use Hearing Officer shall evaluate the application to determine that the exception is consistent with the purposes of this Ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working, or injurious to property in the vicinity

3. Special Exceptions Approved by the Planning Commission

a. The Planning Commission may consider approval of the following special exceptions:

i. An exception to allow the continuation of an existing use that is in violation of the provisions of this Ordinance, pursuant to Chapter 19.06.

ii. Exceptions as set forth in the Foothills and Canyons Overlay Zone, Chapter 19.60.

b. The Planning Commission shall consider a proposed special exception in a public meeting.

c. Having heard the matter at a public meeting, the Planning Commission may take action in the form of approval, modified approval or denial on applications for a special exception.

4. Special Exceptions Approved by the Director. Whenever a structure is in violation of the height or yard provisions of this Ordinance, the owner may file an application with the Director to have the structure declared noncomplying.

C. Conditions

The Land Use Hearing Officer or Planning Commission may impose such conditions and restrictions upon the location, construction, design or use of the property, as necessary or appropriate to protect the public interest and adjacent property.

D. Appeals

1. Any person adversely affected by a decision of the Director or the Planning Commission regarding a special exception may appeal that decision to the Land Use Hearing Officer.

2. Any person adversely affected by a decision of the Land Use Hearing Officer regarding a special exception may appeal that decision to the 3rd District Court of Salt Lake County.

19.20.030 – Administrative Appeals

A. Initiation

1. Any person adversely affected by a decision made by the Director, Planning Commission or Council in administering or interpreting this Ordinance, may appeal such decision ("administrative

appeal"). An appeal shall be filed in writing within 10 days of the decision, alleging how such action is arbitrary, capricious or illegal.

2. The Planning Commission shall hear all appeals of interpretations or administrative determinations made by the Director pursuant to Chapter 19.12.050.

3. The Land Use Hearing Officer shall hear all appeals of all other such decisions by the Director, Planning Commission, or Council administering or interpreting this Ordinance.

B. Procedure

1. Zoning appeals shall be considered in a public meeting.

2. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance unless those terms or requirements are applied in a manner that is arbitrary, capricious or illegal.

3. The person filing the appeal has the burden of proving that the decision was arbitrary, capricious or illegal.

4. If there is a record, the Land Use Hearing Officer's review is limited to the record provided by the Director. The Land Use Hearing Officer may not accept or consider any evidence outside the record unless that evidence was offered to and improperly excluded by the Council, the Planning Commission, or the Director. If there is no record, the Land Use Hearing Officer may call witnesses and take evidence.

5. After review of the record and written and oral argument from both parties, the Land Use Hearing Officer shall render a decision.

6. The Land Use Hearing Officer shall affirm the decision of the Council, the Planning Commission, or the Director, unless the Land Use Hearing Officer finds that decision was arbitrary, capricious or illegal.

7. If the decision of the Council, the Planning Commission, or the Director is determined to be arbitrary, capricious or illegal, the Land Use Hearing Officer may reverse, alter or remand the decision to the original decision-making body for further review and consideration of the action taken.

C. Stay of Proceedings

The filing of a zoning appeal does not automatically stay the decision. However, the Land Use Hearing Officer has the authority to stay the decision while the appeal is pending.

19.20.040 – Conditions Precedent to Judicial Review:

A. As provided by Utah Code Annotated section 10-9a-701(4), an adversely affected party of a land use decision shall present to the applicable appeal authority every theory of relief that it can raise in district court.

B. Decisions regarding whether or not to amend the number, shape, boundaries, or area of any zone; any regulation of or within the zone; or any other provision of the development code may be appealed directly to the district court.

C. An adversely affected party may not appeal to the district court a decision of the planning commission under subsection B of this section. Only final decisions of the municipal council regarding amendments to the zoning ordinance of the municipality (Title 19 of this code) or other provisions of the development code may be appealed to the district court.

D. An adversely affected party shall have thirty (30) days to appeal a final decision of the municipal council under subsection 19.16.080 of this title to the district court.

Chapter 19.22: PARKS AND RECREATION ZONE

Sections:

19.22.010 – Purpose of Provisions.

The purpose of the Parks and Recreation Zone is to preserve and enhance public and private open space, natural areas and habitats, and improved park and recreational areas. The Zone provides opportunities for active and passive outdoor recreation; provides contrasts to and relief from the built environment; preserves scenic qualities and viewsheds; protects sensitive or fragile environmental areas such as wetlands, steep slopes, ridge lines, meadows, and stream corridors; encourages sustainability and conservation; and provides transportation connections for people walking, biking, scootering, or using other forms of active transportation.

19.22.020 – Establishment of Parks and Recreation Zone.

To anticipate and respond to the changing needs of the municipality and implement greenway, natural resource preservation, and health and recreation concepts included in the adopted General Plan, Magna establishes the following zone:

A. Parks and Recreation District (PR): The PR Zone is intended for improved parks, recreational areas, and other public and private open spaces which can accommodate human use and visitation. Encouraged uses in this Zone include public parks, multi-use trails, ball fields, special uses such as mobile food carts and festivals, and landscaping and equipment sheds.

B. Natural Open Space District (OS): The OS Zone is intended for preserving natural areas of the municipality, including sensitive lands, critical habitats, wildlife corridors, viewsheds, and stream corridors. Limited, unimproved recreational uses may be allowed in the OS Zone when negative impacts of recreation and visitation can be mitigated.

19.22.030 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 *Specific Use Standards*.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

   1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.22.030 is prohibited in this zone.

Table 19.22.030: Schedule of Uses for PR and OS Zones.		
Use Categories	**PR**	**OS**
AGRICULTURAL:		
Agricultural Building	P	X
Agriculture	P	X
Agritourism	C	X
Apiary	P	C
Aviary	P	X
RESIDENTIAL USES:		
	No residential uses are permitted in these zones.	
RETAIL AND SERVICES:		
Child Care	P	X
FOOD AND DRINK:		
Food Truck	P	X
RECREATIONAL:		
Campground	C	X
Commercial Recreation	P	X
Multi-use Trail, Paved	P	X
Multi-use Trail, Unpaved	P	P
Open Space	P	P
Private, Non-Profit Recreational Grounds and Facilities	C	X
Recreation Facility - Private, Public, or Commercial	P	X
Stable, Public	C	X
Trailhead Infrastructure, Large Scale: paved parking, restrooms, wayfinding and interpretive signage, trash receptacles, other improvements	P	X
Trailhead Infrastructure, Small Scale: unpaved parking (10 or less spaces), pit toilet, wooden trail signage.	P	P
LODGING:		
INDUSTRIAL:		
	No industrial uses are permitted in these zones.	
INSTITUTIONAL USES:		

Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings	P	X
Cemetery	X	P
Community Garden	P	X
Micromobility Support Infrastructure	P	X
Public Parks	P	X
Public Use	P	X
Solar Energy System, Accessory	P	X
Wind Energy System, Accessory	P	X
SPECIALTY:		
Park and Ride	P	X
ACCESSORY USES:		
Sidewalk Displays and Cafes	P	X

19.22.040 – Development Standards.

Development in the PR Zone shall comply with the development standards of Table 19.22.050 and all other applicable standards in this Title.

Table 19.22.050: Development Standards for PR and OS Zones.		
Standard	**PR**	**OS**
Minimum Lot Size (in square feet)	NA	NA
Minimum Frontage	Any parcel in the Parks and Recreation Zone shall have a minimum frontage of 30’ on a public street.	NA
Minimum Lot Width (in feet)	NA	NA
Maximum Building Height (in feet) [A]	For lot areas of 5 acres or greater, the maximum is 45’. For lot areas smaller than 5 acres, the maximum is 35’.	15
Minimum Floor Area Ratio	NA	NA
Maximum Building Lot Coverage	30%	NA

A. Height Exception for Recreational Equipment: In the PR Zone, if necessary to ensure protection of public health, safety, or welfare, recreation equipment heights are permitted up to eighty feet (80’). For example, nets around batting cages or fences at driving ranges may exceed thirty-five feet (35’) as necessary and as approved by the Director or Designee.

19.22.050 – Required Yards and Setbacks.

Development in the PR Zone shall comply with the yard and setback standards shown in Table 19.22.060 and all other applicable standards in this Title.

Table 19.22.060: Yards and Setbacks for PR and OS Zones.		
Standard	**PR**	**OS**
Front Yard Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Interior Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Rear Yad Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Minimum Distance between Primary and Accessory Buildings (in feet)	10	10

19.22.060 – Height Exceptions.

Exceptions to the building heights specified in Table 19.22.050 apply, in accordance with 19.22.050.A.

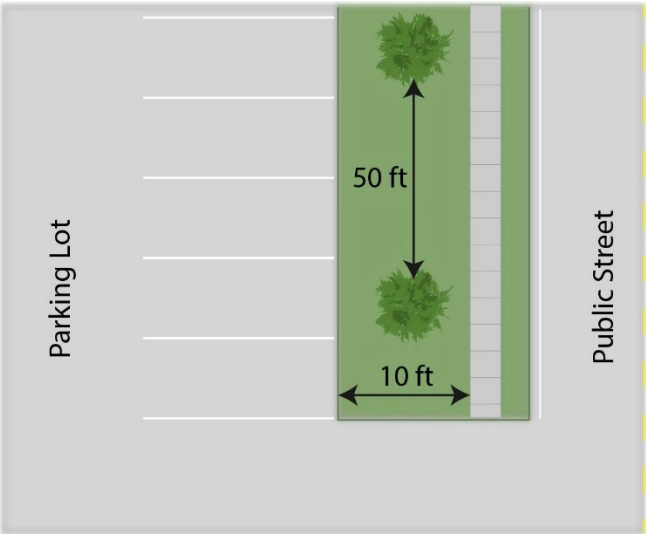
19.22.070 – Parking Requirements.

In addition to the requirements in Chapter 19.48, the following shall apply:

A. In the PR Zone:

1. Landscaped Strips: All parking areas for a commercial, institutional, or other public use that are adjacent to a public street shall have a landscaped strip of at least ten feet (10') placed between the sidewalk and the parking area. This strip shall contain drought-resistant vegetation, and at least one native or drought-friendly tree shall be placed every fifty feet (50').

Figure 19.22.080: Landscaped Strip Required.



Credit: MSD Planning and Development Services.

2. Pedestrian Access: Any parking lot with an area greater than twenty-thousand square feet (20,000 sq. ft.) shall provide dedicated ADA-compliant walkways, at least six feet (6') wide, for

pedestrians navigating from their vehicles to a building or park entrance. At a minimum, walkways shall be placed through the center of the parking area and in front of the building(s) to serve as pedestrian access to the area. Walkways shall be landscaped with trees at least every fifty feet (50'). Walkways shall be easily accessed from designated ADA parking stalls.

B. In the OS Zone:

1. Size Limitation: A parking area may not exceed ten (10) spaces in the OS Zone or one tenth of an acre (1/10th acre).

2. Surfacing: Parking areas shall utilize low-impact surfacing materials, such as dirt or crushed gravel. The applicant shall demonstrate proper grading and drainage to dispose of excess surface water accumulated within the area and shall provide for the long-term maintenance of the parking area.

3. Seasonality: Parking areas shall be closed during winter months if snow removal and maintenance is unable to be provided within twenty-four hours (24 hr) after a major snow event.

19.22.080 – Landscaping and Screening Standards.

A. All landscaping and screening standards found in Chapter 19.50 shall apply in the PR Zone. In addition, the following fencing standards shall apply:

1. Fencing: Fencing may be allowed in the PR Zone where desirable to establish sense of privacy, protect children and pets, provide a buffer from street traffic, or enhance property appearance. The following standards apply to fencing in the PR Zone:

a. Height: Fences may be up to six feet (6') tall at the property line. Fences taller than six feet (6') shall be set back from the property line an additional foot for each foot of fence over six feet (6').

b. Materials: Fences in the PR Zone shall be designed to enhance the visual appearance of the area.

B. The intent of the OS Zone is to preserve critical habitats and natural spaces within the municipality. Any landscaping efforts shall facilitate ecosystem management for the benefit of native plant and animal species. The landscape and screening standards of Chapter 19.50 do not apply to this Zone.

19.22.090 – Lighting Standards.

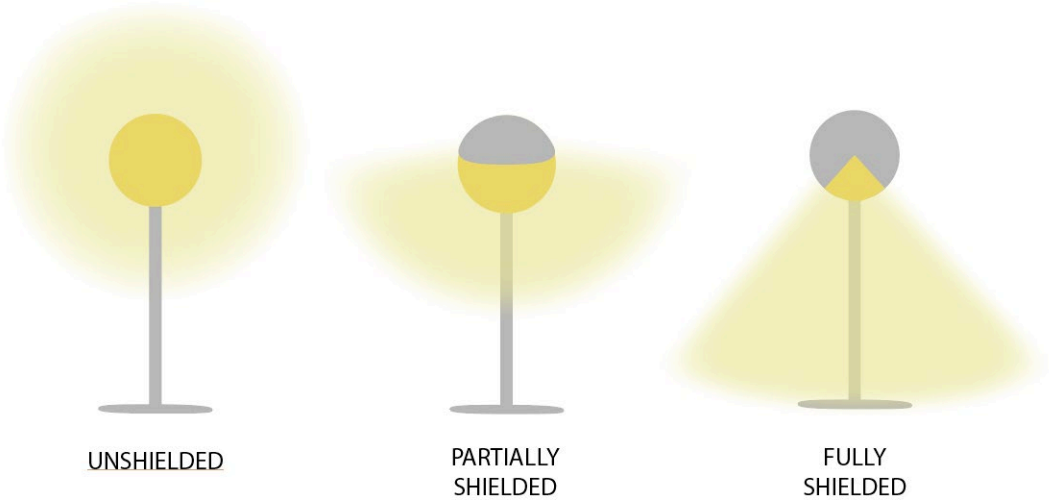
All uses and developments in the PR Zone shall comply with the following lighting standards, in addition to any other applicable standards in this Title:

A. Lighting shall be located and installed to minimize any adverse impact on the natural environment, including avoiding lighting in critical habitat areas or if it may pose traffic safety problems.

B. All lighting shall be fully shielded to eliminate glare, prevent light trespass onto neighboring properties, and protect views of the night sky.

C. Lights for outdoor recreation equipment and infrastructure may be permitted up to eighty feet (80') in height, provided they are set back from any residential use at least fifty feet (50'). Such lights shall be directed in a manner that minimizes light trespass onto adjacent properties.

Figure 19.22.090 – Types of Lighting.



19.22.110 – General Information.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.42: Specific Use Standards

B. 19.46: Site Development Standards

C. 19.48: Off Street Parking Requirements

D. 19.50: Landscaping, Screening, and Water Efficiency Standards

E. 19.52: Signs

Chapter 19.26: AGRICULTURAL ZONES

Sections:

19.26.010- Purpose of Provisions.

The purpose of the agricultural zones is to provide limited residential and agricultural opportunities in the same zone. To this end, the agricultural zones are intended to include activities normally related to agricultural uses and to protect the zone from the intrusion of uses inimical to the continuance of agricultural activity.

19.26.020- Agricultural Zones.

A. Agricultural Zone (A-1): promotes the development of residential in association with small agricultural uses like gardens, pastures, horses, and other animals for family food production.

B. Agricultural Zone (A-20): promotes and preserves conditions favorable to larger agricultural uses with some agricultural buildings or other uses related to agricultural product processing.

19.26.030- Schedule of Uses, Special Conditions.

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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.26.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.26.030 is prohibited in this zone.

Table 19.26.030 - Uses Allowed in Agricultural Zoning Districts.		
Use Categories	**A-1**	**A-20**

Residential:		
Accessory Buildings, Garages, Carports, and Structures subject to this Title	P	P
Accessory Dwelling Units, Internal, Attached and Detached, subject to Chapter 19.42	P	P
Dwelling, Single-Family	P	P
Dwelling, Two-Family	X	P
Commercial:		
Agrotourism	X	P
Dairy	X	P
Farm devoted to raising (including fattening as incident to raising), slaughtering, dressing, and marketing on a commercial scale of chickens, turkey, or other fowl or poultry, or rabbits) Subject to the "Animal Rights" restrictions in Chapter 19.42	X	P
Child Care subject to Chapter 19.42	P	P
Home Occupations subject to Chapter 19.42	P	P
Kennel, Private	P	P
Nursery and Greenhouse	P	P
Plant for Storage or Packing of Fruit or Vegetables Produced on the Premises	X	P
Private Nonprofit Recreational Grounds and Facilities	X	P
Riding Academy	P	P
Worm Farming	P	P
Planned Unit Developments, Subject to Chapter 19.18:		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	P	X
Residential Neighborhood Planned Unit Developments	C	C
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	X	X
Other:		
Agriculture	P	P
Agricultural Building subject to Accessory Building standards of this Chapter	P	P
Animals and Fowl for Family Food Production, Existing	P	P
Animal Right, New, Subject to Chapter 19.42"	P	P
Apiary	P	P
Aviary	X	P
Fences, walls and hedges subject to Section 19.26.100	P	P
Fruit and Vegetable Storage and Packing	X	P
Gardening for Personal Use	P	P
Household Pets	P	P
Public and Quasi-Public Use	P	P
Residential Keeping of Chickens or Ducks	P	P

Residential Facility for Elderly Persons	P	P
Residential Facility for Persons with a Disability Subject to subject to Chapter 19.42	P	P
Temporary Buildings for Uses Incidental to Construction Work	P	P

19.26.040- Specific Use Standards.

See Chapter 19.42: Specific Use Standards for conditions and regulations related to specific uses.

19.26.050- Lot Area, Lot Width, Lot Coverage.

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

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

[1]Subdivision lots that met the area, width and frontage requirements existing prior to the adoption of this ordinance are legal, nonconforming lots.

19.26.060- Setbacks.

Development in the A-1 and A-2 Zones shall comply with the yard and setback standards shown in Table 19.26.060 and all other applicable standards in this Title.

Table 19.26.060: Yard and Setback Standards.				
Zone	**Front Yard**	**Side Yard**	**Side Yard for Corner Lots Where Side Yard Faces the Street**	**Rear Yard**
A-1	30 Feet	8 Feet	20 feet	30 Feet
A-20	50 Feet	20 Feet	20 Feet	50 Feet

19.26.070- Building Height.

A. Primary Building or Structure Height. Except as otherwise specifically provided in this Title, no primary building or structure in the agricultural zones may exceed the following height:

1. Thirty-five feet (35’); and

2. No structure used for residential dwelling shall contain less than one story.

B. Accessory Building Height.

1. No building which is accessory to a dwelling shall exceed twenty feet (20’) in height. For each foot (1’) of height over fourteen feet (14’), the accessory building shall be set back from property lines an additional foot (1’) to allow a maximum height of twenty feet (20’).

2. In association with land in agricultural use as described in the Farmland Assessment Act, Utah Code 59-2-501, a building accessory to and exclusively used for the agricultural use may exceed

20' if the land owner can demonstrate the necessity of the additional height in furthering the agricultural use.

19.26.080 - Accessory Structure Development Standards.

The following yard and setback standards shall apply to accessory structures in the agricultural zones.

A. The structure shall be located in the side or rear yard and be located six feet (6') away from the residential dwelling. No accessory building may be located within the required front yard setback or between the main building and a street.

B. The structure shall be located at least one foot (1') from an interior side property line. When the accessory building is located in a side yard between two existing main buildings, the accessory building shall be located at least five feet (5') from the property line.

C. The structure shall be twenty feet (20') from a street-facing side property line. No accessory building may be located between the main building and a street.

D. The structure shall be located at least one foot (1') from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback is ten feet (10') from the adjoining side yard.

E. No part of any accessory structure may be placed within one foot (1') of the property line, including eaves, cantilevers, and other protrusions from the structure.

19.26.090 - Lot Coverage.

A. No combination of buildings, including accessory buildings and other structures, shall cover not more than forty percent (40%) of the area of the lot or parcel of land.

B. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.

C. Concrete, asphalt and other impervious surfaces may not cover more than 50% of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the main building and the property boundary.

19.26.100 - Fencing Standards.

A. The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge, or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the municipal engineer.

1. <u>Front Yard/Side Yard</u>: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home.

The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed a maximum of ten feet (10').

2. Rear Yard: A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.

3. Corner Lots: A fence not more than seven feet (7') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.

4. Clear Sight Triangle: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of ten feet (10') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of forty feet (40') from the intersection along the property lines.

5. Larger Clear Sight Triangle: Larger clear sight triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.

6. Grade Differences: Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

7. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.

9. Fire Hydrants and Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. Location of the fire hydrant shall be in accordance with the uniform fire code.

10. Exceptions: The provisions of this section may not apply to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances.

19.26.110 – Density

A. In no case shall the density of a Planned Unit Development exceed 4 units per acre in the A-1 zone or 1 unit per acre in the A-20 zone.

19.26.120 – Additional Standards.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.04: Definitions

B. 19.18: Planned Unit Developments

C. 19.42: Specific Use Standards

D. 19.44: Temporary Use Standards

E. 19.46: Site Development Standards

F. 19.48: Off-Street Parking and Loading

G. 19.50: Landscaping and Screening

H. 19.52: Signs

I. 19.56: Flood Plain Regulations

J. 19.58: Geological Hazards

Chapter 19.28: SINGLE-FAMILY RESIDENTIAL ZONES

Sections:

19.28.010 - Purpose of Provisions.

The purpose of the Single-Family Residential Zones is to establish primarily single-family neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment.

19.28.020 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.28.030 is prohibited in this zone.

Table 19.28.020 - Uses Allowed in Residential Zoning Districts

Use Categories	R-1-3/ R-1-4	R-1-5	R-1-6	R-1-7	R-1-8	R-1-10	R-1-21
RESIDENTIAL:							
Dwelling, Single Family	P	P	P	P	P	P	P
Dwelling, Manufactured Home	P	P	P	P	P	P	P
Residential facilities for persons with a disability Subject to Chapter 19.42	P	P	P	P	P	P	P

	R-1-3/ R-1-4	R-1-5	R-1-6	R-1-7	R-1-8	R-1-10	R-1-21
ACCESSORY USES:							
Accessory Uses and Buildings Subject to Section 19.28.050	P	P	P	P	P	P	P
Accessory Dwelling Unit, Internal and Attached, subject to Chapter 19.42	X	X	P	P	P	P	P
Accessory Dwelling Unit, Detached, subject to Section 19.28.050 and Chapter 19.42	X	P	P	P	P	P	P
Guesthouse, the square footage of which shall be less than one thousand two hundred square feet	X	X	X	X	X	X	P
Home Occupations, subject to Chapter 19.42	P	P	P	P	P	P	P
Child Care, subject to Chapter 19.42	P	P	P	P	P	P	P
Household Pets, not including kennels	P	P	P	P	P	P	P
Kennels, private	X	X	P	P	P	P	P
	R-1-3/ R-1-4	**R-1-5**	**R-1-6**	**R-1-7**	**R-1-8**	**R-1-10**	**R-1-21**
INSTITUTIONAL USES:							
Parks/Open Space	P	P	P	P	P	P	P
Public Utilities, Major	C	C	C	C	C	C	C
Public Utilities, Minor	P	P	P	P	P	P	P
Religious Institutions and Uses	P	P	P	P	P	P	P
Schools, Public	P	P	P	P	P	P	P
Schools, Private/Charter	C	C	C	C	C	C	C
	R-1-3/ R-1-4	**R-1-5**	**R-1-6**	**R-1-7**	**R-1-8**	**R-1-10**	**R-1-21**
Planned Unit Developments, Subject to Chapter 19.18:							
Condominium Conversion Planned Unit Developments	P	P	P	P	P	P	P
Infill Development Planned Unit Developments	C	C	C	C	C	C	C
Residential Neighborhood Planned Unit Developments	C	C	C	C	C	C	C
Residential Community Planned Unit Developments	C	C	C	C	C	C	C
Mixed Use Planned Unit Development	X	X	X	X	X	X	X
Commercial Planned Unit Developments	X	X	X	X	X	X	X
OTHER USES:							
Apiary	X	P	P	P	P	P	P

Agricultural/Gardening, excluding animal rights	P	P	P	P	P	P	P
Animals and Fowl for family food production established prior to (the date of the adoption of this ordinance)	X	X	X	X	X	X	C
Bed and Breakfast Inn	X	X	X	X	X	X	C
Residential Keeping of Chickens and Ducks, Subject to Chapter 19.42	X	X	P	P	P	P	P
Child Care, Residential and Licensed Family	P	P	P	P	P	P	P
Fences, walls and hedges subject to Section 19.28.70	P	P	P	P	P	P	P
Private, nonprofit recreational grounds and facilities	P	P	P	P	P	P	P
Sportsman's Kennel (one-acre minimum lot area)	X	X	X	X	X	X	C
Temporary Construction Office associated with a permitted development project	P	P	P	P	P	P	P

19.28.030 - Lot Area, Width and Maximum Density.

The minimum lot area and width requirements and maximum density are as follows:

Table 19.28.030 - Lot Area, Width and Yard Requirements.

Zone	Minimum Lot Area	Minimum Lot Width	Density
R-1-3	3,000 Square Feet	35 feet at a distance 20 feet from the front lot line	11.0 Units per acre
R-1-4	4,000 Square Feet	40 feet at a distance 20 feet from the front lot line	9.0 Units per acre
R-1-5	5,000 Square Feet	50 feet at a distance 20 feet from the front lot line	7.0 Units per acre
R-1-6	6,000 Square Feet	60 feet at a distance 25 feet from the front lot line	6.0 Units per acre
R-1-7	7,000 Square Feet	65 feet at a distance 25 feet from the front lot line	5.0 Units per acre
R-1-8	8,000 Square Feet	65 feet at a distance 25 feet from the front lot line	4.5 Units per acre
R-1-10	10,000 Square Feet	80 feet at a distance 30 feet from the front lot line	4.0 Units per acre
R-1-21	21,7800 Square Feet	100 feet at a distance 30 feet from the front lot line	2.0 Units per acre

A. Density for Planned Unit Developments. The allowable density for planned unit developments shall be determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of municipal and reviewing agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable General Plan. Notwithstanding the above, the Planning Commission may not approve a planned unit development with density higher than the that enumerated in Table 19.28.030.

19.28.040 – Primary Structure Development Standards.

The following development standards apply to all primary residential and non-residential structures.

A. Required Yards:

1. Dwellings: The minimum yard requirements for a Primary Residential Dwelling are as follows:

Table 19.28.040A - Primary Residential Dwelling Setbacks.				
Zone	Front Yard	Side Yard, Interior	Side Yard, Corner Lot	Rear Yard
R-1-3, R-1-4, R-1-5	20 Feet	5 Feet[1]	20 Feet	20 Feet[3]
R-1-6, R-1-7, R-1-8	25 Feet	8 Feet or 11/5 split[2]	20 Feet	25 Feet[3]
R-1-10, R-1-21	30 Feet	10 Feet	20 Feet	30 Feet[3]

[1] Unless attached to a dwelling on an adjacent lot.

[2] 5 feet on one side and 11 feet on the garage or driveway side.

[3] Homes with a garage existing or permitted prior to the adoption date of this ordinance may maintain a 15' rear setback.

2. The minimum yard requirements for a main building other than residential are as follows:

Table 19.28.040B - Non-Residential Main Building Setbacks.			
Zone	Front Yard	Side Yard	Rear Yard
R-1-3, R-1-4, R-1-5	20 Feet	20 Feet	20 Feet
R-1-6, R-1-7, R-1-8	25 Feet	20 Feet	25 Feet
R-1-10, R-1-21	30 Feet	20 Feet	30 Feet

3. Projections into Required Yards. The following structures may be erected on or projected into any required yard:
   a. Fences and walls that conform with this code.
   b. Landscape elements including trees, shrubs and other plants.
   c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
   d. Necessary appurtenances for utility services associated with minor public utilities.
   e. Decks not more than two feet (2') high.
   f. Cornices, eaves, sills, planter boxes, fire escapes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into an interior side yard, or four feet (4') into a front, rear or corner side yard.
   g. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
   h. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.

i. Projections into Required Yards. The following structures may be erected on or projected into any required yard:

i. Accessory structures subject to Section 19.28.050.

B. Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed the following height:

1. Thirty feet (30') on property if the slope of the original ground surface exceeds fifteen percent (15%), or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet (15') or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet (2').

2. Thirty-five feet (35') on properties other than those listed in number one of this subsection.

3. No dwelling shall contain less than one story or more than two stories except as part of a Planned Unit Development, subject to Chapter 19.18 of this title.

19.28.050 – Accessory Structure Development Standards.

A. Accessory Structure Location and Setback Requirements. The location and minimum setback requirements for an accessory building in a single-family residential zone are as follows:

1. Shall be located in the side or rear yard and six feet (6') away from the dwelling. No accessory building may be located within the required front yard or between the main building and a street.

2. Shall be located at least one foot (1') from an interior side property line, measured from the nearest portion of the structure, including eaves and overhangs. When the accessory building is located in a side yard between two existing main buildings, the accessory building shall be located at least five feet (5') from the property line.

3. Shall be twenty feet (20') from a street facing side property line. No accessory building may be located between the main building and a street.

4. Shall be located at least one foot (1') from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback shall be ten feet (10') from the adjoining side yard.

5. No part of any accessory structure may be placed within one foot (1') of the property line, including eaves, cantilevers and other protrusions from the structure.

B. Accessory Structure Height requirements:

1. No building which is accessory to a single-family dwelling may exceed twenty feet (20') in height. For each foot (1') of height over fourteen feet (14'), accessory buildings shall be set back from the side and rear property lines an additional foot (1') to allow a maximum height of twenty feet (20').

19.28.060 – Lot Coverage.

A. No combination of buildings, including accessory buildings and other structures, shall cover more than forty percent (40%) of the area of the lot or parcel of land.

B. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.

C. Concrete, asphalt and other impervious surfaces may not cover more than fifty percent (50%) of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the main building and the property boundary. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) impervious surface rule as long as that driveway does not exceed twenty feet (20') in width.

19.28.070 – Fencing Standards.

A. The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge, or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the municipal engineer.

1. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed a maximum of ten feet (10').

2. Rear Yard: A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.

3. Corner Lots: A fence not more than seven feet (7') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.

4. Clear Sight Triangle: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of ten feet (10') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of forty feet (40') from the intersection along the property lines.

5. Larger Clear Sight Triangle: Larger clear sight triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.

6. Grade Differences: If there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

7. Retaining Walls: If a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.

9. Fire Hydrants and Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. Location of the fire hydrant shall be in accordance with the uniform fire code.

10. Exceptions: The provisions of this section may not apply to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances.

19.28.080 – Additional Standards.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.04: Definitions

B. 19.18: Planned Unit Developments

C. 19.42: Specific Use Standards

D. 19.44: Temporary Use Standards

E. 19.46: Site Development Standards

F. 19.48: Off-Street Parking and Loading

G. 19.50: Landscaping and Screening

H. 19.52: Signs

I. 19.56: Flood Plain Regulations

J. 19.58: Geological Hazards

Chapter 19.30: MEDIUM AND HIGH-DENSITY RESIDENTIAL ZONES

Sections:

19.30.010 – Purpose of Provisions.

The purpose of the medium and high-density residential zones is to promote a mix of housing opportunities combined with some limited commercial opportunities. It is the intent of the medium and high-density housing zones to be located in walkable and transit-oriented areas that allow for a wide range of amenities and businesses in close proximity.

19.30.020 – Establishment of Medium and High-Density Residential Zones.

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

A. Two-Family Residential Zones (R-2): The R-2 Zones are intended to promote medium-density middle housing options between 1-2 units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a Planned Unit Development (PUD) as part of the development process.

B. Four-Family Residential Zones (R-4): The R-4 Zones are intended to promote medium-density middle housing options between 1-4 units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process. Medium-density housing will serve as a transition between higher-density commercial, residential, or mixed-used and low-density residential or single-family.

C. Multi-Family Residential Zone (RM): The RM Zone is intended to promote medium and high-density residential housing of greater than 4 units. Development projects in this zone should accommodate multi-modal transportation opportunities, open space, amenities for units, limited commercial uses, and provide buffering between high-density and low-density housing.

19.30.030 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 *Specific Use Standards*.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.30.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

   1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.30.030 is prohibited in this zone.

Table 19.30.030: Uses.			
Use Categories	**R-2-6.5**	**R-4-8.5**	**RM**
Residential:			
Accessory Structures	P	P	P
Accessory Dwellings, Internal and Attached Subject to Chapter 19.42	P	P	P
Accessory Dwelling, Detached Subject to Chapter 19.42	X	X	X
Dwelling, Single-Family	P	P	X
Dwelling, Single-Family Attached	P	P	P
Dwelling, Duplex	P	P	P
Dwelling, Tri-plex	X	P	P
Dwelling, Four-plex	X	P	P
Dwelling, Multi-Family (5 dwellings or more)	X	C	C
Mobile Home Park	X	P	X
Residential Facility for Persons with a disability subject to Chapter 19.42	P	P	P
Residential Facility for Elderly Persons	P	P	P
Commercial:			
Bed and Breakfast	X	P	P
Home Occupation subject to Chapter 19.42	P	P	P
Child Care subject to Chapter 19.42	P	P	P
Child Care Centers Subject to chapter 19.42	X	X	P
Short-term Rentals	X	X	X
Planned Unit Developments, Subject to Chapter 19.18:			
Condominium Conversion Planned Unit Developments	P	P	P
Infill Development Planned Unit Developments	C	C	C
Residential Neighborhood Planned Unit Developments	C	C	C
Residential Community Planned Unit Developments	C	C	C
Mixed Use Planned Unit Development	X	X	X
Commercial Planned Unit Developments	X	X	X

Other:			
Public or Quasi-Public Use	P	P	P
Shared Parking	P	P	P
Rail Transit Mixed-use	X	X	P
Public Park and Open Space	P	P	P
Private Park and Recreational Grounds	X	P	P
Temporary Buildings Incidental to Construction Work, and Other Temporary Buildings Subject to Chapter 19.44	P	P	P

19.30.040 –Development Standards.

Development in the R-2, R-4, and RM Zones shall comply with the development standards of this chapter, Table 19.30.040, and all other applicable standards in this Title.

Table 19.30.040: Development Standards.			
Zone	**R-2-6.5**	**R-4-8.5**	**RM**
Minimum Lot Area, Single Family Dwelling	6,000 Sq Ft	6,000 Sq Ft	5,000 Sq Ft
Minimum Lot Width, Single Family Dwelling	60 Feet	60 Feet	50 Feet
Minimum Lot Area, Two-Family Dwelling	3,250 Sq Ft per dwelling	3,250 Sq Ft per dwelling	2,750 Sq Ft per Dwelling
Minimum Lot Width, Two-Family Dwelling	30 Feet per dwelling	30 Feet per dwelling	25 Feet per dwelling
Maximum Density, Planned Unit Development	12 Dwelling Units per acre	18 Dwelling Units per acre	25 Dwelling Units per acre

A. Density for Planned Unit Developments. The allowable density for planned unit developments is determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of the Planning and Development Services Staff and reviewing agencies; site constraints; compatibility with nearby land uses; and the provisions of the adopted General Plan. Notwithstanding the above, the Planning Commission may not approve a planned unit development with density higher than that which is enumerated in Table 19.30.040.

B. Calculating Density. Density calculations are based on gross density. Gross density is defined as the total number of residential dwelling units divided by the gross area of the parcel in question.

19.30.050 – Required Yards, Setbacks, and Bulk.

Development in the R-2, R-4, and RM Zones shall comply with the yard, setback, and bulk standards shown in Tables 19.30.050.A, 19.30.050.B, and all other applicable standards in this Title.

A. Single- and Two-Family Dwellings. The following are the required yard, setback and bulk standards for single- and two-family dwellings not part of an approved Planned Unit Development.

Table 19.30.050.A: Single- and Two-Family Dwelling Yard, Setback and Bulk Standards			
Zone	**R-2-6.5**	**R-4-8.5**	**RM**
Minimum Front Yard Setback	20 Feet	20 Feet	20 Feet
Minimum Setback from a Street Facing Garage to a sidewalk, trail or edge of pavement	25 Feet	25 Feet	25 Feet
Minimum Side Yard Setback	0 Feet/5 Feet[1]	0 Feet/5 Feet[1]	0 Feet/5 Feet[1]
Minimum Side Yard, Facing a Public Street	20 Feet	20 Feet	20 Feet
Minimum Rear Yard	15 Feet	15 Feet	15 Feet
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Lot Coverage	40%	40%	40%

1. There is no minimum side yard requirement if property lines are drawn along a shared wall.

B. Three Family, Four Family and Multiple Family Buildings.

1. Where dwelling units share a common wall, no setback is required.

2. On lots with more than one primary building, the minimum distance between primary buildings is Subject to Table 19.30.050.B. It is intended that if lots with more than one primary building are ever subdivided, each building shall have a side yard half of the required distance between building or the current standard for side yards in the underlying zone. In the event that regulations conflict for sides, the stricter requirement shall take precedence.

Table 19.30.050.B: Yard and Bulk Regulations.				
	Single-Family	**Two-Family Building**	**Three/Four Family Building**	**Multi-plex (Five or more families)**
Minimum Yards; Residential Uses				
Distance Between Primary Buildings	10 Feet	10 Feet	16 Feet	16 Feet

19.30.060 – Building Height.

A. Buildings in the R-2, R-4, and RM Zones shall comply with the height standards of Table 19.30.060 and all other applicable standards in this Title.

Table 19.30.060: Building Height Regulations.		
Zone	**Single-, Two-, Three-, and Four-Family Buildings**	**Multi-plex (Five or more families)**
Maximum Building Height	35 Feet	60 Feet

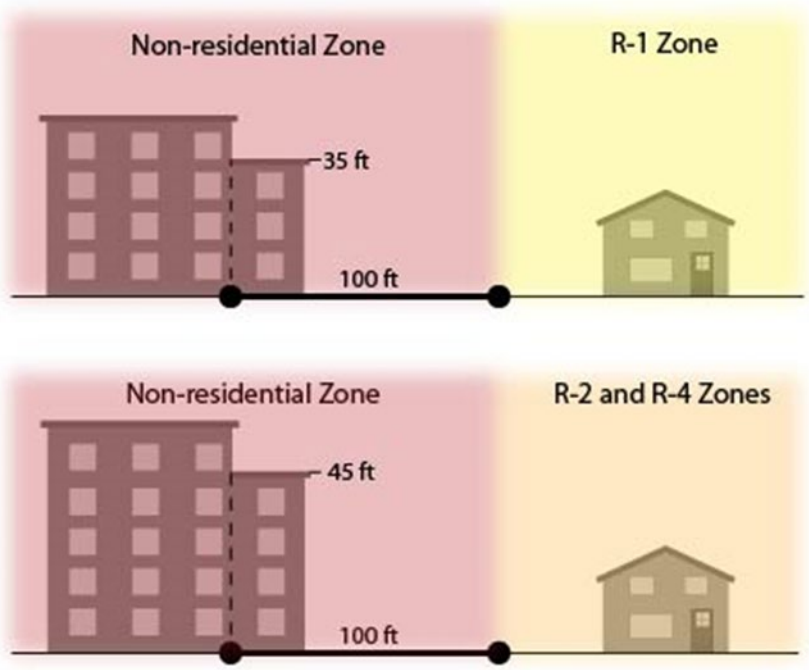
19. No dwelling shall contain less than one story.

C. Within one hundred feet (100') of sites zoned for single-family residential, the following standards apply:

a. On the portion of the site within one hundred feet (100') of a site zoned R-1, no structure or portion thereof may exceed thirty-five feet (35') in height.

b. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH the maximum height is forty-five feet (45').

Figure 19.30.060B: Building Height Adjacent to Residential Zones.



Credit: MSD Planning and Development Services.

19.30.070 – Accessory Structure Development Standards.

A. The minimum yard requirements for an accessory building are as follows:

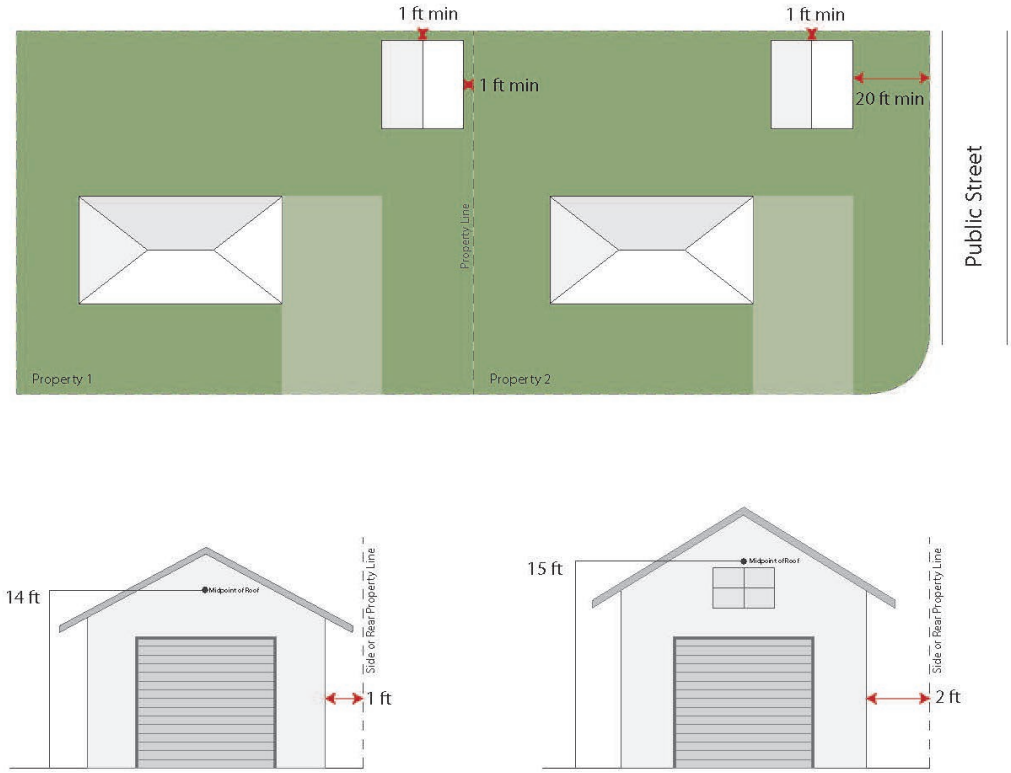
Table 19.30.070: Accessory Building Development Standards.

Zone	R-2-6.5	R-2-8	R-2-10	R-4-8.5	RM
Side Yard	1 Foot	1 Foot	1 Foot	1 Foot	1 Foot
Side Yard, Facing a Public Street	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet
Rear Yard	1 Foot	1 Foot	1 Foot	1 Foot	1 Foot
Setback from the Main Dwelling	6 Feet	6 Feet	6 Feet	6 Feet	6 Feet

B. No building which is accessory to a one-family or two-family dwelling shall exceed twenty feet (20') in height. For each one foot (1') of height over fourteen feet (14'), accessory buildings shall be set back from property lines an additional one foot (1') up to the allowed maximum height of twenty feet (20').

C. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.

Figure 19.30.070: Accessory Structure Standards.



Credit: MSD Planning and Development Services.

19.30.080 – Subdivision and PUD Standards for Medium and High-Density Residential.

A. The division of land for one- and two-family projects is subject to the requirements of Title 18.

B. All other subdivisions in the Medium and High-Density Residential zones are subject to all requirements in 19.18 and platted via a PUD plat.

19.30.090 – Fencing Standards for One- and Two-Family Dwellings.

The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge, or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the municipal engineer.

1. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side

yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed a maximum of ten feet (10').

2. Rear Yard: A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.

3. Corner Lots: A fence not more than seven feet (7') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.

4. Clear Sight Triangle: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of ten feet (10') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of forty feet (40') from the intersection along the property lines.

5. Larger Clear Sight Triangle: Larger clear sight triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.

6. Grade Differences: If there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

7. Retaining Walls: If a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.

9. Fire Hydrants and Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. The location of the fire hydrant shall be in accordance with the uniform fire code.

10. Exceptions: The provisions of this section may not apply to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances.

19.30.100 – Additional Standards.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.04: Definitions

B. 19.18: Planned Unit Developments

C. 19.42: Specific Use Standards

D. 19.44: Temporary Use Standards

E. 19.46: Site Development Standards

F. 19.48: Off-Street Parking and Loading

G. 19.50: Landscaping and Screening

H. 19.52: Signs

I. 19.56: Flood Plain Regulations

J. 19.58: Geological Hazards

Chapter 19.32: COMMERICIAL ZONES

Sections:

19.32.010 – Purpose of Provisions.

The purpose of the commercial zones is to provide places in the municipality for a wide range of commercial and retail trades and uses, offices, business and professional services, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones are intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

19.32.020 – Establishment of Commercial Zones.

To anticipate and respond to the changing needs of our community and implement commercial node concepts included in the adopted General Plan, the following zones are established:

A. Commercial Zone – General Commercial (C-1): The C-1 Zone is intended to provide a wide range of commercial uses designed to serve neighborhood, community, and regional needs. The commercial use may be freestanding or integrated in a center. Development is oriented to the street to encourage a pedestrian relationship and buildings are placed to allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. Development includes elements and façades at the pedestrian level and achieves a sense of human scale and creates visual interest at eye-level.

B. Commercial Zone – Shopping Center Commercial (C-2): The C-2 Zone is intended to provide retail uses, service-oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Each center typically includes three (3) or more acres and provides regional or community level destination shopping which incorporates a design that enhances pedestrian orientation within the center.

C. Commercial Zone – Warehousing and Wholesale Commercial (C-3): The C-3 Zone is intended to provide a legacy zone, originally intended to provide areas for warehousing and wholesale businesses and general commercial. Warehouse and wholesale businesses are now developed under the M-1 zoning classification and new commercial uses are developed as appropriate under the C-1 or C-2 zones.

D. Commercial Zone – Visitor and Tourism (C-V): The C-V Zone is intended to provide areas in appropriate locations where commercial centers provide for the needs of tourists and travelers be established, maintained, and protected. The regulations of this zone encourage the provision of transient housing facilities, restaurants, service stations, and other commercial activities providing for the convenience, welfare, or entertainment of the tourist or traveler.

19.32.030 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 *Specific Use Standards*.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.32.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.32.030 is prohibited in this zone.

Table 19.32.030 – Uses Allowed in Commercial Zones.

Use Categories				
RETAIL AND SERVICE USES :	**C-1**	**C-2**	**C-3**	**C-V**
Car and Light Truck Wash	P	P	X	P
Child Care Center	P	P	X	P
Check Cashing	P	P	X	X
Commercial Plant Nursery	P	P	X	P
Financial Institution	P	P	X	P
Kennel, Commercial	P	P	X	P
Laundry Cleaning, Automatic Self-Help and/or Drop Off	P	P	X	P
Liquor and/or Wine Store and Package Agency	P	P	X	P
Mobile Store	P	P	X	P
Pawn Shop	P	P	X	X
Personal Care Services	P	P	X	P
Personal Instruction Services	P	P	X	P
Reception Hall, Reception Center	P	P	X	P
Reiki	P	P	X	X
Retail and Service Commercial	P	P	X	P
Retail Shops or Galleries where Primary Product is Produced On-Site	P	P	X	P
Retail Tobacco Specialty Business	P	P	X	X
Self-Service Fuel Station	P	P	X	P
Sexually Oriented Business or Activity	X	X	P	X

Shopping Center	C	C	X	C
Vehicle and Equipment Repair, Minor	P	P	X	P
Vehicle Rental	P	P	X	P
Vehicle Sales and Service	P	P	X	X
Vehicle Sales, Small Dealership	P	P	X	P
FOOD AND DRINK:	**C-1**	**C-2**	**C-3**	**C-V**
Bars and Clubs	P	P	X	P
Breweries and Distilleries in association with a Restaurant	P	P	X	P
Food truck / mobile restaurant / food cart	P	P	X	P
Restaurant, Fast Food	P	P	X	P
Restaurant, Sit-Down with or Without Alcohol	P	P	X	P
LODGING:	**C-1**	**C-2**	**C-3**	**C-V**
Bed and Breakfast Inn	P	P	X	P
Hotel/Motel	P	P	X	P
OFFICE:	**C-1**	**C-2**	**C-3**	**C-V**
Office, General	P	P	X	P
Office, Intensive	P	P	X	P
Office, Medical	P	P	X	P
RECREATIONAL:	**C-1**	**C-2**	**C-3**	**C-V**
Athletic Clubs	P	P	X	P
Commercial Recreation	P	P	X	P
Recreation Facility, Commercial	P	P	X	P
Recreation Facility, Public	P	P	P	P
Theatres and Concert Halls (Indoor)	P	P	X	P
PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:	**C-1**	**C-2**	**C-3**	**C-V**
Condominium Conversion Planned Unit Developments	P	P	P	P
Infill Development Planned Unit Developments	X	X	X	X
Residential Neighborhood Planned Unit Developments	X	X	X	X
Residential Community Planned Unit Developments	X	X	X	X
Mixed Use Planned Unit Development	C	C	X	C
Commercial Planned Unit Developments	C	C	X	C
INSTITUTIONAL USES:	**C-1**	**C-2**	**C-3**	**C-V**
Animal Control or Rescue Facility	P	P	X	P
Animal Hospital or Clinic	P	P	X	P
Animal Hospital or Clinic with Outdoor Holding Facilities	P	P	X	P

Cemetery	C	C	P	X
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P	P
Hospital	P	P	X	P
Libraries	P	P	P	P
Parks/Open Space	P	P	P	P
Public Uses	P	P	P	P
Public Utilities, Major	C	C	P	X
Public Utilities, Minor	P	P	P	P
Schools, Public	P	P	P	P
Schools, Private/Charter	C	C	X	X
SPECIALTY:	**C-1**	**C-2**	**C-3**	**C-V**
Crematorium	P	P	X	X
Laboratory, Medical or Dental	P	P	X	X
Laboratory, Research and Development	P	P	X	X
Mortuary or Funeral Home	P	P	X	X
Nursing Home, Convalescent Care Center	P	P	X	X
Rehabilitation/Treatment Facilities	P	P	X	X
Self-Service Storage Facilities, Enclosed	P	P	X	X
ACCESSORY USES:	**C-1**	**C-2**	**C-3**	**C-V**
Accessory Outside Storage	C	C	X	C
Fences, hedges and walls, subject to Subsection 19.32.100	P	P	P	P
Home Occupations, subject to Chapter 19.42	P	P	X	P
Household Pets, not including kennels	P	P	X	P
Drive-Thru and Drive-Up Facilities appurtenant to a permitted use	P	P	X	P
Outdoor dining appurtenant to a permitted restaurant use	P	P	X	P
Sidewalk Displays and Sidewalk Cafes appurtenant to a permitted use	P	P	X	P
Temporary buildings subject to 19.44	P	P	X	P
NONCONFORMING USES:	**C-1**	**C-2**	**C-3**	**C-V**
Pre-Existing Lot	P	P	P	P
Pre-Existing Structure	P	P	P	P
Pre-Existing Use	P	P	P	P

19.32.040 – Lot and Area Standards.

Development in the C-1, C-2, C-3 and C-V Zones shall comply with the lot and project area standards in Table 19.32.040 and all other applicable standards in this Title.

Table 19.32.040 – Required Yards and Setbacks.				
Lot and Area Standards	C-1	C-2	C-3	C-V
Minimum Project Area	None	3 acres	N/A	None

Minimum Lot Size	There is no minimum lot size required in the Commercial Zones.
Minimum Lot Width and Frontage	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street shall be accessible to the public via a recorded easement or right-of-way.

19.32.050 – Site Standards.

The following site standards shall apply in the C-1, C-2, C-3 and C-V Zones:

A. Setbacks. A setback standard frames the street spatially and encourages a consistent building wall along street edges. A parking setback enhances pedestrian safety and comfort and reduces the visual prominence of automobiles as viewed from streets, building entrances, and sidewalks. See Table 19.32.050 for setback requirements.

Table 19.32.050 – Site Standards.

Setback Standards	C-1	C-2	C-3	C-V
Front Yard Setback, Major Street	18’ landscaped setback from back of sidewalk	30’ landscaped setback from public right of way	30’ landscaped setback from public right of way	20’ landscaped setback from public right of way
Front Yard Setback, Minor Street or Drive	10’ landscaped setback from back of curb	15’ landscaped setback from back of curb	15’ landscaped setback from back of curb	10’ landscaped setback from back of curb
Side Yard Setback – Corner Lots	Same as the front yard setback	Same as the front yard setback	Same as the front yard setback	Same as the front yard setback
Build to Line	The front yard setback is the build-to-line. At least fifty percent (50%) of the adjacent façade shall be built within three feet (3’) of the build-to-line. A side yard, corner lot setback is also a build-to-line.			N/A
Side Yard Setback – Interior Lots	No setback required when sharing a common wall. 8’ setback to property line or 16’ between buildings where building pads are used. 20’ landscaped buffer required to separate residential uses from commercial uses.			
Rear Yard Setback	10’ setback to property line or 20’ between buildings where building pads are used. 20’ Landscaped buffer required to separate residential uses from commercial uses.			

B. Location and Orientation of Buildings. Structures frame streets spatially by being constructed at the build-to-line. Buildings shall be sited to face the street with parking lots on the side or rear. At street or drive intersections the buildings shall be located directly on the corner with parking in the rear. At least fifty percent (50%) of the adjacent façade shall be built within three feet (3’) of the build-to-line.

C. Build-to-Line Exceptions.

1. Any big box development may have parking in front, provided other commercial pad sites are proposed along the frontage that would comply with the build-to-line requirements. The other commercial pad sites shall create at least forty percent (40%) building street frontage along the width of the project area when combined with public plazas or courtyards.

2. Drive-through windows shall be located at the side or rear of buildings. A single drive aisle may be located between the building and the street so long as its width does not exceed twelve feet (12'), any pedestrian crossings across it are clearly delineated with special paving treatments, parking spaces do not occur off of it, and a low wall, railing with landscaping, or a continuous hedge at least three feet (3') high exists between stacked cars and the sidewalk. If a drive-through is located between the building and the street, the front setback/build-to-line shall be twelve feet (12') farther from the back of sidewalk or public right of way.

D. Sidewalks or Trails. Any building front entryway shall have a continuous sidewalk to the street sidewalk. A sidewalk at least six feet (6') wide is required along the entire front of the lot or project area. A six foot (6') wide park strip shall be installed between the street and the sidewalk as a pedestrian buffer. No fencing that is parallel to any sidewalk may be within two feet (2') of the edge of the sidewalk.

E. Outdoor Dining. If outdoor dining is allowed, the patio or dining area may encroach on up to ten feet (10') of the required landscaped setback.

F. Utilities. Any overhead utility shall be placed underground unless the applicable utility company determines it is infeasible.

G. Screening. Any garbage dumpster shall be enclosed by a masonry wall or architectural design with materials that are consistent with the building. The enclosure gate shall be metal and accessible to service vehicles. The enclosure wall and gate shall be a minimum of twelve inches (12") higher than the trash receptacle bin. Service areas, mechanical equipment, and meters shall be completely screened from the street.

H. Site Furnishings. The developer or builder is responsible for providing site furnishings as required in this document. All site furnishings shall be specified on the plans.

1. Benches. Each project shall provide one (1) outdoor bench per small building (buildings 20,000 square feet or smaller) and two (2) outdoor benches for larger buildings (greater than 20,000 square feet). Benches are encouraged in places where people congregate and at pedestrian intersections and nodes. Benches shall be durable and permanently installed on a hardscape surface (concrete, pavers, etc.).

2. Bike Rack. Bike racks shall be provided and installed at a minimum of three (3) bike stalls per fifty (50) vehicle parking stalls within each development (minimum of 3 bike rack stalls). Bike racks should be located near the entrance to the building and visible from the street or drive. Bike racks shall be durable and permanently installed and maintained over a hardscape surface.

3. Trash and Recycle Receptacles. At least one (1) trash receptacle and one (1) recycling receptacle shall be provided at a minimum of one (1) at each public entrance to commercial buildings.

19.32.060 – Architectural Standards.

All new development shall present an attractive, coordinated streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale and provide for the safety and convenience of pedestrians. All new development shall comply with the following architectural standards:

A. General Design Standards: The following building design requirements shall apply in the C-1, C-2, and C-3 Zones:

1. Walls. No more than three (3) materials may be used for primary wall surfaces. Exterior finishes shall be of traditional, time- and weather-tested techniques. Retaining and screening walls shall be of materials complementary to the building's materials. Buildings shall use a cohesive palette of colors which complement nearby buildings. Without limiting the use of color, large areas of wall shall be subdued in color and not reflective. Intense colors should be used as accent only.

2. Building Heights. Buildings should provide a sense of street enclosure for pedestrians in more urban environments. New commercial buildings adjacent to existing neighborhoods shall step-down in height to help minimize the visual impact to residential areas. See Table 19.32.060A for requirements.

3. Transparency. Where applicable, the intent of transparency standards is to promote economic activity by creating active street walls and visual interest for pedestrians at the ground-level. They also serve to promote personal and property safety by introducing more "eyes on the street" or natural surveillance of the public right-of-way and building interiors. See Table 19.32.060A for requirements.

Table 19.32.060A – Commercial Development Standards.

Standard	C-1	C-2	C-3	C-V
Building Height	*Minimum*: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 45'	*Minimum*: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 60'	*Minimum*: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 45'	*Minimum*: No primary building within this district shall be erected to a height less than fifteen feet (15') above grade. Maximum: 30'
Step-down Height Adjacent to Residential Areas.	Within one hundred feet (100') of sites zoned for single family residential, the following standards shall apply: a. On the portion of the site within one hundred feet (100') of a site zoned R-1, the maximum height shall be thirty-five feet (35'). b. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH the maximum height shall be forty-five feet (45').			N/A
Transparency	Ground Floor (frontage) 30% Ground Floor (exposed sides) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30% Ground Floor (exposed sides) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30%

4. Roofs. All the roofs and dormer roofs of a building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs shall be of a subdued color. Painted roof shingles are prohibited.

    a. Flat roofs on stand-alone buildings are allowed when variation to the roof line is provided through the use of parapets, towers, step-backs, or accessory structures.

    b. Large building roofs shall have parapets and enclosures concealing flat roofs and rooftop equipment from public view. Parapet and enclosure materials shall match the building in quality and detail. The roof materials shall be white or a similar light color to avoid trapping heat and contributing to urban heat islands.

    c. Pitched roofs have a sloped or pitched roof. The slope is measured with the vertical rise divided by the horizontal span or run.

        1. The roof may not be sloped less than a 4:12 (rise: run) or more than 16:12.

        2. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

        3. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.

        4. Gambrel, butterfly (inverted gable roof), and mansard roofs are not permitted.

        5. A gabled end or perpendicular ridge line shall occur at least every one-hundred feet (100') of roof when the ridge line runs parallel to the front lot line.

B. Exterior Structure Standards: All exterior walls of all structures shall be constructed in compliance with the following:

1. Materials. All buildings shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units, brick, natural and cast stone, architectural metals, and glazing. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance on all buildings. At least fifty percent (50%) of all buildings visible from a major street shall be composed of brick, stone, architecturally treated CMU, architectural precast concrete, architectural metals, wood, and/or glazing.

2. Exterior Insulation and Finish System (EIFS)/Stucco. The design and application of EIFS or synthetic stucco are expected to be of a high enough quality to allow for crisp detailing and substantial relief. The use of EIFS on ground floor walls shall be limited to the surface area three (3) or more feet above finished grade. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural precast concrete, or architecturally treated concrete masonry units.

3. Detail and Finish. Building façades that face the street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone and shall provide variety and interest in the façade through the introduction of such elements as pilasters, recessed or protruding bays, changes in materials and/or colors, building lighting elements, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.

4. Surface Variation. Continuous building wall surfaces shall be relieved with significant variations of wall planes or overhangs that create shadow areas and add visual interest. Variations should result from significant dimensional changes in plane, color, or detail as accomplished by such devices as protruding bays, recessed entries, upper-level step-backs, arcades, offsets in the general plane of the façade, changes in materials or color, bay windows, vestibules, porches, balconies, exterior shading devices, nonretractable canopies or awnings, projecting cornices, or eaves.

5. Vertical Separation and Human Scale. Buildings in excess of two (2) stories in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods. Buildings in excess of two (2) stories shall also exhibit architecture design that incorporates the human scale, which is specific architecture features below 10 feet (10').

6. Façade Features. All large retail building façades visible from public streets shall include architectural treatments that add detail, character, and reduce the appearance of massive blank walls. Techniques such as color and material changes, expression of structure, shifts in plane, offsets and projections, belt courses, reveals, pilasters, windows, doors, arcades, canopies, and other similar elements may achieve this standard. Opaque storefront security closures (rolling doors, etc.) are not allowed.

C. Entrances. The intent of entrance standards is to provide direct and comfortable access to businesses for pedestrians. Entrances on public streets are particularly important to promote pedestrian traffic and activities on the sidewalks. The following standards apply to the entrances of all structures:

1. Street front entrances shall be developed on all new buildings. An unobstructed sidewalk connection from the door location shall be provided to connect to the public sidewalk. Entry doors shall be located on the front façade or be placed within three feet (3') of the front façade.

2. Each primary public entry shall be architecturally emphasized so that pedestrians can easily find it.

3. Weather protection features such as awnings, canopies, doors inset by at least three feet (3'), or arcades shall be provided at all customer entrances.

D. Corner Buildings. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks, and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public placement.

19.32.070 – Off-Street Parking Standards.

In addition to the parking standards specified in Chapter 19.48, "Off Street Parking Standards", the following parking standards shall apply:

A. Change Of Use: Whenever the existing use of a structure or the existing use of land is changed to another use or another occupancy, parking and loading facilities shall be provided as required by this Title, except that the Planning Commission may reduce this requirement where a variance is requested and justified pursuant to this Title and Utah Code.

B. Surface parking areas, except for approved street parking, may not be located between a building and a public right-of-way on lots or parcels adjacent to a public right-of-way. This requirement shall only apply to one side of a lot or parcel that is adjacent to a public right-of-way on multiple sides. Surface parking for a big box development, such as a grocery store, that meets the standards for a build-to-line exception as described in 19.32.050.C, is allowed parking between the building and the right of way if the pad sites each comply with this part.

C. Surface parking areas, except for approved street parking, located within thirty feet (30') of a public right-of-way shall be screened by grading, landscaping, walls/fences, or a combination of these, to a height of three feet (3') above the surface of the parking area.

D. All commercial development should be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets, unless otherwise specified. A minimum distance of one hundred feet (100') should be required between a cross-access way and an entrance. UDOT standards may supersede this requirement in areas of UDOT jurisdiction. The Director may waive this requirement when the Director determines that cross-access is impractical based on topography, the presence of natural features, or vehicular safety factors, provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or uses.

E. The Director or Designee may approve an exception to the requirements of this subsection if he or she determines that any of the requirements are not reasonably possible based on the unique characteristics of the site.

19.32.080 – Open Space and Landscaping.

In addition to the parking standards specified in Chapter 19.50, "Landscaping and Screening", the following parking standards apply:

A. Physical Connections. Each lot shall have a system of pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space, and public trails.

B. Minimum Landscaped Area. Thirteen percent (13%) of the area of each commercial site shall be developed as landscaped setbacks, courtyards, plazas, open space, or walkways.

C. Landscaped Setback from Edge of a Street or Drive. The entirety of the required setback between a building or parking lot and a street or drive shall consist of landscaping, sidewalks, or a combination thereof. Courtyard or plaza areas shall be deemed to be a part of the front setback of the building.

D. Prohibitions. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment, and off-street loading areas are not permitted in the front setback of any building and shall be located behind the main building structure, or completely screened from public view.

E. Building Foundation Landscaping. The ground adjacent to the building foundation shall be landscaped if it is visible from public vantage points.

F. Residential Buffer. A landscaped buffer is required to separate residential uses from commercial and industrial uses in accordance with Section 19.50.050.B: Buffer Areas between Nonresidential and Residential Land Uses.

19.32.090 – Lighting.

Except for ordinary repairs and maintenance, lighting approved and installed after the adoption date of this ordinance shall comply with the following outdoor lighting standards:

A. Light Source. Light sources shall be at least as efficient as LED and no greater than four thousand kelvins (4000K) in correlated color temperature (CCT). Light levels shall be designed such that light trespass measured at the property line does not exceed 0.01 foot-candles. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures. In no case may the total lumens emitted for a single site exceed one hundred thousand (100,000) lumens per acre.

B. Parking Lot Lighting. Parking lot lighting shall be designed and constructed to comply with the following standards:

1. Pole Height/Design.

a. Luminaire mounting height is measured from the parking lot or driveway surface and may range from ten feet (10') to thirty feet (30'), based on review of site plan, proposed uses, surrounding uses, parking area size, building mass, topography of site, and impacts on adjacent properties.

b. Poles and fixtures shall be black, dark brown, or another neutral color approved by the Director or Designee.

c. All attempts shall be made to place the base of light poles within landscape areas.

d. Light poles in parking areas may not exceed thirty feet (30') in height. Poles exceeding twenty feet (20') in height are appropriate only for parking areas exceeding two hundred (200) stalls and not within seventy-five feet (75') of a residential zone.

C. Other Outdoor Lighting Standards.

1. Wall-mounted lighting fixtures may not be located above eighteen feet (18') in height unless being used as building accent lighting. Fixture styles and finishes shall complement the building exterior.

2. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity shall be bollard style lighting or down-directed lighting not to exceed twelve feet (12') in height. Pedestrian lighting shall be coordinated through each project and shall complement adjacent projects to the greatest extent practical.

3. In order to avoid light pollution, backlit awnings, up-light spotlights, and floodlights are prohibited.

4. Street lighting shall either be chosen from the city's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.

5. Lighting for outdoor athletic facilities may be mounted on a roof or wall at a height above the typical eighteen-foot (18') maximum, provided it is demonstrated by the applicant. through submittal of appropriate documentation and light studies, that the facility cannot otherwise be properly lighted. This lighting shall comply with the following requirements:

    a. Light fixtures and necessary supports may not extend more than four feet (4') above the roof line;

    b. Light fixtures shall include appropriate shields to ensure no light trespass off the site;

    c. Light fixtures shall include appropriate shields and louvers to minimize, to the greatest extent possible, any point source light pollution;

    d. Light fixtures and supports shall be painted to blend with the color scheme of the structure to which they are mounted;

    e. Light fixtures shall be dimmable to address any possible unforeseen light impacts once they are constructed and operable; and

    f. The Planning Commission shall review the hours of light usage and shall approve an appropriate usage schedule depending on the specific situation and impacts on the surrounding area.

D. Upgrading Preexisting Lighting. An applicant shall bring preexisting lighting into compliance with this code upon application with the business license department for a change in ownership, new business in a stand-alone structure or a multi-tenant structure in which the new business utilizes more than fifty percent (50%) of the building square footage on the site, in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.

E. Lighting Plan Submission Requirements. A lighting plan is required for all developments and shall contain the following:

    1. Plans indicating the location on the premises and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;

    2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include manufacturer catalog cuts and drawings, including a section where required;

    3. Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emission; and

    4. A point-by-point light plan to determine the adequacy of the lighting over the site.

19.32.100 – Fences Hedges and Walls.

The following standards apply to new development of fences, hedges, and walls:

A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback of a zone if it meets the following conditions:

1. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner;
2. Only one fence or wall is allowed per property line. Double fences, walls or combination thereof are prohibited; and
3. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire if the barbed wire is not less than eight feet (8') above the ground and does not extend more than two feet (2') above the temporary fence.

B. Height. No fence or wall may exceed seven feet (7') in height, four feet (4') in height from the front of the primary structure forward, or three feet (3') in the sight distance triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.

C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet (14') in height so long as all portions above six feet (6') are constructed with at least fifty percent nonopaque materials.

19.32.110 – Additional Standards.

It is the responsibility of the applicant to comply with all other applicable standards of Title 19 and all other municipal ordinances, including:

A. 19.04: Definitions

B. 19.18: Planned Unit Developments

C. 19.42: Specific Use Standards

D. 19.44: Temporary Use Standards

E. 19.46: Site Development Standards

F. 19.48: Off-Street Parking and Loading

G. 19.50: Landscaping and Screening

H. 19.52: Signs

I. 19.56: Flood Plain Regulations

J. 19.58: Geological Hazards

Chapter 19.34: MANUFACTURING ZONES

Sections:

19.34.010 – Purpose of Provisions.

The purpose of the manufacturing zones is to provide places in the municipality for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones intend to provide employment opportunities and expand the municipal tax base while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

19.34.020 – Establishment of Manufacturing Zones.

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

A. Manufacturing Zone – Flex (M-1): The M-1 Zone is intended to provide a flexible mix of industrial uses, including light manufacturing, warehousing, wholesale, and accessory uses that contribute to employee wellbeing and quality development.

B. Manufacturing Zone – Heavy (M-2): The M-2 Zone is reserved for areas of the municipality that support more intense industrial uses, such as distribution centers, resource processing, and energy production. Development standards are intended to minimize adverse impacts of these uses and protect the surrounding environment.

19.34.030 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 *Specific Use Standards*.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.34.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.34.030 is prohibited in this zone.

Table 19.34.030: Table of Uses for M-1 and M-2 Zones.

Use Categories	M-1	M-2
RESIDENTIAL USES:		
Rail-Transit Mixed Use	P	X
RETAIL AND SERVICE:		
Animal Control or Rescue Facility	P	X
Animal Hospital or Clinic with or without Outdoor Boarding Facilities	P	X
Child Care Center	P	X
Commercial Plant Nursery	X	P
Contractor's Office	X	P

Vehicle and Equipment Repair – All Types	P	P
FOOD AND DRINK:		
See Accessory Uses.		
RECREATIONAL:		
Open Space	P	P
See also Accessory Uses.		
LODGING:		
No Lodging Uses are allowed in the Manufacturing Zoning Districts.		
OFFICE:		
Office – Intensive or Medical	P	X
INDUSTRIAL:		
Agricultural Products Processing	X	P
Assembly Use	P	P
Breweries and Distilleries, Industrial	P	P
Freight Service	X	C
Industrial Flex Space	P	X
Machine Shop	P	P
Manufacturing, Heavy	X	C
Manufacturing, Light	P	P
Meat or Poultry Processing Facility	X	P
Recycling Processing Facility	X	P
Resource Recycling Collection Point	P	P
Self-Service Storage Facilities, Enclosed or Outdoor	P	X
Storage Yard	X	P
Underground Record Storage Vaults	X	C
Vertical Indoor Agriculture	P	P
Vehicle Assembly	X	P
Warehouse and Distribution Facilities	X	P
INSTITUTIONAL:		
Micromobility Support Infrastructure	P	P
Public Service Training Facility	P	P
Public Use	P	P
Public Utility, Major	C	P
Public Utility, Minor	P	P
Water Treatment Facility	X	P
Wireless Telecommunication Site, Facility, or Equipment Shelter	X	P
Planned Unit Developments, Subject to Chapter 19.18:		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	X	X
Residential Neighborhood Planned Unit Developments	X	X
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	C	C
SPECIALTY:		
Crematorium	P	P
Hospital	C	X

Laboratory, Medical or Dental	P	X
Laboratory, Research and Development	P	X
Park-and-Ride	P	P
Solar Energy System, Commercial	X	C
Wind Energy System, Commercial	X	C
ACCESSORY USES:		
Accessory Uses, including Employee Amenities and Accessory Outdoor Storage	P	P

19.34.040 – Development Standards.

A. General Design Standards: The following building design requirements apply in the M-1 and M-2 Zones:

1. View Protection. The proportion and massing of buildings shall be designed to minimize the obstruction of all views. No vertical design elements, dominant rooflines, or other features which exaggerate building height shall be used.

2. Building Massing. In order to maximize the integration of buildings and features with the natural environment and surrounding neighborhoods, all developments in the M-1 and M-2 Zones shall incorporate techniques for reducing the apparent size and bulk of buildings and structures. The following methods are required:

   a. A consistent level of detail and finish on all sides of a building shall be provided.

   b. Continuous building wall surfaces shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.

B. Development in the M-1 or M-2 Zones shall comply with the development standards of Table 19.34.040 and all other applicable standards in this Title.

Table 19.34.040: M-1 and M-2 Zone Development Standards.

Standard	M-1	M-2
Minimum Lot Size (in square feet) [C]	12,000	25,000
Minimum Lot Width (in feet) [C]	75	100
Building Height (in feet) [D]	*Minimum:* No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade. *Maximum*: No building within this zone may exceed sixty feet (60') above grade.	*Minimum*: No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade. *Maximum*: 80
Minimum Floor Area Ratio	0.5:1	NA
Maximum Building Lot Coverage	80%	80%

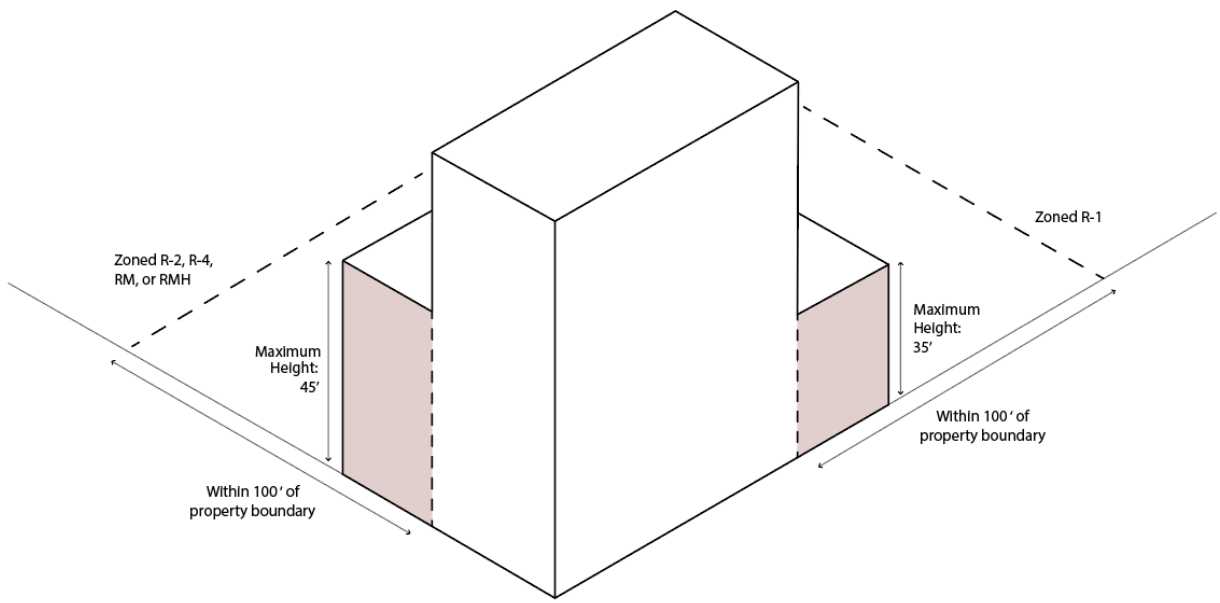
C. Existing Lots: Lots legally established prior to the adoption date of this ordinance shall be considered legal conforming lots.

D. Step-down Height Adjacent to Residential Areas: Within one hundred feet (100') of sites zoned residential, the following standards shall apply:

1. On the portion of the site within one hundred feet (100') of a site zoned R-1, including any sub-zone of R-1, no structure or any portion thereof may exceed thirty-five feet (35') in height.

2. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH, no structure or any portion thereof may exceed forty-five feet (45') in height.

Figure 19.34.040: Stepdown Heights Adjacent to Residential Areas.



19.34.050 – Required Yards and Setbacks.

Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.

Standard	M-1	M-2
Front Yard Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard Setback – Interior Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Rear Yard Setback (in feet)	Minimum: 25 Maximum: NA	Minimum: 35 Maximum: NA
Minimum Distance between Primary and Accessory Buildings (in feet)	10	10

19.34.060 – Height Exceptions.

Exceptions to the building heights specified in Table 19.34.040 apply, in accordance with 19.46.110.

19.34.070 – Additional Standards.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.04: Definitions

B. 19.18: Planned Unit Developments

C. 19.42: Specific Use Standards

D. 19.44: Temporary Use Standards

E. 19.46: Site Development Standards

F. 19.48: Off-Street Parking and Loading

G. 19.50: Landscaping and Screening

H. 19.52: Signs

I. 19.56: Flood Plain Regulations

J. 19.58: Geological Hazards

CHAPTER 19.36: MIXED-USE ZONES

Sections:

19.36.010 – Purpose of Provisions.

The mixed-use zones are intended for areas within the community where a combination of residential, commercial, civic, and other uses is desirable to strengthen local tax base and employment opportunities, provide diverse housing types, create gathering places, and connect businesses with nearby customers. The mixed-use zones are distinguished by the uses they allow as well as their development standards, which are intended to promote a high-quality, compact, walkable, and interesting built environment.

19.36.020 – 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 zones are established:

A. Downtown Historic District (DH): The DH Zone 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. The purpose of this Zone is to implement the vision of the Magna General Plan (2021) and further the municipality's Main Street Program.

B. Neighborhood Mixed Use District (NMU): The NMU Zone is intended to create a residential district that allows a small-scale, horizontal or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents. This Zone is intended only for small-scale, low-impact uses, to promote a better mixture of uses close to home and within a walkable environment.

C. Corridor Mixed Use District (CMU): The CMU Zone is intended to promote compact and walkable development, diverse housing options, and proximity to shopping and services along transit corridors, especially where infill development is desirable. The CMU allows for greater intensity of uses and building footprints without disrupting surrounding neighborhoods.

19.36.030 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.30.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

Table 19.36.030. Uses.

Use Categories	DH	NMU	CMU
RESIDENTIAL USES: [E]			
Accessory Dwelling Unit, Detached or Internal	X	P	X
Dwelling, Multiple Family	P	X	P
Dwelling, Single Family	X	P	X
Dwelling, Single Family Attached	X	P	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	P	X
Educational Facility with Residential Accommodation	X	X	P
RETAIL AND SERVICE:			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P
Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	X	P
Mobile Store	P	X	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	P	X	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	C	C	C
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	X	C
FOOD AND DRINK:			
Bars and Clubs	P	X	P
Breweries and Distilleries, with or without restaurant	P	X	P
Food Truck, Mobile Restaurant, Food Cart	P	X	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
LODGING:			
Bed and Breakfast	P	P	P
Hotel/Motel	P	X	P
OFFICE:			
Offices – General, Professional, and Trade Services	P	P	P
RECREATIONAL:			
Commercial Recreation and Entertainment, Indoor	P	X	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	P	X	P
INDUSTRIAL USES:			
Light or Heavy Industry or Manufacturing	X	X	X
INSTITUTIONAL USES:			
Animal Hospital or Clinic	C	X	C
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P

Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
SPECIALTY:			
Medical, Urgent Care, and Dental Clinic	P	X	P
Mortuary or Funeral Home	P	X	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
ACCESSORY USES:			
Accessory Buildings, Garages, Carports, and Structures subject to this Title	P	P	P
Drive-Thru and Drive-Up Facilities [E]	X	P	P
Home Occupations, subject to Chapter 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	C	C	C
NONCONFORMING USES:			
Pre-Existing Lot	P	P	P

E. Residential Uses:

1. In the DH and CMU Mixed Use Zones, residential uses are limited as follows.

   a. Units above a business: Residential dwelling units on the second story or above are permitted.

   b. 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.

   c. Units attached to a business on a multiple frontage lot: in no case shall first-story dwelling units face onto a front lot line.

2. In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

19.36.040 – Development Standards.

A. Any development in the DH, NMU, or CMU Zones shall comply with the development standards shown in Table 19.36.040 and any other applicable standards in this Title.

B. Single- and Two-Family Residential Development in the NMU Zone is exempt from the following requirements:

1. Minimum and Maximum FAR;
2. Minimum Transparency;
3. Entry Spacing and Recess Requirements; and
4. Articulation Requirements.

C. Buildings in any Mixed-Use Zone shall be oriented so as to be front-facing on the public street.

Table 19.36.040 – Mixed Use Zoning District Development Standards.			
Standard	**DH**	**NMU**	**CMU**
Maximum Building Size, in square feet (sq. ft.)			

Non-Grocery	25,000	5,000	
Grocery-Anchored	NA	5,000	NA
Height Limitations, in feet (ft)			
Minimum	25	25	20
Maximum [H I]	50	35	60
Ground Floor Height Minimum for Commercial / Mixed Use Buildings Only	12	12	12
Floor Area Ratio			
Maximum FAR	NA	1.5:1	NA
Minimum FAR	1.5:1	1:1	2:1
Minimum Transparency Requirements [E]			
First Floor / Ground Story	70%	50%	70%
Additional Floors	35%	25%	35%
Entries			
Maximum distance between ground floor entries on the primary façade, in feet (ft). [F]	35; Entrances shall also be present at each corner.		
Primary Façade Entries, Articulation.	Recessed a minimum of 4' depth and 5' width. A canopy or awning is required.	NA	Recessed a minimum of 4' depth and 7' width. A permanent overhang is required.
Non-primary Façade Entries	1 entry minimum at the ground floor is required on each non-primary façade, excluding those with a shared common wall.		
Articulation			
Horizontal Articulation	Structural columns or variation in façade (depth/change in material) shall be articulated at the primary façade for the full height of the building to the cornice (or to the full height of the building to the first stepback); minimum 50' spacing.		
Vertical Articulation	Cornice/Frieze Banding is required between the second and third floors on buildings with three or more stories.		
Roof	Pitched roofs are prohibited. Cornice at roof line is required.	NA	Pitched roofs are prohibited. Cornice at roof line is required.
Usable Outdoor Space, minimum requirement per unit in square feet (sq. ft) [G]			
Single-Family Attached or Detached	150	150	NA
Two-, Three-, or Four-Family	75	100	60
Multi-Family	40	45	40
Maximum Density [J]			
(in dwelling units per acre)	25	15	30

D. 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 do not count toward the required transparency, unless the municipality has authorized a temporary advertisement or other festive decoration.

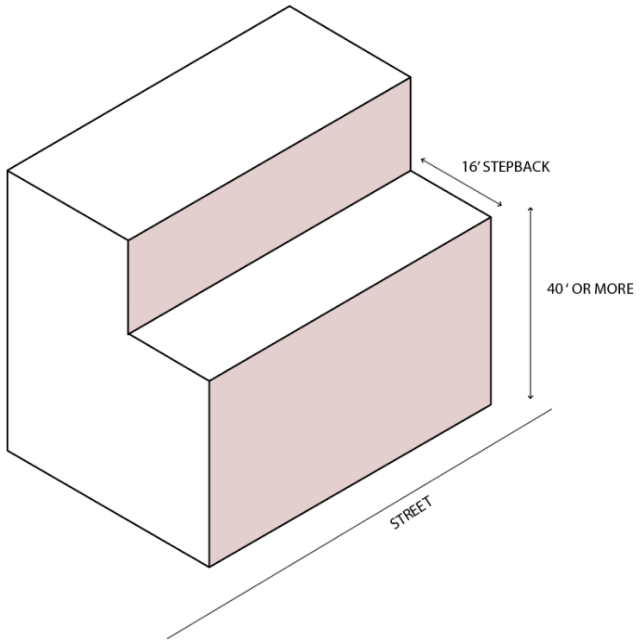
E. Entries on Corner Lots: Buildings on corner lots shall be oriented to the corner that faces on two public streets. Corner entries are required. Corner entries shall be angled toward the intersection of the two public streets in order to emphasize the corner.

F. 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.

1. Balconies: If balconies are provided, they shall be recessed or incorporated into the horizontal setback.

G. Stepbacks: A sixteen-foot (16') stepback shall be required for any height above forty feet (40'). See Figure 19.36.050 A for reference.

Figure 19.36.040 A: Stepback Illustration.

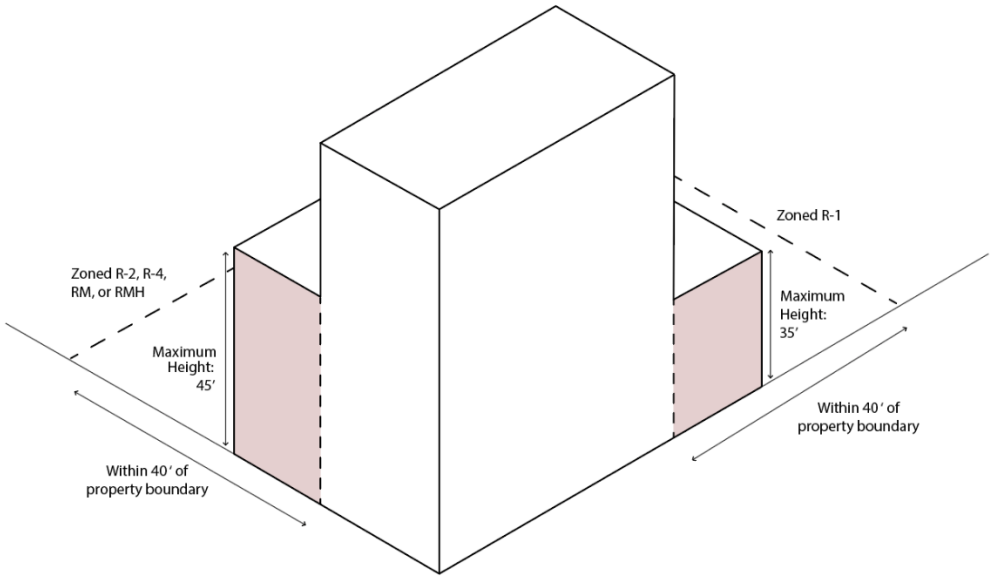


H. Step-down Height Adjacent to Residential Areas: Within forty feet (40') of sites zoned residential, the following standards shall apply. Stepped-down height is not required in the CMU Zone:

1. On the portion of the site within forty feet (40') of a site zoned R-1, the maximum height shall be thirty-five feet (35').

2. On the portion of the site within forty feet (40') of a site zoned R-2, R-4, RM, or RMH the maximum height shall be forty-five feet (45').

Figure 19.36.040 B: Step-down Heights Illustrated



I. Calculating Density. Density calculations are based on gross density. Gross density is defined as the total number of residential dwelling units divided by the gross area of the parcel in question.

J. Exterior Structure Standards: The exterior walls of all structures other than single- and two-family dwellings shall be constructed in compliance with the following:

1. Materials. All buildings shall use one or more of the following durable materials as a significant finish: architectural precast concrete, architecturally treated concrete masonry units, brick cladding, natural and cast stone, architectural metals, and glazing. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance on all buildings. At least fifty percent (50%) of all buildings visible from a major street shall be composed of brick, stone, architecturally treated CMU, architectural precast concrete, architectural metals, wood, and/or glazing.

2. Exterior Insulation and Finish System (EIFS)/Stucco. The design and application of EIFS or synthetic stucco are expected to be of a high enough quality to allow for crisp detailing and substantial relief. The use of EIFS on ground floor walls shall be limited to the surface area three (3) or more feet above finished grade. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural precast concrete, or architecturally treated concrete masonry units.

3. Detail and Finish. Building façades that face the street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone and shall provide variety and interest in the façade through the introduction of such elements as pilasters, recessed or protruding bays, changes in materials and/or colors, building lighting elements, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.

4. Surface Variation. Continuous building wall surfaces shall be relieved with significant variations of wall planes or overhangs that create shadow areas and add visual interest. Variations should result from significant dimensional changes in plane, color, or detail as accomplished by such devices as protruding bays, recessed entries, upper-level step-backs, arcades, offsets in the general plane of the façade, changes in materials or color, bay windows, vestibules, porches, balconies, exterior shading devices, nonretractable canopies or awnings, projecting cornices, or eaves.

K. Exception for Historic District Contributing Buildings. A development standard in Section 19.36.040 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 Magna's National Historic District no longer contributing to the District Designation or Landmark.

19.36.050 – 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 a sense of safety and comfort through appropriate scale.

B. The minimum yard requirements for buildings within the Mixed-Use Zones are presented in Table 19.36.050.

C. Exception for Historic District Contributing Buildings. A lot width, yard, or setback standard in Table 19.36.050 may be waived by the Director or Designee only if the Director or Designee finds that complying with that standard would result in a building that currently contributes to a National Historic District Designation or National Historic Landmark no longer contributing to the District Designation or Landmark.

D. Exception for Setbacks for Common Walls. The side setback is zero feet (0') for any building which shares a side common wall.

Table 19.36.050 – Lot Width, Yard, and Setback Requirements.

	DH	NMU	CMU
Minimum Lot Frontage Along Public Street	18	25	20
Minimum Setbacks, in feet (ft.)			
Front Yard	0	10	0
Side Yard, Interior	0	10	10
Side Yard, Corner Lot	0	10	0
Rear Yard	10	10	10
Maximum Setbacks, in feet (ft.)			
Front Yard	5	20	10
Side Yard, Interior	0	10	10
Side Yard, Corner Lot	5	10	10
Rear Yard	20	20	30

Minimum Distance Between Main and Accessory Buildings, in feet (ft)	10	6	10

19.36.060 – Height Exceptions.

Exceptions to the building heights specified in Table 19.36.040 apply, in accordance with 19.46.110.

19.36.070 – Off Street Parking Standards.

All provisions of Chapter 19.48 shall apply to development in any of the Mixed-Use Zones. For developments that combine multiple uses, parking requirements shall be calculated for each specific use according to the criteria in 19.48. The Director or Designee may authorize shared parking for combined uses if those uses are found to operate at distinct hours of the day or night.

19.36.080 – Additional Standards.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.04: Definitions

B. 19.18: Planned Unit Developments

C. 19.42: Specific Use Standards

D. 19.44: Temporary Use Standards

E. 19.46: Site Development Standards

F. 19.48: Off-Street Parking and Loading

G. 19.50: Landscaping and Screening

H. 19.52: Signs

I. 19.56: Flood Plain Regulations

J. 19.58: Geological Hazards

Chapter 19.40: RESIDENTIAL MOBILE HOME ZONE

Sections:

19.40.010 – Purpose of Provisions.

The purpose of the Residential Mobile Home Zone ("RMH") is to provide appropriate areas for the development and preservation of mobile home parks and mobile home subdivisions. The use and development standards in this Chapter are intended to provide for housing choice and affordability while ensuring that mobile home parks and subdivisions are harmonious with surrounding development.

19.40.020 – Scope.

The provisions of this Chapter apply to any real property located in a RMH Zone as shown on the official zoning map. No building, structure or real property shall be used, and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements may not be construed to prohibit or limit other applicable provisions of this Title, this code, or other laws.

19.40.030 – 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 Title.

B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.

C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.40.030, the more restrictive provisions of

this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P) review, the entire development shall be reviewed and approved by the Conditional Use process.

D. Abbreviations. The abbreviations used in the schedule mean:

1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.40.030 is prohibited in this zone.

Table 19.40.030 – Uses Allowed in the RMH Zone.

Use Categories	**RMH**
AGRICULTURAL:	
Agriculture	P
RESIDENTIAL USES:	
Mobile Home Park or Mobile Home Subdivision	C
RETAIL AND SERVICES:	
Child Care Subject to Chapter 19.42	P
Home Occupations Subject to Chapter 19.42	P
Home Preschool Subject to Chapter 19.42	P
FOOD AND DRINK:	
No Food and Drink Uses are Allowed in the RMH Zone.	
RECREATIONAL:	
No Recreational Uses are Allowed in the RMH Zone.	
LODGING:	
No Lodging Uses are Allowed in the RMH Zone.	
INDUSTRIAL:	
No Industrial Uses are Allowed in the RMH Zone.	
INSTITUTIONAL USES:	
Community Garden	P
Micromobility Support Infrastructure	P
Public Parks	P
SPECIALTY:	
Planned Unit Developments	X
ACCESSORY USES:	
Home Occupation	P
Recreational Areas and Facilities	P
Solar Energy System, Accessory	P
Temporary Uses, subject to Chapter 19.44.	P

Wind Energy System, Accessory	P

19.40.040 – Development Standards and Required Yards and Setbacks.

A. Lot Area: The minimum lot area for a mobile home park or mobile home subdivision shall be five (5) acres. There is no minimum area required per lot, provided that the required yards for each mobile home can be created and maintained.

B. Yards and Setbacks:
   1. Front Yard: The minimum front yard setback shall be seven feet and six inches (7'6").
   2. Side Yard: The minimum side yard for mobile homes shall be seven feet and six inches (7'6"). Awnings, patio covers, etc., may not be closer than three feet (3') from any side property lines. One accessory storage building, not exceeding one hundred twenty cubic feet (120 ft^3), is allowed in one side yard and may be three feet (3') from the property line.
      a. Exception for Corner Lots*:* On corner lots, there shall be a minimum seven feet and six inches (7'6") of unobstructed yard space on the private street side of the lot. No parking, awnings, patios, storage sheds or fences may occupy that unobstructed yard space.
   3. Rear Yard*:* The minimum rear yard is ten feet (10').
   4. Exceptions to Yard Requirements*:* Any yard adjoining a public street shall be a minimum of twenty-five feet (25').

C. Other Development Standards:
   1. Coverage Restrictions: In the RMH zone, the front yard, or any space within three feet (3') of the side and rear property lines, may not be occupied, and shall be open and unobstructed to the sky. Lot coverage may not exceed seventy-five percent (75%) of the lot.
      a. "Occupied" means covered by a mobile home, garage, carport, cabana, awning, storage building, or structure of any kind.
   2. Building Height: In the RMH zone, no mobile home shall contain more than one story, or exceed twelve feet (12') in height. No accessory building shall contain more than one story or exceed twelve feet (12') in height. Other main buildings (clubhouses, recreation buildings, etc.) may not exceed twenty-five feet (25') in height.

19.40.050 – Mobile Home Parks and Subdivisions, Standards and Review.

A. Review and Approval: A mobile home subdivision shall follow the review and approval process, as outlined in Magna's Subdivision Ordinance. Public streets shall meet the standards outlined in the Subdivision Ordinance. Private street standards shall be determined by conditional use review and approval.

B. Mobile Home Park and Subdivision Maintenance: Maintenance of all areas and improvements owned in common by the lot owners, such as clubhouses, common landscaped areas, recreation facilities, playgrounds, roads, sewer and water utilities, and electrical systems, shall be the responsibility of an owner's association created with articles of association and bylaws approved by the attorney.

19.40.060 – General Information.

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

A. 19.42: Specific Use Standards

B. 19.46: Site Development Standards

C. 19.48: Off Street Parking Requirements

D. 19.52: Signs

CHAPTER 19.42: SPECIFIC USE STANDARDS

Sections:

19.42.010 - Purpose.

The purpose of this Chapter is to further the purposes of the General Plan, this Ordinance, and all other municipal Land Use Ordinances, as well as to ensure compatibility of selected specific uses with surrounding uses and properties to avoid any negative impacts associated with such uses.

19.42.020 – Applicability.

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

B. Compliance with specific use standards, as applicable, as well as all other requirements of this Ordinance, and all other Land Use Ordinances, and all other Federal, State, and Local requirements are required for any Land Use Application approval required by this Ordinance, or any other Approval, Permit, or License required by other Land Use Ordinances.

19.42.030 – Accessory Dwelling Unit.

A. The purposes of the Accessory Dwelling Unit ("ADU") standards shall be to:

    1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;

    2. Provide for affordable housing opportunities;

    3. Make housing units available to moderate income people who might otherwise have difficulty finding housing in Magna;

4. Provide opportunities for additional income to offset rising housing costs;
5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
6. Preserve the character of single-family neighborhoods by providing standards governing development of Accessory Dwelling Units; and
7. 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.

B. Allowable Areas and Zones.

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

C. Number of Residents. ADU's may not be occupied by more than 4 adults or 2 adults and their minor dependents.

D. Setbacks.

1. Internal and Attached Accessory Dwelling Units. Setback standards for internal and attached ADUs shall be consistent with setback standards for a single-family dwelling in the zone.
2. New Detached Accessory Dwelling Units. Side yard setbacks on detached ADUs shall be a minimum of five feet (5'). Rear yard setbacks shall be a minimum of five feet (5'). Detached ADUs shall also be a minimum of six feet (6') from the main dwelling. If existing public utility easements are greater than the required setback, the minimum setback shall be the public utility easement boundary.
3. Existing Accessory Structures Built Prior to the adoption of this Chapter. Side yard and rear yard setbacks on existing detached structures to be converted into an ADU shall comply with the accessory building setback standards at the time the structure was erected.

Figure 19.42.030A: Setback Standards for a New Detached ADU.

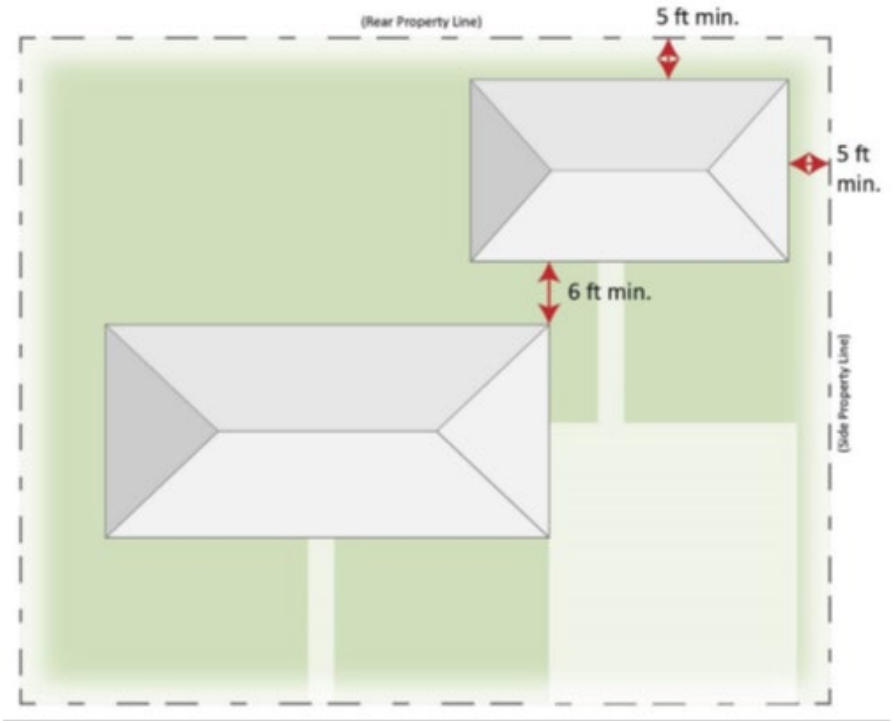
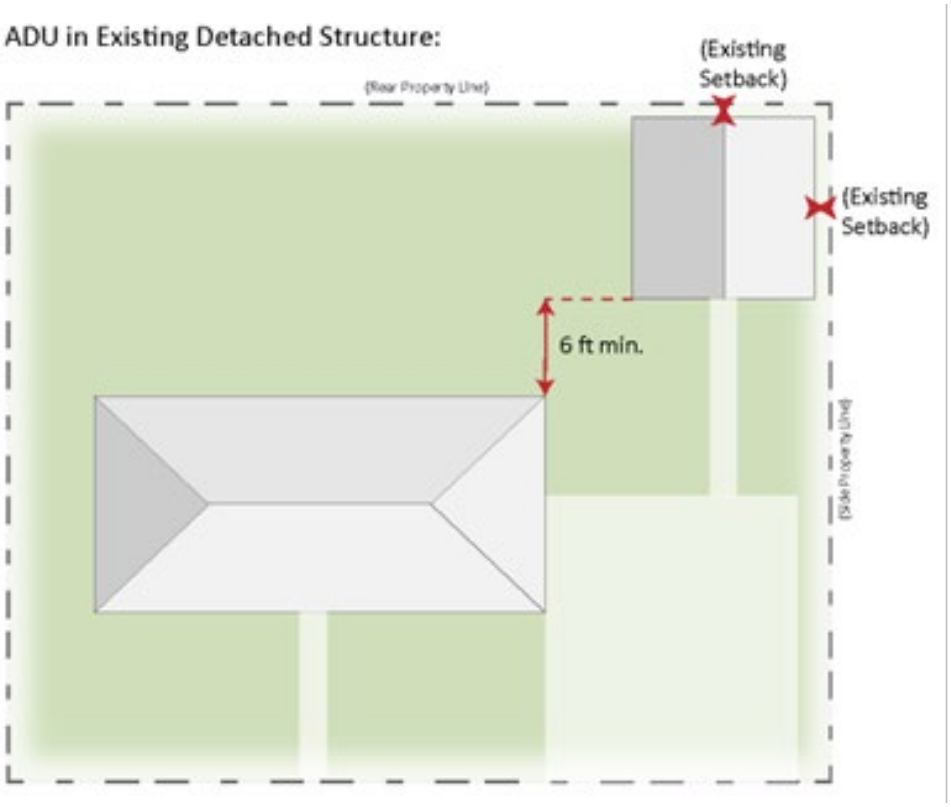


Figure 19.42.030B: Setback Standards for an ADU Built in an Existing Detached Structure.



E. Parking Requirements. In addition to the required parking for the existing home, the property owner shall demonstrate that one (1) on-site parking space is available for an IADU or AADU, and that two (2) on-site parking spaces are available for a DADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. If a garage is converted to create an IADU, AADU or DADU, a replacement on-site parking space is required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.

F. Height Requirements. DADUs may be no taller than the existing home.

G. Lot Coverage. Lot coverage maximums shall be 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 otherwise provided in that section, may not exceed the allowable lot or rear yard coverage standard for the underlying zone.

H. Owner Occupancy. The principal unit or the ADU shall be owner-occupied, except for medical, military service, or religious reasons for a time period not to exceed 2 years. If an owner's 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.

I. ADU's per Lot. One ADU, whether internal, attached or detached, is permitted per lot.

J. ADU Design Standards.

1. An approved building permit is required for any ADU before an ADU is constructed. All other applicable provisions of this chapter and the Magna Metro Township Code shall be met before an ADU may be rented. An existing non-compliant ADUs may come into compliance by obtaining a building permit and verifying completed work was compliant with code.
2. An applicant shall provide written confirmation from the applicable water supplier that the ADU complies with all applicable water service requirements before a building permit may be issued.
3. 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 DADU shall conform to these codes and any other applicable codes and a building permit.
4. DADUs shall be built on a permanent foundation. DADUs may not be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.
5. Any conversion of an existing space to an ADU shall require compliance with safety requirements per building code, including egress windows with window wells in case of emergency, sufficient HVAC, and sufficient climate control for the ADU.
6. IADUs and AADUs will not require a separate HVAC or firewall.
7. Owner shall provide a separate address marking for emergency services and mailing services.
8. DADUs may not be located in a front or corner lot side yard.
9. DADUs shall be offset 10' or more from the front façade of the main dwelling.
10. Any DADU shall have adequate facilities for all discharge from roof and other drainage.

11. Single family residences with a DADU shall retain the same appearance as a single-family residence.

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

K. Affidavit and Notice of Accessory Dwelling. 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.

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

M. Retention of Single-Family Status.

1. ADUs are part of a single-family residence and may not be used as a multi-family residence.

2. ADUs may not be separately metered apart from the single-family residence.

3. ADUs may not be sold or subdivided separately from the single-family residence.

N. Short-Term Rental Use Prohibited. Units approved as ADUs may not be used as short-term rentals. Any rentals shall be made for 30 consecutive days or more.

O. Variances. 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.

19.40.040 - Accessory Outside Storage.

Storage of goods, wares, merchandise, commodities, and any other items located outside of a completely enclosed building for more than 24 hours is prohibited except as accessory outside storage, subject to the applicable zone and subject to the following standards.

A. The area used for accessory outside storage may not constitute more than fifteen percent (15%) of the lot area and may not reduce the access to or usability of areas required for parking for the lot.

B. With the exception of retail sales displays in an approved commercial area, outside storage shall be screened from public view by a minimum six-foot (6') high opaque fence. The required screening shall be established prior to the use of any area for outside storage.

C. When outdoor storage occurs in a front yard, side yard, or any other location within the public view, a fence or screening of a height and material determined by the Planning Commission shall be installed.

D. Outside storage areas shall be paved with asphalt or concrete.

E. Outside storage areas shall be maintained in a clean, neat, and orderly condition. The required screening shall be kept in good repair.

F. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited.

G. "Accessory Outside Storage" as defined herein does not include construction yards, storage yards, or other storage uses where the storage of items outside of an enclosed building is a primary characteristic of the use.

19.40.050 – Animal Hospitals or Clinics.

Animal Hospitals and Clinics, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. The use of the building space shall be restricted to medical treatment and incidental care such as bathing, the trimming of common household pets on an outpatient basis only, except that temporary boarding in connection with medical treatment shall be permitted, and except that short-term boarding, defined to be not more than two weeks, may be permitted.

B. Outdoor animal runs or holding facilities may be approved as an accessory use with a conditional use permit. Such runs or holding facilities may not be established within three hundred feet (300') of a property line of a residential zone, an educational institution, or a place of worship.

C. The building space shall be adequately soundproofed to assure that no noise will carry beyond the confines of the building or space that the use would occupy.

D. When outdoor holding facilities are permitted by the underlying zone, the location of barns, stables, coops, pens corrals and other holding areas are subject to the requirements for "Animal Rights" in this chapter.

E. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use can be reasonably mitigated.

19.42.060 - Animal Rights.

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

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

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

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

D. All yards, barns, shelters, cages, areas, places, and premises where domestic livestock, animals, or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust, or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.

E. All pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be maintained so that no flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb health and safety of any person or animal.

19.42.070 – Apiary.

A. The purpose of the apiary standards is to establish certain requirements for sound beekeeping practices. These standards are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

B. Apiaries, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

1. No more than the following number of colonies may be kept on any lot or parcel within the municipality, based upon the size of the lot or parcel upon which the apiary is situated:

   a. Less than or equal to nine thousand nine hundred ninety-nine (9,999) square feet in size: one colony;

   b. More than nine thousand nine hundred ninety-nine (9,999) square feet but less than or equal to nineteen thousand nine hundred ninety-nine (19,999) square feet in size: two colonies;

   c. More than nineteen thousand nine hundred ninety-nine (19,999) square feet in size: one colony plus one additional colony for each ten thousand (10,000) square feet square feet of land area.

2. A site plan shall be submitted for review by Planning and Development Services addressing the following:

   a. Any colony situated within twenty-five feet of a public or private property line shall require the establishment of a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof as approved by the Director or designee. Said barrier shall be along or parallel to the property line extending ten feet beyond the colony in each direction, forcing a flight pattern elevation of at least six feet above grade.

   b. A water source shall be provided on the property and no nearer than twenty feet to the hive to avoid bees congregating on nearby properties in a search for water.

   c. A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.

3. In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:

   a. All honeybee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

   b. All honeybee colonies shall be registered with the Utah Department of Agriculture and Consumer Services in accordance with the Utah Bee Inspection Act.

c. Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

d. All colonies shall be maintained with marked queens. The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be requeened on a yearly basis.

e. Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.

f. Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

C. Upon receipt of information that any colony situated within the municipality is not being kept in compliance with the requirements of this section, an investigation and subsequent hearing before the municipality's LUHO may result and may result in the revocation of the apiary permit.

19.42.080 – Bars and Clubs.

Bars and Clubs, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. A security and operations plan shall be prepared by the applicant and approved by the Unified Police Department of Greater Salt Lake and the Director. The security and operations plan shall be filed with the Planning and Development Services Department as part of the business license. The security and operations plan shall include:

1. A complaint-response community relations program;

2. A provision for resolving neighborhood complaints regarding the operations on the business premises;

3. Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth in Title 9;

4. A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;

5. Prohibiting electronically amplified sound in any exterior portion of the premises;

6. Designation of a location for smoking tobacco outdoors in conformance with State law;

7. A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and trash or debris in parking lot areas;

8. A provision stating that portable trash receptacles on the premises be emptied daily, and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a municipality approved trash storage area; and

9. A parking management plan which shall include consideration of the impact of parking on surrounding neighborhoods.

B. Site and floor plans proposed for the premises shall be reviewed and approved by the Unified Police Department of Greater Salt Lake. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness.

C. In addition to the required setbacks, if a bar or club abuts a residentially zoned parcel, an additional buffer consisting of vegetative landscaping or walls are required along any property line or within any required yard area on the lot where the premises are located.

D. The location of an outdoor smoking area shall be selected to mitigate the effect on neighboring residences, businesses, and buildings. If complaints are made about the outdoor smoking area, the Planning Commission may require the outdoor smoking area to be moved to an alternate location if it can be shown that the smoking area is adversely affecting neighboring residences, businesses, and buildings.

E. No bar or club shall be located within five hundred feet (500') of another bar or club, as measured linearly without regard to intervening structures, from the nearest point on the property line of one establishment to the nearest point on the property line of the second establishment.

19.42.090 - Bed and Breakfast Inn.

A bed and breakfast inn, if allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

A. The structure shall have a residential appearance;

B. The structure shall be limited to a maximum of two stories in height;

C. The structure shall contain a minimum of five (5) guestrooms, but not more than fifteen (15) guestrooms.

D. Guests using the accommodations or lodging shall pay compensation;

E. A bed and breakfast inn may not provide cooking facilities in any individual guestroom;

F. The access to the site and the on-site parking shall be available for use and maintained, including snow removal, throughout the entire year;

G. A bed and breakfast inn located in the C-1, C-V, and C-2 zones may include a restaurant and conference rooms; and

19.42.100 – Car and Light Truck Wash.

Car and light truck washes, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. In addition to the applicable landscaping requirements of Chapter 19.50 of this Title, landscaping for all car washes shall double the number of plantings required in areas between stacking and drive-through areas and the street and residentially zoned property.

B. The facility shall be designed and operated, including the bay openings and vacuum areas, to minimize traffic, noise, and aesthetic impacts to surrounding properties and public view.

C. Vacuum stations and related equipment are prohibited along any side of a building facing a residential use or residential zone unless a masonry wall is located along the entire property line adjacent to that residential use or zone.

D. Recycling of water used for vehicle washing is required to be installed and used in perpetuity. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal laws, guidelines and/or standards.

E. Any water flow resulting from the use of the washing facilities shall be confined to the car wash site and disposed of through an on-site drainage system in accordance with applicable laws.

F. The internal traffic circulation pattern shall be designed so as to preclude traffic congestion on public streets in the vicinity and to provide safe ingress, egress, and movement of traffic on the site.

G. The site shall provide space sufficient to allow a minimum of five vehicles to stack while waiting to access the car wash prior to reaching the payment area. All stacking shall be maintained on site and may not back onto any public right-of-way.

H. Provisions shall be made for regular on-site maintenance and clean-up of the property.

19.42.110 – Caretaker Living Quarters.

Caretaker living quarters, if specifically allowed as an accessory use to a commercial or industrial use in the applicable zone, are also subject to the following standards:

A. The caretaker living quarters shall be located within the principal building on the site.

B. The caretaker living quarters shall be occupied by the owner or an employee of the business or use.

C. A minimum of one designated parking space shall be provided for the caretaker living quarters, in addition to any parking spaces required for the principal use.

D. The caretaker living quarters shall have no more than two bedrooms.

E. The caretaker living quarters shall be limited to a maximum of 650 square feet.

F. The caretaker unit shall meet all applicable requirements of the International Residential Building Code as adopted by the jurisdiction. Each unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and/or bathing facilities, a living room, and a bedroom. Studio units are permitted so long as they provide space for the amenities as described in this section.

G. The property owners shall execute and record a covenant and agreement with the jurisdiction to revert the property to an industrial use without a caretaker living quarters, including the removal of the kitchen facilities of any permanent addition that does not meet the requirements of the Zone in

which the use is located, after the expiration of any associated permit granted or the termination of the business.

19.42.120 – Check Cashing.

Check cashing and other non-depository financial institutions, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. Establishments shall be located no closer than one mile from other similar establishments.

B. Use activities shall be limited to short term title loan and short-term consumer installment loan business.

C. The following services are specifically prohibited: "cash for gold", "cash for precious metals", and the processing or storage of repossessed vehicles or other repossessed property.

D. All business activity, including customer queuing, shall be accommodated inside the building.

19.42.130 – Chickens or Ducks, Residential Keeping of.

A. Chickens and Ducks: Subject to the requirements of this section and any other applicable provision of this code, hen chickens and ducks (and no roosters or other types of fowl) regardless of age, in the amount set forth below, may be kept on a lot or parcel of land for the sole purpose of producing eggs.

B. The number of hen chickens or ducks which may be kept shall be limited based on the size of the lot or parcel as follows:

1. Lots with at least twenty thousand (20,000) square feet: Up to sixteen (16) chickens or ducks for the first twenty thousand (20,000) square feet and up to eight (8) additional chickens or ducks for each ten thousand (10,000) square feet of lot area.
2. Lots with between fifteen thousand (15,000) and nineteen thousand nine hundred ninety-nine (19,999) square feet: Up to twelve (12).
3. Lots with between ten thousand (10,000) and fourteen thousand nine hundred ninety-nine (14,999) square feet: Up to eight (8).
4. Lots with between six thousand (6,000) and nine thousand nine hundred ninety-nine (9,999) square feet: Up to four (4).
5. Lots with less than five thousand nine hundred ninety-nine (5,999) square feet: None.

C. The principal use on the lot or parcel shall be a single- or two-family dwelling.

D. Chickens and ducks shall be confined within a secure enclosure that includes a coop.

1. The coop shall be covered, weatherproof, and well ventilated.
2. The enclosure, including the coop, shall be predator resistant.
3. The coop shall have a minimum floor area of at least two and one-half ($2^1/_2$) square feet per animal.
4. If the chickens or ducks are not allowed to roam within an enclosure or a properly fenced rear yard outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

5. The coop shall be structurally sound and located in a rear yard at least forty feet (40') from any neighboring primary residential structure. The coop shall also meet the minimum setback for accessory structures within the applicable zone and may not be located nearer any street than the primary residential structure. Coops may not be located in any front yard or side yard, corner lot.
6. The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line.
7. No chicken or duck shall be permitted to roam outside the coop or enclosure except that a rear yard enclosed with a six-foot (6') fence with links or slats spaced at intervals small enough to keep chickens enclosed and predators out.

E. Feed shall be stored in rodent and predator proof containers.

F. Water shall be available to the animals at all times.

G. Animals may not be slaughtered on site unless it can be done humanely and not within the public view.

H. A Salt Lake County Animal Services permit is required.

19.42.140 – Child Care.

Child Care, if allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

A. A person exempted from licensing as a childcare center under the Utah Department of Health and Human Services Rule R381-60-3 is not subject to land use approval or business licensing. Building Code Regulations may still apply.

B. "Child Care, Residential" shall be licensed by the Utah Department of Health and Human Services under Rule R430-50 et seq. A copy of the Health and Human Services License shall be submitted prior to the issuance or renewal of a Business License.

C. "Child Care, Licensed Family" shall be licensed by the Utah Department of Health and Human Services under Rule R430-90 et seq. A copy of the Health and Human Services License shall be submitted prior to the issuance or reissuance of a Business License.

D. When Child Care is provided from a residence:

1. The applicant shall reside in the home in which the business will be conducted.
2. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the Director to ensure that the parking is functional and does not change the residential character of the lot.
3. No signs shall be allowed on the dwelling or lot except a nameplate sign.

E. At no time shall the applicant provide daycare or preschool services for a group of children exceeding the maximum number specified for such facility.

F. The use shall comply with the health department noise regulations.

G. The play yard may not be located in the front yard and shall only be used between eight a.m. and nine p.m.

H. The use shall comply with all local, state, and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children).

I. Upon complaint that any of the requirements of this section or any other applicable ordinance are being violated by a home day care/preschool caregiver, the municipality shall review the complaint and if substantiated may institute a license revocation proceeding under Title 5.

J. Planning and Development Services shall notify in writing all property owners within a three-hundred-foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.

K. A "Child Care Center" shall be licensed by the Utah Department of Health and Human Services under Rule R381-100 et seq. A copy of the Health and Human Services License shall be submitted prior to the issuance or reissuance of a Business License. A Child Care Center is subject to the following requirements:

1. Minimum Lot Size: Twenty thousand (20,000) square feet.

2. Location Requirements: The child daycare use shall be addressed on and oriented to an arterial or collector street as shown on the City's major street plan.

3. Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.

4. Landscape Buffering: Any outside area where children are allowed shall be fenced with a solid fence at least six feet (6') high. At least ten feet (10') from the fence to the interior portion of the property shall be landscaped in such a way that the area cannot be used by the patrons.

19.42.150 – Commercial Plant Nursery.

When a Commercial Plant Nursery is allowed as a permitted or conditional use, the growing of nursery plants with associated retail sales are subject to the following requirements:

A. Licensing Requirements. In addition to a business license, a Commercial Plant Nursery shall be licensed under the Utah Nursery Act, administered by the Utah Department of Agriculture and Food.

B. Site Location Standards. A Commercial Plant Nursery shall be located one a site with no less than one acre that has primary access to a street designated as a Principal or Minor Arterial on the UDOT Functional Classification Map.

C. Operation and development standards.

1. All buildings, structures or improvements shall be located at least 20 feet from any property line.

2. All buildings and structures may not exceed 20 feet in height.

3. All storage of non-plant material shall be in a completely enclosed building or within a masonry wall enclosure at least six feet in height.

4. No outdoor telephone bell or paging system may be used.

19.42.160 - Critical Infrastructure Materials.

A. Vested Critical Infrastructure Materials Operations - Conclusive Presumption.

1. Critical Infrastructure Materials Operations operating in accordance with a legal nonconforming use, as determined by Chapter 19.06 of this Title, or a permit issued by the municipality are conclusively presumed to be Vested Critical Infrastructure Materials Operations if the Critical Infrastructure Materials Operation existed, was conducted, or was otherwise engaged in before January 1, 2019 and before when the municipality prohibited, restricted, or otherwise limited the Critical Infrastructure Materials Operations.

2. A person claiming that a Vested Critical Infrastructure Materials Operation has been established has the burden of proof to show that the Vested Critical Infrastructure Materials Operation has been established.

3. A Vested Critical Infrastructure Materials Operation:

   a. Runs with the land; and

   b. May be changed to another Critical Infrastructure Materials Operation conducted within the scope of a legal nonconforming use, as determined by Chapter 19.06, or the permit for the Vested Critical Infrastructure Materials Operation without losing its status as a Vested Critical Infrastructure Materials Operation.

B. Rights of A Critical Infrastructure Materials Operator with A Vested Critical Infrastructure Materials Operation.

1. Notwithstanding the municipality's prohibition, restriction, or other limitation on a Critical Infrastructure Materials Operation adopted after the establishment of the Critical Infrastructure Materials Operation, the rights of a Critical Infrastructure Materials Operator with Vested Critical Infrastructure Materials Operations include the right to:

   a. Use, operate, construct, reconstruct, restore, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings; and

   b. Discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the Critical Infrastructure Materials Operation.

C. Notice for Subdivisions in Proximity to Vested Critical Infrastructure Materials Operation.

1. For any new subdivision development located in whole or in part within one-thousand feet (1,000 ft.) of any parcel or lot containing a Vested Critical Infrastructure Materials Operation, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:

   a. "Vested Critical Infrastructure Materials Operations. This property is located in the vicinity of an established Vested Critical Infrastructure Materials Operation in which Critical Infrastructure Materials Operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the Critical Infrastructure Materials Protection Area. The use and enjoyment of

this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal Critical Infrastructure Materials Operations."

D. Abandonment of A Vested Critical Infrastructure Materials Operations.

1. A Critical Infrastructure Materials Operator may abandon some or all of a Vested Critical Infrastructure Materials Operation use only as provided in this Section.
2. To abandon some or all of a Vested Critical Infrastructure Materials Operation, a Critical Infrastructure Materials Operator shall record a written declaration of abandonment with the County Recorder.
3. The written declaration of abandonment shall specify the Vested Critical Infrastructure Materials Operations or the portion of the Vested Critical Infrastructure Materials Operations being abandoned.

E. Non-Vested Critical Infrastructure Materials Operations.

1. Conducting a Critical Infrastructure Materials Operation without a permit or determination of a non-conforming use shall be determined a violation of this Ordinance. Such operation may not be considered a 'Vested' Critical Infrastructure Materials Operation and shall be subject to remedies and penalties established in the Municipal Code.

19.42.170 – Drive Thru Windows.

A. Purpose: The regulations of this section are intended to allow for drive-through facilities by reducing the negative impacts they may create. These impacts include noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to:

1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
2. Promote safer and more efficient on site vehicular and pedestrian circulation; and
3. Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Applicability And Permit Requirements: These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-thru facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand (1,000) square feet, whichever is less and/or the parking requirement increases as required by this title.

C. Additional Application Materials Required: In addition to the site plan and standard application requirements, an applicant for a business with drive-through facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, and the placement of audio equipment (if this type of equipment will be used).

D. Capacity and Design Standards for Drive Thru and Drive-Up Facilities are found in Section 19.48.100.

19.42.180 – Home Occupations.

Home Occupations are subject to the following standards:

A. Restrictions. The following business activities are prohibited from taking place at a residential dwelling unit:

1. Commercial uses of a primarily retail nature or that rely on walk up traffic;
2. Vehicle, trailer, or boat repair or maintenance, including body and fender work;
3. Vehicle sales or rentals;
4. Towing or impound operations, junkyards, accessory outdoor storage, or storage yards;
5. Lawn mower or small engine repair;
6. Major appliance repair (washers, dryers, refrigerators, etc.).
7. Any use involving the storage or sale of inflammable, explosive or hazardous materials;
8. Mortuaries or crematoriums;
9. Sexually oriented businesses;
10. Welding, iron works, foundries, manufacturing, or assembly uses.

B. Exemptions. The following activities are exempted from or not subject to regulation under this chapter:

1. Uses other than a home business that are listed as permitted or conditional uses in residential zones;
2. Garage or yard sales, provided:
   a. The sale is held for not more than three consecutive days;
   b. No more than two sales are held per year at the same location; and
   c. No consignment goods are offered for sale;

C. Standards. The following standards apply to home businesses:

1. The primary use of the dwelling shall be residential.
2. The person operating the business shall reside in the dwelling at least nine months per year.
3. For lots that front on a right of way less than 80 feet wide, only the business operator and his/her immediate family members who reside in the home shall be employed to do any work in the home, whether compensated or not, in conjunction with the business. For lots that front on a right of way of 80 feet or greater, one non-resident employee is allowed to be employed to do work in the home.
4. Customers shall be allowed at the residence on an appointment only basis between the hours of 7:00 a.m. and 10:00 p.m. Group lessons or sessions may not exceed six people at a time.

5. Exterior remodeling that would change the residential appearance of the home is prohibited. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.

6. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There may be no display of goods produced by the home occupation observable from outside the dwelling.

7. All business activities shall take place entirely within the dwelling and/or attached garage and may not occupy more than 25% or more than 500 square feet, whichever is less, of the floor area of the home.

8. Storage or display of supplies, inventory, equipment, or materials in any portion of the yard or within a detached accessory building is prohibited. Explosive or combustible materials may not be stored or used in association with a Home Occupation.

9. The home business may use only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses.

10. The home business may not emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, or interference with radio and/or television reception.

11. In addition to the parking spaces required for the residents of the dwelling, off-street parking for customers and for an employee, if allowed under subsection 3 above, shall be provided in the driveway or garage.

12. Any nameplate sign may not exceed three square feet, may not be illuminated, and shall be attached to a wall or window of the dwelling.

13. Vehicles: No vehicle larger than a passenger car, van, or one-ton pickup truck may be brought to, parked on, or stored on the property in conjunction with a home business except that:

    a. Occasional deliveries and pick-ups by commercial small package delivery organizations such as the USPS, FedEx, UPS of DHL are exempt from this requirement.

    b. Tow trucks, tanker trucks, box vans, delivery vans, and similar vehicles may not be stored on site. Such vehicles may be located off site in an approved and licensed off-site storage location.

    c. One trailer may be used in association with a Home Occupation in accordance with the following standards:

        i. The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet.

        ii. Trailers shall be garaged or stored on private property and may not be located within the Front Yard setback or, for Corner Lots, in either the Front or Side Yard setback.

        iii. Trailers may have one sign covering the lesser of 24 square feet or 30 percent of the side panel of the trailer.

14. The home occupation applicant shall either be the bona fide owner of the home (as shown on the current Salt Lake County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner shall provide written permission allowing the applicant to conduct a business in the home. Said letter of permission shall be signed and notarized by the homeowner.

15. The property address (house number) shall be clearly posted on the home using letters at least four inches in height in a color that contrasts with the color of the building.

16. The condition of the dwelling and landscaped areas shall be well maintained.

17. The activities of the home occupation may not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion, or safety to the structure the use is conducted in, adjacent structures, or the occupants thereof.

D. Regulations and Enforcement.

1. All home businesses shall obtain a municipal business license.

2. An application for a home business, accompanied by the application fee, shall be submitted to Planning and Development Services. The application shall be approved upon the applicant agreeing to comply with the standards set forth in this section.

3. A change of business ownership or relocation to a new address is considered a new business and requires separate approval.

4. The home business license shall be renewed each year that the home occupation is in operation.

5. All home businesses shall be reviewed for compliance with the provisions of this Chapter. Noncompliance may result in revocation of the home business license.

6. The business owner is responsible for complying with all applicable health, fire, building and safety codes.

7. Violations of the standards set forth in this section shall be subject to the civil penalties outlined in Chapter 19.08. In addition, a business license revocation hearing may be scheduled at the discretion of the Director for any business found to be in violation of the home business standards or any other municipal ordinance.

19.42.190 – Hotel

The following standards shall apply to all hotels, motels and other similar lodging facilities that are new development, redevelopment, changed from another use, or retrofits of existing buildings:

A. The minimum number of floors within the building shall be three. Any Basement space may not count toward meeting the minimum floor requirement.

B. If stucco or fiber cement siding are used as exterior materials, at least 25% of the exterior shall be brick, stone or another comparable material approved by the Director or Designee.

C. At least five of the following amenities shall be included:

1. Swimming pool

2. Hot tub
3. Fitness Room
4. Business Center
5. Meetings Rooms
6. Common Breakfast Space
7. Restaurant and/or Bar
8. Substantial Gardens or a Reading Room

D. The minimum area per guest room shall be 280 square feet.

E. Each guest room shall include a restroom.

F. Hotels, motels, or other lodging facilities are encouraged to co-locate with complementary uses such as dining, shopping and entertainment are within close proximity.

G. In addition to meeting these standards, existing buildings or structures being converted to be or include a hotel, motel, or other lodging facilities shall be brought into conformance with all applicable building codes.

H. All guest rooms shall be accessed from interior corridors.

19.42.200 – Household Pets.

Household pets are prohibited in watershed areas, primary water supply recharge areas, or drinking water source protection areas, as determined by the Salt Lake Valley Health Department or Department of Environmental Quality.

19.42.210 – Kennel, Commercial.

The following standards apply to all commercial kennels and catteries:

A. The site shall be adequate in size and shape to accommodate the type of boarding cats or dogs/kennels proposed and all yards, walls, parking, landscaping, and other required improvements.

B. The use may not substantially lessen the usability or suitability of adjacent or nearby properties for planned or zoned uses.

C. Noise produced by the proposed use may not exceed that allowed by the Magna Municipal Code. When the animals are proposed for indoor accommodations, soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or buildings.

D. All commercial kennels and catteries shall be designed and maintained in compliance with Title 8.

E. The property shall be maintained in such a way so as not to create conditions that attract flies or create other nuisances in accordance with Title 9.

F. The number of dogs or cats permitted for boarding or kenneling shall be as determined through the discretionary permit process, based upon site size, design and compatibility with surrounding uses.

G. The area where the dogs or cats are penned shall be screened with a block wall and a secure gate.

F. An isolated area shall be provided to animals that are sick or diseased.

19.42.220 - Outdoor Dining Appurtenant to A Permitted Restaurant Use.

Outdoor dining, when listed as a permitted or conditional use in the applicable zone and appurtenant to a permitted restaurant use, is subject to the following requirements:

A. A useable pedestrian sidewalk through zone at least five feet (5') wide shall be maintained as unobstructed by fire hydrants, trees, poles, meters, fountains, etc., and any proposed seating.

B. Restaurants serving liquor shall be able to contain distribution to the site.

C. Public facilities, such as drinking fountains, fire hydrants, trash cans, etc., may not be obstructed. Public facilities may not be defaced or damaged. Damaged facilities will be restored at the property owner's expense.

D. Crosswalks may not be obstructed.

E. Dining may not interfere with adjacent business access, the growth or maintenance of street trees and maintenance of public facilities. Site distance for vehicles and pedestrians may not be obstructed.

F. Minimum Conditions of approval:

1. There may be no addition in the number or arrangement of tables on public property without prior approval.
2. Tables and chairs may not be located, other than approved in the initial application, so as to further encroach onto the designated public way.
3. The management of the restaurant is responsible for the removal of litter, debris, snow, and sidewalk cleaning.
4. There may be no additional signage, other than normal menus and logos on umbrella canopies.
5. Restore any damage to public facilities and clean public facilities each day from food and drink spills and debris.
6. Sidewalk dining is subject to inspection by the Planning and Development Services for compliance.
7. Other dining facilities, such as cooking implements, coolers, serving tables, bars, etc., may not be allowed.

19.42.230 – Pawn Shop.

A. The purpose of regulating pawn shop establishments is to ensure security and compatibility with surrounding uses and properties and to avoid any impacts associated with such uses.

B. Pawn shop establishments, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:

1. Site location standards.

    a. The business may not be located within 600 feet of a public or private school (kindergarten through twelfth grade), church or other religious building, or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, church or other religious building, or park site.

    b. The business may not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.

    c. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.

2. Operation and development standards.

    a. The business shall have lighting to provide illumination for security and safety of parking and access areas in accordance with this Title.

    b. The business window may not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the business shall remain at adequate levels to clearly see into the business from the exterior of the business.

    c. A sign shall be posted in the front of the business indicating that no loitering is permitted per Municipal Code.

19.42.240 – Reiki.

Reiki, if allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

A. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.

B. Each practitioner that is not an employee listed on the business licensee shall have a municipal business license.

C. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code.

D. The premises may not be used for any conduct that violates Section 58-47h-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.

E. If a Reiki Practitioner, while performing the “spiritual healing art”, involves the use of any of the methods outlined in the scope of practice of Massage Therapy defined by Utah State Code, then the Reiki Practitioner shall be licensed as a Massage Therapist.

19.42.280 – Residential Facilities for Persons with a Disability.

Residential Facilities for Persons with a Disability are subject to the following standards:

A. Licensing. The licensing requirements for "residential treatment programs" and "residential support programs" are defined and administered pursuant to state law and the Utah Administrative Code.

B. Exceptions to Permitting Requirements. Four (4) or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a land use permit but function as a "family," as defined in Section 19.04.020 of this Title.

C. Reasonable Accommodation. The Director or Designee shall consider requests for a permitted use/reasonable accommodation for a "Residential Facility for Persons With a Disability". Residential Facilities may be permitted in any zone where single-family residential uses are permitted, provided that:

1. The Residential Facility meets or will meet all program, physical facility, and licensure requirements of the State Department of Human Services or Health Department;

2. The Residential Facility meets all applicable municipal standards, licensing and zoning requirements;

3. The Residential Facility may not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility;

4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the Residential Facility, and applicable law; and

5. The Director or Designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.

D. Termination. A Residential Facility use permitted by this Title is nontransferable and shall be subject to revocation by the appropriate land use authority if:

1. The facility is devoted to a use other than a Residential Facility for Persons with A Disability;

2. The Residential Facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under State Code, or remodels or expands without first receiving the applicable permits; or

3. The Residential Facility is not licensed by the State Department of Health or Department of Human Services.

E. Day Treatment. To avoid excessive traffic, overburdened on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in Residential Facilities for Persons with a Disability in the R-1 or R-2 Zones.

19.42.250 – Retail Shops or Galleries where Primary Product is Produced on Site.

Retail Shops or Galleries where Primary Product is Produced on Site, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use shall be reasonably mitigated.

B. Storage of products may not block front windows nor spill outdoors onto the property.

19.42.260 – Retail Tobacco Specialty Business.

A. For the purposes of this Section:

1. Community Location" means:

    a. Public or private kindergarten, elementary, middle, junior high, or high School;

    b. Licensed child-care facility or preschool;

    c. Trade or technical School;

    d. Church, Mosque, Temple, or other Religious Building;

    e. Public library;

    f. Public playground;

    g. Public Park;

    h. Youth center or other space used primarily for youth-oriented activities;

    i. Public recreational facility; or

    j. Public arcade.

2. "Retail Tobacco Specialty Business" means a Commercial establishment in which:

    a. The sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

    b. Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

    c. The establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

3. "Tobacco product" means:

    a. Any cigar, cigarette, or electronic cigarette as defined in Utah Code Annotated Section 76-10-101;

    b. A tobacco product as defined in Utah Code Annotated Section 59-14-102, including:

        i. Chewing tobacco; or

        ii. Any substitute for a tobacco product, including flavoring or additives to tobacco; and

c. Tobacco paraphernalia as defined in Utah Code Annotated Section 76-10-104.1.

B. A Retail Tobacco Specialty Business may not be located within:

1. 1,000 feet of a Community Location;

2. 600 feet of another Retail Tobacco Specialty Business; or

3. 600 feet of a Residential or Agricultural Zone or Use.

C. For the purposes of subsection B above, the proximity requirements shall be measured in a straight line from the nearest Entrance of the Retail Tobacco Specialty Business to the nearest property boundary of the Community Location, Retail Tobacco Specialty Business, or Agricultural or Residential Zone or Use, without regard for intervening Structures or Zones.

D. A Retail Tobacco Specialty Business that has a business license and was operating lawfully on or before May 8, 2012, is exempt from the requirements of subsection (2) if said business meets all of the following criteria:

1. The business license has been renewed continuously without relapse or permanent revocation;

2. The Retail Tobacco Specialty Business has not closed for business or otherwise suspended the sale of Tobacco Products for more than 60 consecutive days;

3. The Retail Tobacco Specialty Business does not substantially change the business premises or its business operation; and

4. The Retail Tobacco Specialty Business maintains the right to operate under the terms of other applicable laws, including but not limited to Zoning Ordinances, building codes, and the business license that was issued prior to May 8, 2012.

19.42.270 – Self Service Fuel Station.

A. Purpose. The purpose of regulating self-service fuel stations is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

B. Site Organization:

1. Building Locations: Service station buildings, e.g., convenience store structures should be located on the corner of the property with the pump islands located to the interior of the site to give the facility a good architectural presence from the street(s).

2. Driveways:

a. Driveway cuts shall be limited and located as far from the intersection as possible and are required to be shared with adjacent uses and/or properties, if possible, to eliminate traffic conflicts at intersections.

b. Driveways shall be designed and located to ensure a safe and efficient movement of traffic and pedestrians on and off the site.

c. No more than one two-way driveway shall be permitted per one hundred (100) linear feet of street frontage.

3. On Site Vehicle Storage: Storage of vehicles is prohibited.

C. Special Requirements:

1. Patron Vehicle Servicing: Areas should be provided on self- service station sites to allow patrons to service their vehicles with air and water. These facilities should be located where they do not obstruct circulation patterns of the site.

2. Car Washes (Accessory to An Automotive Service Station):

a. A car wash structure, if provided, shall meet the minimum setback standards for the zone in which it is located.

b. Automatic car wash facilities may provide areas for vacuuming and drying of vehicles upon exiting the car wash structure. Such areas shall be located where they do not obstruct circulation patterns of the site.

c. A minimum of eight feet (8') of space shall be provided between the exit of the car wash structure and any cross driveway to allow for sight distance of vehicles in the crossing driveway.

D. Pump Island Canopy Design:

1. Setbacks: Fuel pump island canopies located at service stations shall be set back a minimum of twenty feet (20') from all front property lines.

2. Vehicle Stacking: Each pump island should generally include stacking space for a minimum of two (2) vehicles (total of 40 feet) on site so that driveways within the site or adjacent street areas are not utilized for waiting customers. Pump island stacking may not encroach upon required parking space back out areas (24 feet minimum) or two-way driveways for general site circulation (24 feet minimum).

3. Lighting: All canopy illumination and lighting directed toward the ground shall be recessed into the canopy.

4. Vertical Clearance: There shall be a minimum clearance of 13.5 feet to the bottom of the canopy above grade.

5. Height: Vertical canopy fascia utilized for signage may not exceed four feet (4') in height, and the height to the top of the vertical fascia may not exceed twenty feet (20') from grade unless otherwise approved by the Director.

6. Pumps Associated with a Self Service Fuel Station are subject to the parking requirements of Chapter 19.48 and all other applicable ordinances.

E. Architectural Design:

1. All building elevations shall comply with applicable standards.

2. The length of pump canopies shall be minimized as much as possible. If the site allows, pump canopies shall be broken up into two (2) separate locations. This reduces the effect of pump canopies dominating other buildings on the site.

3. Pump island structural columns and canopy fascia shall use the same architectural materials as the main building, e.g., stone, brick, etc., and shall run from ground level to the bottom of the canopy.

F. Speaker Boxes: Speaker boxes designed to communicate from pump islands may not be audible on any residential property adjacent to the business and shall comply with the applicable noise ordinances

G. Drive-thru businesses and activities conducted on site, if permitted, shall be subject to the drive thru standards in this Chapter.

19.42.280 – Self-Service Storage Facilities, Outdoor.

Outdoor Self Service Storage Facilities, if allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. Self-storage unit facilities may not be visually prominent from the street. Facilities shall be located behind another building or buildings containing another permitted use. An applicant may propose a portion of the facility not be located behind another building or buildings if a forty-foot (40') landscape buffer is provided between the facility and the street.

B. Each self-storage unit facility shall include a masonry wall along the entirety of each street frontage.

C. No garage door or door accessing a unit may face a public street.

D. Storage units may not exceed one-story and twenty-four feet (24') in height.

E. In no case may any storage unit be used for human habitation or the housing of animals.

F. No business activity of any kind may be transacted from within a storage unit.

G. No outdoor storage or storage containers are permitted within the self-storage facility.

H. The masonry wall of the storage units may be constructed on the side and/or rear property lines when not abutting property in any residential zone.

I. A Self-Storage Facility under 60,000 square feet may have one Caretaker's Dwelling. A Self-Storage Facility with at least 60,000 square feet and less than 90,000 square feet may have two Caretaker's Dwellings. A Self-Storage Facility with 90,000 square feet or more may have three Caretaker's Dwellings.

19.42.290 – Sexually Oriented Business or Activity.

A. Purpose: The purpose of this Section is to establish reasonable and uniform regulations for sexually oriented businesses, their location, and signage, and to mitigate adverse impacts to the community consistent with state and federal law.

B. Business Permitted—Restrictions:

1. Other than outcall services and nude and seminude dancing agencies, sexually oriented businesses shall be permitted only in areas zoned C-3 and M-1, subject to the following additional restrictions:

a. Sexually oriented businesses shall be subject to conditional use requirements.

b. No sexually oriented business may be located:

i. Within 1,000 feet from any school, public park, religious institution, or other sexually oriented business;

ii. Within 300 feet from an agricultural or residential boundary;

iii. Distance requirements for this Section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the school, public park, religious institution, agricultural or residential zone, or other sexually oriented business, and to the nearest property line of the sexually oriented business.

2. Outcall services and nude and seminude dancing agencies shall be permitted only in zones where offices are allowed. Customer not allowed to visit such an office.

C. Sign restrictions: Notwithstanding anything to the contrary contained in Chapter 19.52 of this Title, signs for sexually oriented businesses shall be limited as follows:

1. No more than one exterior sign shall be allowed.

2. No sign shall be allowed to exceed 18 square feet.

3. Only flat/wall signs shall be permitted.

4. Painted wall advertising is prohibited.

5. Other than the signs specifically allowed by this section, the sexually oriented business may not construct any temporary sign, banner, light or other device designed to draw attention to the business location.

D. Severability: If any provision of this section, or the application thereof to any person or circumstances, is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity may not affect other provisions hereof which can be implemented without the invalid provision. To this end the provisions of this section are declared to be severable.

19.42.300 – Short Term Dwelling Rental.

Short Term Rentals are prohibited. No dwelling unit, portion of a dwelling unit, or accessory dwelling unit may be rented for a period of less than 30 days.

19.42.310 - Sidewalk Displays and Sidewalk Cafés Appurtenant to A Permitted Use.

A. Sidewalk Displays and Sidewalk Cafes: The following standards shall apply to Sidewalk Displays and Sidewalk Cafes:

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 cafés 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.

19.42.320 – Storage and Salvage Yards.

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

A. No portion of the storage area shall be located within three hundred feet (300') of any Residential Zone or use lot line.

B. Any outdoor storage area shall be completely enclosed by a fence or wall no less than six feet (6') in height, constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight feet (48') in width providing access to the storage area for vehicles but may not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

C. Each salvage or storage yard shall include a masonry wall along the entirety of each street frontage. This wall shall be constructed at the front setback line required for buildings in the underlying zone. The storage or salvage area shall be no closer to street than the front facade of the building. The Director may accept a landscaped berm in lieu of the masonry wall if the height, width, and berm landscaping fully screen the storage or salvage areas. A berm allowed in lieu of a masonry wall shall include live plant material that covers no less than fifty percent (50%) of the berm with grasses, bushes, ground cover or tree canopies. Trees and bushes shall be at least twenty five percent (25%) evergreen.

D. Stored materials may not be stacked higher than six feet (6') and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall. Operational vehicles and motorized equipment are not subject to the height requirement for storage. No inoperable vehicle or equipment shall be stored within the outdoor storage areas. Permitted salvage yards are the only allowable storage areas for inoperable vehicles or equipment.

E. Outdoor storage shall be kept and maintained in a neat and orderly manner. Outdoor storage may not include dirt, manure, gravel, rocks, sand, bark, or similar materials, unless the items are stored in bags, on pallets, or on other individually sealed containers.

F. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.

G. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. Product, salvage, or other storage shall be stored in rows with a continuously looping drive aisles with a minimum width of twenty feet (20').

H. Requests for a permit for a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage to be received, the methods of separation and/or recycling, and

ultimate destination of all salvaged, recycled, and waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

I. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company and be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method, or otherwise allowed to be discharged upon the ground.

J. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.

K. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

19.42.330 – Towing Services and Impound Lots.

A. Towing Services and Impound Lots, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:

1. No impound or tow yard shall be closer than 300 feet to any property in a residential or mixed-use zone, as measured from property line to property line.

2. The impound or tow storage yard shall be entirely enclosed by a six foot (6’) decorative masonry wall.

3. A minimum 20-foot landscaped setback shall be provided along all street frontages.

4. All vehicles within the impound yard shall have ground contact of all wheels. No stacking of vehicles shall be permitted.

5. The surface of the storage yard shall be covered with an all-weather surface. Any stormwater or other runoff from the site shall be contained on the site and disposed of through an on-site drainage system, in conformance with applicable regulations to enforce the requirements of the National Pollutant Discharge Elimination Systems (NPDES) permit.

6. The business shall be operated in compliance with the provisions of Chapter 9.48 – Noise Control.

7. The impound lot or tow yard and the associated landscaping, walls and surfaced areas shall be maintained in good repair, in a clean, neat, and orderly condition.

8. All such areas shall be provided with internal circulation, safe entrances and exits in compliance with Title 14.

9. No dismantling or demolition of automobiles or other vehicles shall be conducted on the premises.

19.42.340 – Vehicle and Equipment Repair.

A. Purpose. The purpose of regulating vehicle repair facilities is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

B. All Minor, Major, and Commercial and Industrial Vehicle and Equipment Repair uses are subject to the following minimum requirements:

1. A minimum site area of twenty thousand square feet (20,000 sf) is required.
2. On- and off-site improvements shall be in conformance with the development standards of this Title.
3. No part of the use shall be located within 100 feet of a residential zone.
4. All vehicle and equipment repair activities shall be conducted within an enclosed Building.
5. The site shall be developed with permanent, related buildings. No trailers or temporary modular units are permitted.
6. Except as provided in herein below, inoperable vehicles, tires, parts, and service equipment may not be stored outside.
7. Inoperable vehicles and equipment awaiting service may be temporarily parked on site in accordance with the following standards:
   a. Inoperable vehicles and equipment may not be located within any minimum required parking stalls and drive aisles and may not block any traffic flow.
   b. Inoperable vehicles and equipment shall be screened from any adjacent streets by a building or solid masonry wall not less than six feet in height.
   c. Inoperable vehicles and equipment shall be located on asphalt or concrete.
   d. Inoperable vehicles may not be stored on the property longer than 30 days.
8. Commercial and Industrial Vehicle and Equipment Repair establishments shall be located along and have primary access from an Arterial or Major Collector Street on the UDOT Functional Classification Map. If a principal arterial has a frontage road, primary access from the frontage road is sufficient to meet this standard.

19.42.350 – Wireless Telecommunications Facilities.

A. Purpose. The purpose of this Section is to establish general requirements for the siting of wireless telecommunications facilities and to:

1. Encourage the location of facilities in nonresidential areas;
2. Minimize the total number of monopole facilities throughout the community;
3. Encourage the joint use of new and existing communication sites;
4. Encourage the location of facilities where adverse impact on the community is minimal;
5. Encourage innovative design of facilities to minimize adverse visual impact; and

6. Enhance the ability of the providers of telecommunication services to do so quickly, effectively, and efficiently.

B. Applicability.

1. The requirements of this Section apply to both commercial and private wireless telecommunications services, such as "cellular" or "PCS" (personal communications services) communications and paging systems.

2. All facilities shall comply with the regulations in this Section, all other ordinances of the municipality, and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

C. Site Location Plan Required

1. A site location plan shall be submitted by each company desiring placement of wireless telecommunication facilities.

2. The plan shall be submitted to Planning and Development Services prior to processing any permits for permitted or conditional use locations.

3. The plan shall include an inventory of existing and anticipated sites for the municipality and within one-half mile of the municipal boundary.

4. For each site, the plan shall indicate:

   a. Area coverage, if known;

   b. Antenna location;

   c. Antenna height above existing grade; and

   d. Antenna type.

5. The plan shall be updated upon request from the Director or Designee.

6. Every plan shall be considered proprietary information and not be part of the public record.

D. Allowable Uses. The wireless communications facilities specified in Table 19.42.330 are allowed, provided that they comply with all requirements of this Ordinance.

TABLE 19.42.330: SPECIFIC USE STANDARDS
ALLOWABLE WIRELESS COMMUNICATIONS FACILITIES

P- Permitted Use	C- Conditional Use	N- Not allowed

Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
All R-1 Zones	P[3], C[5]	P[3], C[5]	C[3], C[5]	N
All R-2 Zones	P[3], C[5]	P[3], C[5]	C[3], C[5]	N

R-4-8.5 Zones	P[3], C[5]	P[3], C[5]	C[3], C[5]	N
R-M Zones	P	P	C	N
RMH Zones	N	N	N	N
All A Zones	P[1], C[2]	P[1], C[2]	C	N
All MU Zones	P[1], C[2]	P[1], C[2]	C	N
All C Zones	P	P	C	N
All M Zones	P	P	P[4], C	N

TABLE 19.42.330: FOOTNOTES

[1] Permitted use only on nonresidential buildings.
[2] Conditional use on residential buildings.
[3] Allowed only in conjunction with public or quasi-public uses (see definitions in chapter 19.04).
[4] Permitted use if not within 300 feet of a residential zone boundary.
[5] Stealth facilities are conditional uses and not required to be located with public or quasi-public uses.

E. Facility Types and Standards: There are four general types of antenna structures. The standards for the installation of each type of antenna structure are as follows:

1. Wall Mounted Antenna:(see Figure 19.40-1)

   a. Wall mounted antennas may not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.

   b. Antennas, equipment, and the supporting structure shall be painted to match the color of the building, structure, or background against which they are most commonly seen.

   c. Antennas and the supporting structures on buildings should be architecturally compatible with the building.

   d. Antennas shall be considered wall mounted if they are mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

   e. Stealth wall mounted antennas are encouraged, and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth wall mounted antennas need not be located with public or quasi-public uses in all R-l, R-2, and R-4-8.5 zones (see Table 19.40-1).

2. Roof Mounted Antenna: (see Figures 19.40-2 and 19.40-3)

   a. Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms. Antennas and antenna mounting structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

b. For antennas not mounted on a penthouse or mechanical equipment room but on a flat roof:

i. Setback. The antennas shall be mounted at least five feet from the exterior wall or parapet wall of the building or structure.

ii. Height (see Figure 19.40-2).

A. For antennas mounted between five and fourteen feet from the exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the exterior wall or parapet wall.

B. For antennas setback more than 14 feet, the maximum height shall be 14 feet.

C. Antennas extending more than 19 feet above the roofline require conditional use approval.

D. Height shall be measured from the top of the antenna to the roofline of the building or structure, or to the top of the parapet wall if a parapet wall exists.

iii. Roof-mounted antennas extending above the roofline of any penthouse or mechanical equipment room require conditional use approval.

c. Roof mounted antennas on a pitched roof are allowed, provided the antennas and antenna support structures do not extend higher than the peak of the roof, measured by a horizontal line from the peak extending over the roof (see Figure 19.40-3).

d. Roof mounted antennas shall be constructed and colored to match the surroundings in which they are located.

e. Stealth roof mounted antennas are encouraged and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth roof mounted antennas need not be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.40-1).

3. Monopole:

a. The height limit for monopoles is 60 feet, except the Planning Commission may allow a monopole up to eighty feet (80') in the C-2, C-3, M-1, and M-2 zones if it finds:

i. The monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,

ii. The monopole will be available for co-location with other companies, and

iii. The monopole will be setback at least 300 feet from any residential zone boundary.

b. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.

c. In all R-1, R-2, and R-4-8.5 zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use as defined in Chapter 19.04, which include, but are not limited to, churches, schools, utilities, and parks.

d. No monopoles shall be allowed in the front yard setback of any lot.

e. Monopoles shall be setback from any residential structure a distance equal to the monopole's height.

f. Stealth monopole facilities are encouraged and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth monopoles need not be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.40-1).

4. Lattice Tower:

   a. Lattice towers are not permitted.

F. Color.

1. The color of monopoles, antennas, and any associated buildings or equipment shall blend with the surroundings in which they are located.

G. Additional Requirements. The following shall be considered by the Planning Commission for conditional uses:

1. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.

2. The possibility of locating the antenna on other existing structures in the same vicinity, such as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting antenna transmission or reception.

3. Location of the antenna in relation to existing vegetation, topography (including ridge lines), and buildings to obtain the best visual screening.

4. Spacing between monopoles that creates detrimental impacts to adjoining properties.

5. Installation of improvements, including, but not limited to landscaping and fencing as per Section 19.16.040.

H. Accessory Buildings. Accessory buildings to antenna structures shall comply with the required setback, height, and landscaping requirements of the zone in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground.

I. Non-maintained or Abandoned Facilities.

1. The Municipality shall provide notice to an owner or agent of a non-maintained or abandoned telecommunications facility that the facility shall be repaired or put into use within 90 calendar days.

2. If the owner or agent fails to repair the facility or put the facility into use within 90 days of notice, the Municipality may require the facility to be removed from the building or premises.

J. Building Permit Required.

A building permit from Planning and Development Services is required for all wireless telecommunication facilities, including, but not limited to, monopoles and roof and wall mounted antennas.

K. Exceptions for Amateur (Ham) Radio Antennas. This subsection shall apply to amateur radio antennas and support structures. The equipment and facilities mentioned herein shall be allowed in all zones within the municipality, and it is the municipality's intent to provide reasonable accommodation for such communications. Regulations relating to Amateur Radio Antennas are separate from those relating to commercial wireless communication facilities. The following standards and any other municipal ordinances, regulations of the Federal Communications Commission (FCC), or regulations of the Federal Aviation Administration (FAA) apply:

1. Amateur radio antennas are regulated by the federal communications commission (FCC).

2. A building permit is required for all amateur radio facilities. A copy of the user's amateur radio license shall be submitted with the building permit application. For antennas and support structures that do not exceed the maximum height requirement of the applicable zone, no additional review is required.

3. Planning Commission review is required for antennas and support structures that exceed the maximum height requirement of the applicable zone. The Planning Commission, in considering the application, shall apply the minimal practicable regulation necessary to achieve its goal of protecting the welfare of the community while ensuring the regulation will not impinge on the needs of the amateur operator to engage in amateur communications. The Planning Commission may not deny an application for an amateur radio antenna and support structure unless it can be shown that a hazard or a nuisance is created that cannot be mitigated with reasonable conditions.

4. All antennas and support structures shall comply with the required setbacks of the applicable zone in which the property is located.

5. No more than one amateur radio antenna and support structure per lot may be installed, and the antenna and support structure shall be located in the rear or side yard of a home or main structure.

L. Illustrations. The illustrations, Figures 19.42-1, 19.42-2, and 19.42-3, are intended to demonstrate graphically the intent of this Chapter.

Figure 19.42-1: Wall-Mounted Antennas.

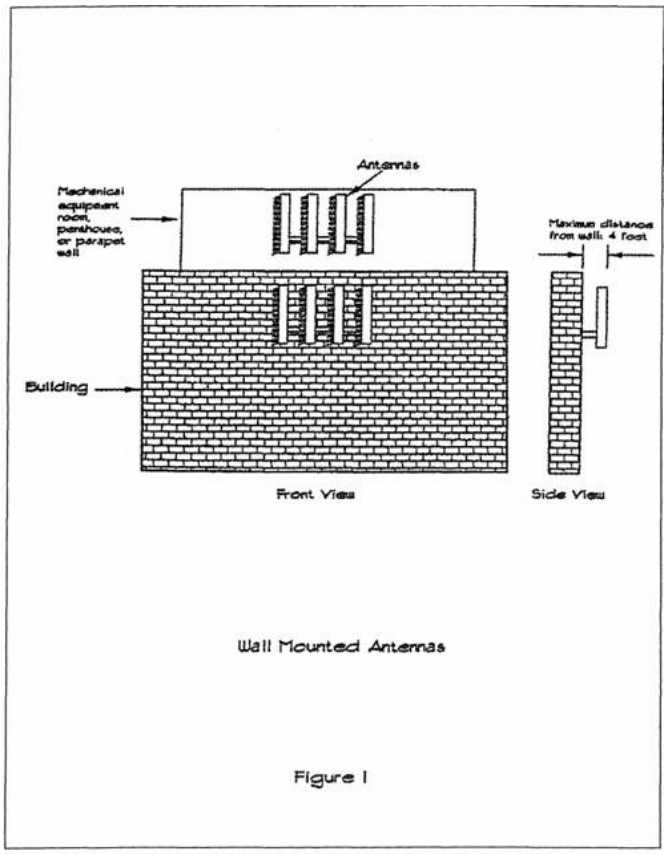


Figure 19.42-2: Roof-Mounted Antennas, Height.

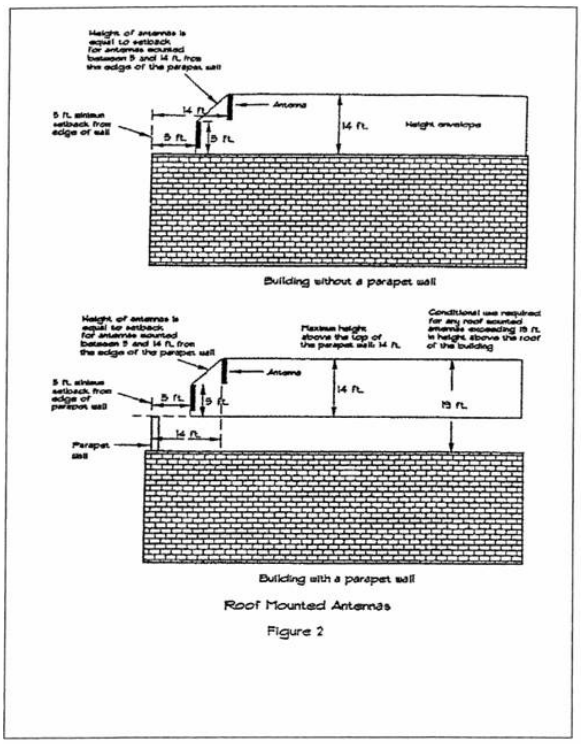
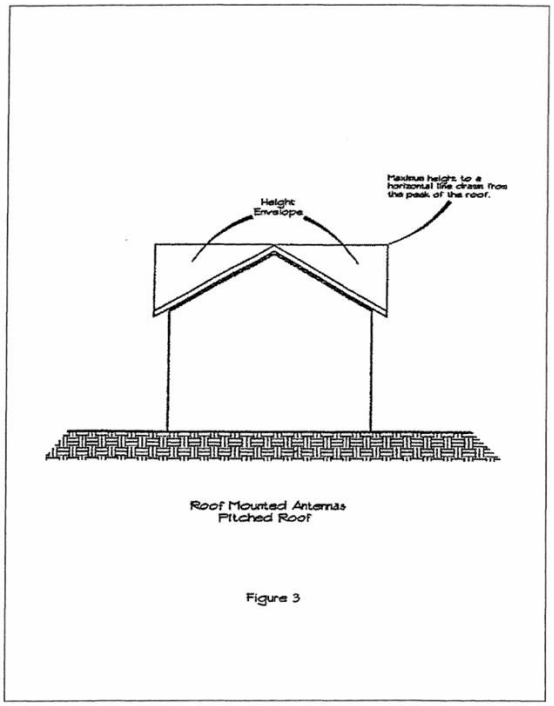


Figure 19.42-3: Roof-Mounted Antennas, Pitched Roof.



Chapter 19.44: TEMPORARY USE STANDARDS

19.44.010 - Purpose of Provisions.

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the municipality. The character of these uses requires proper conditions be met to protect adjacent properties and the general health, safety, and welfare of the citizens of the municipality. Any building or structure which does not meet the requirements of this chapter shall be treated as a permanent land use and shall conform to all required permanent standards of the building, health, fire, zoning, and other similar codes.

19.44.020– Applicability.

All temporary uses, as defined in Chapter 19.04, shall comply with the provisions of this Chapter and any other applicable regulations in this Title.

19.44.030 - Allowed Uses and Conditions.

A. Table 19.44.030 shows permitted temporary uses in each zone. Zones not listed in the table do not allow temporary uses unless specified in the special conditions of this Chapter.

Table 19.44.030 – Temporary Uses

Temporary Uses	A-1	A-20	OS	RM	C-1	C-2	C-3	M-1	M-2	DH	NMU	CMU
Fireworks Stand	X	X	X	X	P	P	P	P	P	X	X	X
Minor Seasonal Sale or Seasonal Use	P	P	P	P	P	P	P	P	P	P	P	P
Major Seasonal Sale or Seasonal Use	P	P	P	X	X	X	X	P	P	X	X	X
Outside Sales Event	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Use, Inside	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Sale of Farm Products	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Use, Weekly	P	P	P	P	P	P	P	P	P	P	P	P

A. Fireworks Stand. Fireworks stands shall meet the following conditions:

1. Fireworks may not be sold outside of the time durations pursuant to the Fire Prevention and Fireworks Act, Utah Code 53-7-2;

2. The total area for the display and sale of products shall be eight hundred square feet or less;

3. Temporary buildings or anything six feet (6’) in height or greater shall be setback from the property line one foot (1’) and may not be closer than two feet (2’) to a public right-of-way or sidewalk; and

4. Tents, signage, and other decorations for a firework stand may be constructed up to five (5) days prior to the allowed date to sell fireworks pursuant to state code but may not remain constructed for a period greater than sixty (60) consecutive days.

B. Major Seasonal Sales and Major Seasonal Use shall meet the following conditions:

1. A parking plan shall be provided for the application that complies with parking standards outlined in 19.48 Off-Street Parking and Mobility. The number of parking stalls required for the temporary use shall be determined by the Director or designee;

2. Major seasonal sales and major seasonal uses may only occur a maximum of thirty (30) non-consecutive days out of the year per seasonal use or sale; and

3. If any major seasonal use or sale occurs multiple times throughout the year and the period between the use being open for business is greater than sixty (60) days, all associated temporary buildings and signage shall be removed for a minimum of forty (40) days while the use is not open for business.

C. Minor Seasonal Sales and Minor Seasonal Use shall meet the following conditions:

1. Seasonal sales and uses may only occur a maximum of sixty (60) consecutive days out of the year per seasonal use or sale;

2. The total area for the display and sale of products or use shall be eight hundred square feet or less;

3. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and

4. Tents, signage, and other decorations for a seasonal sale or use may be constructed up to five (5) days prior to the anticipated opening date of the use will open but may not remain constructed for a period greater than sixty (60) consecutive days.

D. Outside Sale Events shall meet the following conditions:

1. May not continue for a time greater than three (3) consecutive days and may not occur more than three (3) times in one year;

2. Any tents, signs, or other decorations used for the outdoor sale event shall be removed within twenty-four (24) hours after the final; and

3. The outdoor space designated for the sale of products may not take up more than thirty percent (30%) of the business's required parking.

E. Temporary Use, Inside shall meet the following conditions:

1. Temporary uses inside existing buildings may only occur a maximum of one hundred twenty (120) days out of the year. These may be consecutive or may be dispersed throughout the year; and

2. The temporary use in an existing building may not use any parking stalls from another permanent business on the property that causes the existing business' parking to be non-compliant. Unless it is demonstrated by the applicant or business owner that the permanent business has more empty parking stalls than stalls that are occupied within a seven-day period.

F. Temporary Sale of Farm Products shall meet the following conditions:

1. The area for sale and display of products may not exceed eight-hundred (800) square feet;

2. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and

3. Off-street parking for employees shall be provided by the applicant or property owner of the property where the sale of farm products is located.

G. Weekly temporary uses shall meet the following conditions:

1. A parking plan shall be provided for the application that complies with parking standards outlined in 19.48 Off-Street Parking and Mobility. The number of parking stalls required for the temporary use shall be determined by the Director or designee.\;

2. Weekly temporary uses may only occur a maximum of one hundred twenty (120) days out of the year;

3. The maximum number of consecutive days the weekly temporary use may be open shall be two (2) days; and

4. If any major seasonal use or sale occurs multiple times throughout the year and the period between the use being open for business is greater than sixty (60) days, all associated temporary buildings and signage shall be removed for a minimum of forty (40) days while the use is not open for business.

H. Construction. Construction as a temporary use is permitted in all zones with applicable building and land use permits. The length of time for construction as a temporary use shall be determined by the Director or Building Official and shall extend for the duration of active construction within the municipality before the occupancy permit is issued. Construction shall follow all requirements outlined by the Director, Building Official or Designee.

1. Temporary Construction Trailers: A permit for temporary construction trailers may be approved by the Director or designee for a structure or shelter used in connection with an approved development or project. The construction trailer may be used for temporary administrative and supervisory functions, and for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be removed within fourteen (14) days of the approval of the final certificate of occupancy.

2. Temporary Sales Office: A temporary sales office may be approved by the Director or Designee, subject to the following conditions:

a. The sales office is in connection with the sale of property within a project or subdivision under construction:

b. The sales office is located on the same parcel of land as the project or subdivision and is engaged in the sale of only units or lots thereon:

c. The sales office may remain open for up to one year or until all the lots are sold, whichever comes first; and

d. An extension may be granted on a yearly basis only when units or lots within the project or subdivision remain unsold.

I. Yard and Garage Sales. Garage sales are permitted in all zones and do not require a permit, provided that the yard or garage sale may not operate for more than a total of five (5) days in any calendar year and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of household

items and personal belongings of the residents. Goods offered for sale may not be placed over a public sidewalk or in a public right of way. Signs associated with a garage sale shall be taken down at night and may not be placed within a public right of way or sidewalk.

J. Events. Events sponsored by the municipality are permitted in all zones, if the uses are an approved accessory use to the event, confined to the official location of the event, and confined in duration to the hours and time period of the official event.

K. Circuses, Carnivals, Festivals, and Other Transitory Events.

The Director or designee may issue a temporary use permit for a circus, carnival, other amusement enterprise of a similar transitory nature, or providing the Director or designee finds that the use will not conflict with the uses in the neighborhood of the subject property. To determine the compatibility of uses, the Director or Designee may call a public hearing.

1. The Director or designee may:
    a. Determine the compatibility of uses;
    b. may call a public hearing.
2. Any request for a temporary use permit shall be submitted in writing.
3. A temporary use permit, the Director or Designee may:
    a. Stipulate the length of time the permit may remain valid;
    b. Stipulate the hours of operation of the use; and
    c. Stipulate other regulations which are necessary for public welfare.

19.44.040 – Prior Approval and Permit Required.

A. Prior to the establishment of any of the above uses, or any qualifying temporary use, a temporary use permit shall be obtained from Planning and Development Services.

B. The application for a temporary use permit shall include the following:

1. A municipal business license for commercial uses or proof that a municipal business license has been issued;
2. Building or electrical permit if necessary;
3. Hours of operation and all calendar days the use will be active or open for business;
4. Salt Lake County Health Department approval if necessary;
5. Site plan showing the location of the use, buildings and structures, setbacks, parking, access to public streets, access, parking, circulation, exterior seating, and adjacent uses;
6. Applicable permits needed for mass gatherings or road closures; and
7. Property owner's authorization and agreement between the owner and temporary use;

C. The granting of said permit shall require the following findings:

1. The applicant's proposed use and applicant complies with all the standards set forth in the municipal code.

2. The conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses;

3. The requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant; and

4. The applicant shall have sufficient liability insurance for the requested use or event if necessary

19.44.050 – Standards and Requirements.

A. Any temporary use established under the provisions of this chapter shall conform to the following standards and requirements:

1. Time Limits. All temporary uses shall be given an expiration date for each allowed use defined in 19.04 Definitions or this Chapter. The time limit for all temporary uses shall be measured from the first day the use is anticipated to be open for business until the allowed time set forth in this Chapter.

2. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. If such codes require sanitary facilities, the sanitary facilities may be provided by a host structure provided that there is:

   a. No preparation of any food on the premises;

   b. No indoor seating of patrons;

   c. Written evidence that a host structure will provide sanitary facilities for any employees and that such facilities are conveniently located not more than three hundred feet (300') from the structure and will be accessible during all periods of operation of the use; and

   d. Written evidence from the County health department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.

2. All parking shall meet the standards for off street parking as specified in Chapter 19.48 Off-Street Parking and Mobility.

3. All structures shall be securely anchored to the ground at not less than four (4) points as directed by the chief building official. Temporary uses including the use of electricity, water, sewer or other utility services and temporary uses that require a building permit or other inspection for the use of a structure or equipment shall meet those requirements before being allowed to conduct business.

4. The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.

5. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within ten (10) days from the first day the vacancy is discovered by the Municipality

6. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures. The bond shall be:

    a. one hundred dollars ($100.00) for temporary uses without a structure, or a structure less than forty (40) square feet in size;

    b. one thousand dollars ($1,000.00) for all structures larger than forty (40) square feet in size;

    c. two thousand dollars ($2,000.00) for all structures larger than two hundred (200) square feet in size.

7. Temporary uses as allowed by this chapter may be identified by signage not to exceed two (2) freestanding vinyl banners with a combined area of up to twenty-four (24) square feet and up to twenty-four (24) square feet of total wall signage on the temporary structure itself. Signage shall be located on the same property as the temporary use. All other signage is prohibited.

8. Following the expiration of the temporary use set forth in this Chapter all buildings, products, fences, and signage shall be removed from the premises completely. Unless otherwise by the municipality or in the agreement between the property owner and temporary use.

19.44.060 - Action and Application.

A. The Director or Designee shall approve or deny permits for temporary uses. A use that meets the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property.

B. The conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this chapter.

19.44.070 – Permit Renewal or Extension.

A. Renewals. Upon the expiration of a temporary use permit no person may apply for the same permit at the same location within thirty (30) days of the expiration date.

B. Extensions. Permits for temporary occupancy of a building for retail, sale of fruits and vegetables, and nursery supplies may request an extension up to ninety (90) days beyond the initial expiration date established when the applicant first applied for the temporary use. The extension shall only be granted if the Director or designee finds that:

    1. The extension does not expand the initial intensity or scale of the temporary use approved;

    2. No complaints have been made to the Council or Planning and Development Services Division since the establishment of the temporary use; and

    3. The temporary use has not caused a disturbance in parking or traffic flow from adjacent streets.

19.44.080 – Revocation of Permit.

A permit may be revoked for a violation of any of the provisions of this chapter or the conditions provided in the temporary use permit.

19.44.900 – Business License Required.

A temporary use permit is not a business license and the granting of the permit may not relieve the permittee of any other license requirement of the municipality or any other public agency. Subject to the approval of a temporary use permit, a seasonal business license shall be issued prior to the commencement of a business allowed by this part.

19.44.100 – Fees.

To offset a portion of the costs incurred by the municipality in processing temporary use permits, fees may be charged as provided for in the fee schedule adopted by the Council.

Chapter 19.46: SITE DEVELOPMENT STANDARDS

19.46.010 - Purpose of Provisions.

A. It is the purpose of the site development standards to promote the health, safety, and welfare of the community. In support of these purposes, this Chapter contains regulations designed to:

1. Protect existing neighborhoods, preventing their decline, and promoting their livability;
2. Conserve land and water resources;
3. Recognize geologic features, soil, and topography;
4. Improve air quality;
5. Minimize congestion in the streets and reduce reliance on automobiles by providing walking, bicycling, and transit use;
6. Secure safety from fire and other dangers;
7. Provide adequate space for utilities, open space, water supplies, sewer service, and transportation;
8. Promote compatibility between the natural and man-made environments; and
9. Promote the desired high-quality site planning, building, lighting, signage, and streetscape design.
10. Provide notice to the municipality and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation.
11. Minimizing the potential adverse effects of highway traffic noise and by complying with state and federal requirements for highway traffic noise abatement projects

19.46.020 - Applicability.

The provisions of this Chapter shall apply to all new development within the municipality that occurs after the adoption of this Chapter. No building shall be erected or structurally altered, nor shall any land development activity take place, unless it conforms to the provisions of this Chapter.

19.46.030 - Relationship to Adopted Plans.

The municipality's adopted General Plan indicates desired development at various levels of intensity of use and type of use. This Chapter incorporates and codifies elements in the General Plan; therefore the Plan should be used as a guide for the application of this Chapter to land within the areas covered, as well as for the provision of the public services.

19.46.040 - All Uses, Buildings, and Structure to Comply with Zoning Requirements.

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any use shall be built or used only as allowed by

the requirements of this Chapter, including the requirements of the zone in which the building, structure, or use is located, and all other Land Use Chapters.

19.46.050 - Minimum Requirements and Underlying or Overlay Zones.

A. The provisions of this Chapter are the minimum requirements. Where the provisions of this Chapter conflict with or differ from other Chapters, the most restrictive provision shall prevail.

19.46.060 - Application Required.

Any construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof, shall be initiated by the submission of a Land Use Application, as required by all Land Use Chapters and/or Building Permit Application, as required by the adopted Building Code, as applicable.

19.46.070 – Occupancy Permit.

A. Buildings in any zone shall hereafter be used only for the purpose listed in this Title as allowed in that zone, and in accordance with the regulations established in this Title in that zone.

B. The permit of occupancy shall be issued by the chief building inspector and the development services division director to the effect that the use and/or building or premises conforms to the provisions of this title and related Chapters prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

C. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

19.46.080 - Sale of Lots Below Minimum Width and Area.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be subdivided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the land use hearing officer as provided for by this Title. Any such division is subject to the provisions of the Subdivision Ordinance (Title 18).

19.46.090 - Sale of Space Needed to Meet Requirements.

No space needed to meet the width, yard, area, setback, coverage, parking, landscaping, or other requirements of this Title for a lot or building may be divided, sold, or leased from such lot or building.

19.46.100 - General Site Standards.

A. <u>Frontage Required.</u> Every lot shall have frontage upon a dedicated public road or street, an approved public or private road or street, or approved recorded right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage shall be not less than half of the minimum lot width requirement as measured at the minimum front yard setback, as required by the zone in which the lot is located, except for lots that have been approved as a flag lot.

B. Yards and Setbacks Measurement.

1. Yards and setbacks shall be measured according to the lengths required in the underlying zone.
2. Yards and setbacks shall be measured from the property's boundary line, as determined by the legal description or subdivision plat on record at the Salt Lake County Recorder's Office, to the exterior foundation of the proposed or existing building.

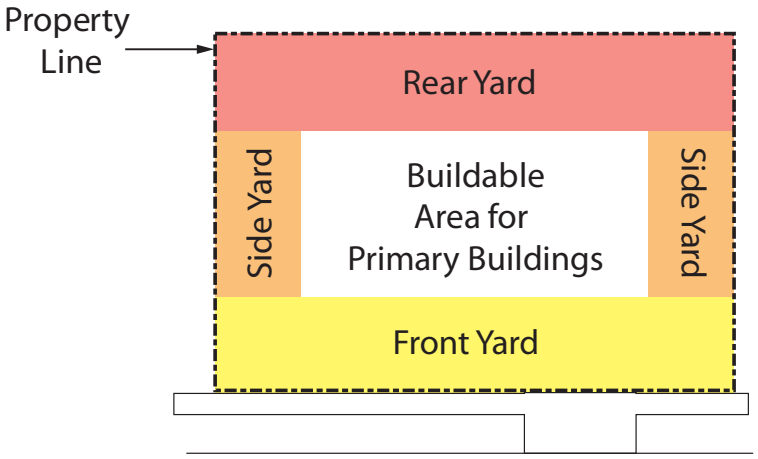
C. Required Yards for One Building Only. No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.

D. Required Yards to be Unobstructed.

1. All required setback areas shall be open to the sky and unobstructed except for permitted and approved accessory buildings and structures and for projections allowed under section 19.46.110 (I.)
2. Walls and fences, complying with the requirements of this Ordinance and required approval by a Land Use Authority, as provided herein may encroach into required yards.

E. Buildable Area. Every lot or parcel created after the effective date of this Ordinance shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards of the Zone in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that an adequate buildable area is provided, and to inform future owners of the allowable buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the Municipal Attorney.

Figure 19.46.070: Buildable Area.



F. Buildings to be on Lots. All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of the Title 19, including the requirements of the Zone in which the lot is located.

G. Fencing.

1. Fencing Setbacks. A fence, hedge, wall, column, pier, post or any other similar structure for fencing or any combination of such structures is permitted in the required setback if it meets the following conditions:

a. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner; and

b. Only one fence or wall shall be allowed per property line. Double fences, walls, or combination thereof are prohibited. Double Fences shall be defined as any two fences within ten (10') feet of each other.

2. Fencing Height. Except as otherwise authorized under this Ordinance, no fence or wall may exceed seven feet (7') in height, four feet (4') in height from the front of the primary structure forward, or three feet (3') in the sight distance triangle, measured as follows:

a. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;

b. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;

c. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and

d. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.

3. Fencing Materials. Fencing materials shall be made of high quality, durable, materials that require minimal maintenance. The Following fencing materials shall be allowed for properties that require fencing:

a. Brick, block, or stone;

b. Architecturally designed pre-cast concrete, decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry materials;

c. Solid or private heavy gauge vinyl, polyethylene, or similar materials;

d. Composite materials, wood, cement, stucco, architectural or decorative metal panels, including weathering steel;

e. Visually permeable fencing, such as chainlink, mesh, picket, or split rail fences constructed of metal, vinyl, wood, or composite; or

4. Prohibited Fencing Materials. The following fencing materials are prohibited:

Scrap material;

a. Security wire; or

b. Electrified fencing, except for legally established agricultural uses on properties in the A-1 or A-20 zones that do not abut a public trail.

c. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire if the barbed wire is not less than eight feet (8') above the ground and does not extend more than two feet (2') above the temporary fence.

5. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet (14') in height so long as all portions above six feet (6') are constructed with at least fifty percent nonopaque materials.

H. Landscaping. Landscaping shall follow the requirements set forth in Chapter 19.50 Landscaping and Screening of this Title.

I. Signs. Any development shall follow the sign standards set forth in Chapter 19.52 of this Title.

J. Accumulation of Junk.

1. The accumulation of junk is prohibited in the municipality unless occurring in a fully enclosed and permitted structure, or in a licensed salvage yard and meeting all the requirements for a salvage yard as provided for in municipal code.

2. Exceptions. The following exceptions apply:

a. A property owner may have up to two (2) inoperable vehicles on their property, provided:

i. The vehicle(s) are parked on private property on a parking surface in compliance with Chapter 19.48 of this Title;

ii. The vehicle(s) are secured with the windows closed, the trunk and hood closed, and the doors locked, and all four tires shall be on the ground;

iii. The vehicle(s) are not exposing jagged metal or other safety hazards due to damage;

iv. The vehicle(s) are completely on private property and not encroaching on any sidewalk, park strip, or public street;

v. The vehicle(s) do not visibly drip any fluids such as oil, transmission fluid, brake fluid, or coolant onto the parking surface or its surroundings.

b. A property owner may have up to (2) two inoperable vehicles that do not meet the requirements of Section 19.46.100.J.2.a, subsections ii. and iii. for a total of 14 days while the vehicle is undergoing major engine, transmission or similar work. At the end of the 14-day timeframe, the vehicle shall be brought back into compliance with Section 19.46.100.J.2.a.

19.46.110 - Building Standards.

A. Conform to Building Code: The building shall meet the municipality's building code or, if it is a manufacture home, it shall be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall have been issued an insignia and approved by the U.S. Department of Housing and Urban Development and shall not have been altered in violation of such codes. A used manufactured home shall be inspected by the building official or designee prior to placement on a lot to ensure it has not been altered in violation of such codes.

B. Buildings Taxed: The building shall be taxed as real property. If the building is a manufactured home, an affidavit shall be filed with the State Tax Commission pursuant to Utah Code 59-2-602.

C. Utilities. If the building provides human-occupiable space, the building shall be connected to and approved for all required utilities. Utilities shall be buried underground with the following exceptions:

1. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.

2. The development of existing lots in areas of the municipality now served with existing aboveground utilities, are exempt from this requirement.

D. Permanent Foundation: The building shall be attached to a site-built permanent foundation which meets the Uniform Building Code or, if the dwelling is a manufactured home, the installation shall meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure shall be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there shall be a landing that is a minimum of thirty-six inches (36") by thirty-six inches (36") and that is constructed to meet the requirements of the Uniform Building Code. All manufactured home running gear, tongues, axles, and wheels shall be removed at the time of installation.

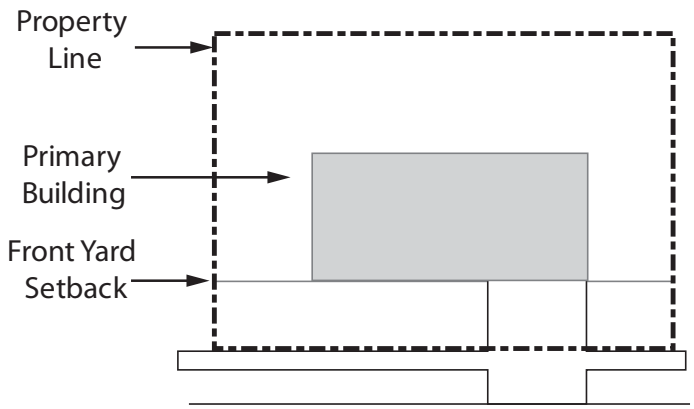
E. Roofs: The building shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.

F. The Director or Designee may approve deviations from one or more of the developmental or architectural standards provided in subsections A through E of this section on the basis of finding that the architectural style proposed provides compensating design features and the proposed building will be compatible and harmonious with existing structures in the vicinity. The determination of the Director or Designee may be appealed to the land use hearing officer pursuant to the provisions of Section 19.20.040.

G. Building and Street Relationships.

1. Buildings may not be oriented away from the street. The front of the building shall be parallel with the adjacent right-of-way and frontage.

Figure 19.46.110: Primary Building Oriented to the Street



2. The front of the building shall be accessible by a pedestrian from an adjacent right-of-way.

I. Projections.

1. The following may be erected on or projected into any required yard space in all Zones:

a. Fences and walls in conformance with this Code.

b. Landscape elements, including trees, shrubs and other plants.

c. Planter boxes or masonry planters not exceeding twenty-four inches (24”) in height.

d. Necessary appurtenances for utility services associated with minor public utilities.

e. Decks not more than two feet (2') high.

f. Cornices, eaves, sills, planter boxes, fire escapes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into an interior side yard, or four feet (4') into a front, rear or corner side yard.

g. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2’), provided that they are not wider than eight feet (8’) wide.

h. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.

i. Projections into Required Yards. The following structures may be erected on or projected into any required yard:

   a. Accessory structures subject to this Title.

J. Building Exterior Lighting Standards.

1. Light Direction. Exterior lighting attached to a building that is intended to illuminate exterior use areas, like pathways, shall be directed downward.

2. Light Source. Light sources shall be at least as efficient as LED and no greater than four thousand kelvin (4000K) in correlated color temperature (CCT). Light levels shall be designed such that light trespass measured at the property line does not exceed 0.01 foot-candles. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures. In no case shall the total lumens emitted for a single site exceed one hundred thousand (1000) lumens per acre. This standard does not apply to single-family residential lots or any lot with four units or less.

3. Additional requirements for exterior lighting may be required in the applicable zone of the municipality’s dark sky or lighting ordinance.

K. Building Height Limitations and Exceptions.

1. Buildings may not be erected that contain less than one story above grade, as defined in this Title.

2. Roof structures above the maximum height that provide utilities, safety measures, or building code requirements may be erected above the height limits prescribed in this Title, but no space above the height limit shall be allowed for the purpose of providing additional floor space. Roof structure for this purpose may not exceed a maximum of twenty feet (20’) above the maximum allowed building height unless otherwise specified in this Title.

3. Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five feet if the building is set back from an established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected. Public or semipublic utility buildings do not include cell towers.

4. Flag Poles may be erected above the maximum allowed height in the zone but may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.

5. Church steeples may be erected above the maximum allowed height in the zone but may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.

L. Parking and Loading. Any development shall follow the parking and loading standards set forth in Chapter 19.48 Off-Street Parking and Mobility.

19.46.120 - Infrastructure and Public Improvements.

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

A. Acceptance of Public Streets.

1. Street lighting shall either be chosen from the municipality's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.

2. Street lighting shall be installed in conformance with Title 18.

3. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the Municipality's adopted policies, as applicable.

B. Private Streets.

4. Private streets or roads shall be designed and constructed to meet or exceed the public street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.

a. Private streets or roads are allowed in the following circumstances:

(i) If shown on an approved development plan as private streets;

(ii) For multi-family developments;

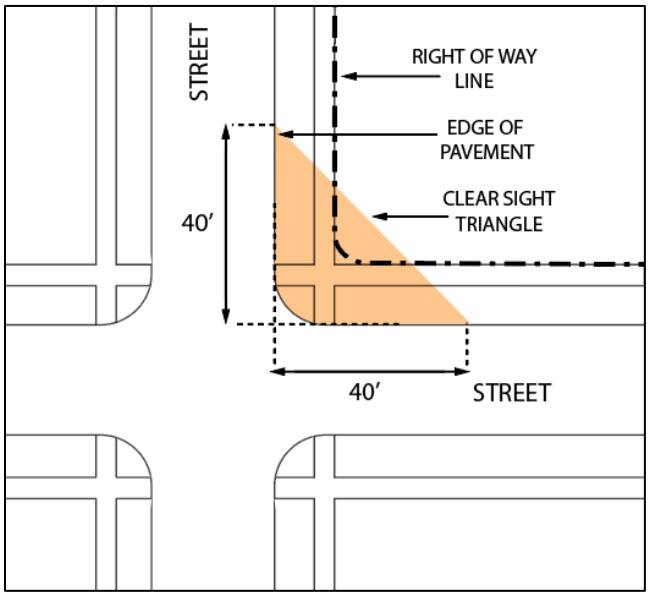
(iii) For residential subdivisions if the street is equally shared between properties. Such streets shall be required to have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

C. Ingress and Egress Requirements.

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

D. Intersecting Streets and Clear Visibility.

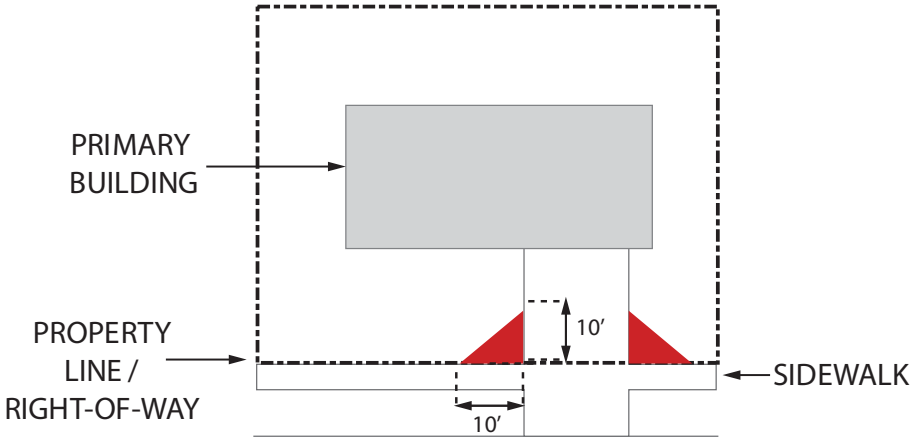
In all zones which require a front yard, no obstruction to view in excess of three feet (3’) in height shall be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet from the intersection of the street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



Intersecting Streets and Clear Visibility.

E. Intersecting Streets and Driveways.

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



Intersecting Streets and Driveways

F. Acceptance of Private Streets.

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

G. Driveways.

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

H. Pedestrian and Bicycle Mobility.

1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable Municipal policies and standards for sidewalks, bicycle routes, and trails.
2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48 Parking and Mobility.

19.46.130 – Open Space Standards.

A. Recreational Facilities and Open Space Standards.

1. Open space standards do not apply to single-family, two-family, or three-family, development on individual lots.
2. All floodplains, wetlands, streams, riparian buffers, ponds, lakes, and other water bodies shall be contained in open space.
3. At least fifty percent (50%) of open space shall be contiguous.
4. Recreational facility and open space requirements shall be satisfied by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development.
5. Residential Development. Developments with ten (10) or more bedrooms or four (4) or more dwellings shall provide a minimum of forty percent (40%) open space. If reductions in open space have been permitted pursuant to the standards of this Title the total amount of open space required may not be reduced to less than thirty-two percent (32%).
    a. One (1) or more active recreational facilities shall be provided for at least twenty-five percent (25%) of the total open space required in accordance with the minimum requirements in Table 19.46.000 Recreational Facility Standards Table.

b. Active recreation areas shall be located near housing and high-intensity uses or adjacent to a public right-of-way as allowed through the site design process.

c. At least twenty-five percent (25%) of the total open space required shall be dedicated to passive recreation opportunities or green space in its natural condition.

d. Passive recreation areas shall be located near landscaping and open space or green space or may be incorporated into green infrastructure facilities for stormwater if approved by the Public Works or Engineering Department.

e. Beyond the minimum requirements set forth in this section, the remaining open space required for residential development may be any combination of active or passive recreation suited to and used by the age bracket of persons likely to reside in that development or green infrastructure or low-impact development standards for stormwater as approved by the Public Works or Engineering Department.

6. Commercial Development: Commercial development greater than 1 acre shall provide twenty percent (20%) open space.

   a. Required open space may be any combination of active or passive recreation suited to and used by the age bracket of persons likely to work in the area or green infrastructure or low-impact development standards for stormwater as approved by the Municipal Engineer.

7. Open Space Bonding: Bonding for approved amenities shall be required as per Section 19.16.060: Performance Bonds.

8. Recreation Facility Calculation: Active recreational facility calculations shall be the sum of the minimum area requirements listed in Table 19.46.150 Recreational Facility Standards Table. When a proposed recreation facility exceeds the required minimum square footage related to any of the recreational facility standards 1.5, 2, 2.5 times, in increments of .5 times, it may be counted as that number of facilities.

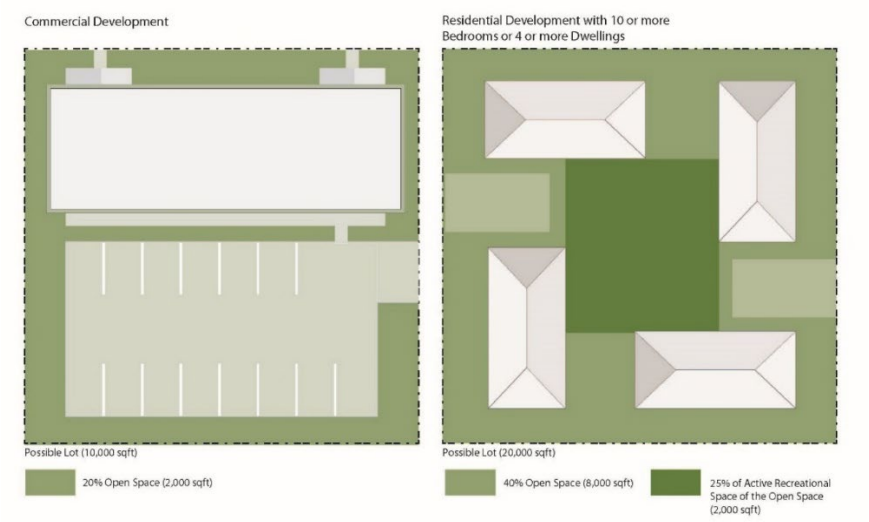
9. Recreational Facility Standards: Any development shall follow the minimum standards in the recreational facility standards table.

Table 19.46.150 - Recreational Facility Standards Table.

Recreational Facility Type	Minimum Area	Additional Standards
Active Recreational Facilities		
Basketball Court	4,700 sq. ft.	
Sports Court	4,700 sq. ft.	
Tennis Court	6,120 sq. ft.	
Pickleball Court	1,800 sq. ft.	
Swimming Pool or Splash Pad	800 sq. ft.	The minimum area does not include decks.
Community Center or Clubhouse	1,200 sq. ft.	The minimum area does not include a leasing office.
Playground	1,000 sq. ft.	Playgrounds adjacent to a parking lot or road shall be fenced with transparent fencing along the shared boundary.
Path or Trail	9,000 sq. ft.	Shall be six feet (6') wide. May not include sidewalks. May or may not be paved.

Dog Run	1,000 sq. ft.	Shall be fenced along the perimeter and shall provide a dog bag dispenser, trash bag, and water fountain.
Other		Any facility not listed that is determined by the Planning Commission or Director with a minimum area also approved by the Planning Commission or Director.
Passive Recreational Facilities		
Picnic Area	500 sq. ft.	Shall include a pavilion or gazebo and at least one sitting area with a table.
Lawn Area	2,000 sq. ft.	Shall be at least sixty (60) feet wide.
Plaza	1,000 sq. ft.	Only allowed for non-residential development.
Bike Station	4 bike stalls	Shall include a bike work stand with tools, air pump.
Community Garden	1,000 sq. ft.	Shall be fenced along the perimeter. Fence shall be transparent with a minimum height of three and a half feet (3.5'). Shall be regularly maintained and integrated into the landscape.
Water Feature	400 sq. ft.	Shall include fixed seating and be integrated into the landscape.
Pollinator Gardens	50 sq. ft.	A single species of the plant should be in clusters of twenty-five (25) square feet.
Educational or Interpretive Signage	25 sq. ft.	Associated with a path, native plant demonstration, low-impact development, green infrastructure feature, pollinator garden, or other natural feature or open space feature explaining
Native Plant Demonstration	100 sq. ft.	A single species of the plant should be in clusters of twenty-five (25) square feet.
Other		Any facility not listed that is determined by the Planning Commission with a minimum area also approved by the Planning Commission.

Figure 19.46.130: Open Space Requirements, Illustrated.



Credit: MSD Planning and Development Services.

B. Stormwater and Water Quality.

Any development shall follow the standards set forth in Title 17 Flood Control and Water Quality.

C. Culinary Water and Sanitary Sewer Requirements.

All dwellings and other structures used for human occupancy shall be served by an adequate culinary water and sewage disposal facility approved by the Salt Lake County Health Department.

D. Geologic Hazards and Floodplains.

All development in the municipality shall be reviewed for compliance with Chapters 19.56 Flood Plain Regulations and Chapter 19.58 Geologic Hazards Ordinance.

E. Mechanical Equipment.

Air conditioning units, generators and other auxiliary mechanical and building equipment shall be placed at locations where they will be least intrusive in terms of noise, appearance, and odors, particularly for adjacent properties and public rights- of-way. Screening walls, landscaping, and other screening treatments shall be used so all required mechanical equipment is screened from public streets and adjoining properties. All building-mounted mechanical or communications equipment shall be a color to make it as unobtrusive as possible. If located on or adjacent to a building wall, the color of all mechanical and communications equipment shall blend with the color and design details of the building.

F. Wildland Urban Interface.

Lots found to be within the Wildland Urban Interface (WUI) as determined by the Utah Division of Forestry, Fire, and State Lands or other state-designated agencies may have additional requirements for site development. Lots found to be within the Wildland Urban Interface shall be required to demonstrate compliance with any applicable codes during the site plan approval process or other applicable land use applications.

G. Landscaping.

Any development shall follow the landscaping standards set forth in Chapter 19.50 Landscaping and Screening of this Title.

19.46.140 - Highway Noise Abatement.

A. Development of Property Adjacent to Certain State Highways.

Consistent with the requirements of 23 CFR 772 and UDOT's Noise Abatement Policy #08-111, no remaining undeveloped lands located in the municipality adjacent to Type II Projects (freeways and expressways) shall be developed for any use or activity which is incompatible with highway traffic noise levels, unless the development of such lands shall include appropriate noise abatement measures determined necessary and appropriate by the municipality and UDOT. A use or activity shall be deemed incompatible with highway traffic noise levels when a "traffic noise impact" occurs, as determined under the following formula:

Noise Abatement Criteria
Hourly A-Weighted Sound Level—decibels (dBA)

Leq(h) shown are maximum levels allowed:

Activity Category	Leq(h)	Description of Activity Category
A	57 (exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (exterior)	Picnic areas, fixed recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (exterior)	Cemeteries, commercial areas, industrial areas, office buildings, and other developed lands, properties or activities not included in Categories A or B above.
D	-	Undeveloped lands (including roadside facilities and dispersed recreation).
E	52 (exterior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

C. Responsibility of Owner or Developer.

The owner or developer of land to be subdivided, improved or developed adjacent to Type II Projects shall be responsible to comply with any and all requirements for noise abatement measures imposed pursuant to the provisions of this Chapter. Failure to so comply shall constitute a violation of municipal ordinance and shall be punishable as a misdemeanor as provided in Chapter 1.12 of this Title.

19.46.150 - Utility and Facility Placement Regulations.

A. Purpose. The purpose of the utility and facility system placement and relocation regulations codified in this chapter is to promote the health, safety, and general welfare of the citizens of the municipality; preserve and protect existing aesthetics, property values, and quality of life within residential and other areas of the municipality; and provide notice to the municipality and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason

exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation; and to inform all existing and future owners of utility or facility systems within the public way, and the methods by which the municipal engineer may direct the relocation of such facilities or structures.

B. Systems Required to Be Underground. Unless exempted under Subsection C, the following systems may be required to be installed underground:

1. All new transmission systems installed after the effective date of the ordinance codified in this Chapter.

2. All upgraded transmission systems which would increase the height of poles from less than sixty-five feet to more than sixty-five feet (65') above existing grade.

C. Exemptions. The following systems are exempt from the provisions of Subsection B:

1. Except as provided in Section 19.46.150(B) of this Chapter, this Chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.

2. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:

a. New service drops and/or distribution lines if service is available from existing aboveground systems;

b. Temporary systems required for construction projects not to exceed a period of twelve months;

c. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment;

d. Transmission systems installed in the two main north-south transmission corridors, as identified on the map entitled "main north-south electrical transmission corridors" on file with Planning and Development Services.

D. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this Chapter may be approved by the municipality; provided, that the variations and exceptions are consistent with the purposes of this Chapter.

E. In cases where the municipality determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or determines that the public benefit to be derived from underground installation is not cost effective or is otherwise not in the public interest:

1. The municipality shall give notice to the utility or facility company that the municipality will not require the underground installation and will not pay the incremental costs of underground installation of the system:

a. Within ninety days after notice is given under this Section in the case of a new transmission system; and

b. Within sixty days after notice is given under this Section in the case of a new distribution system or an upgraded transmission system which would increase the height of poles from less than sixty-five feet to more than sixty-five feet above existing grade.

2. If the municipality has not given notice to the utility or facility company regarding underground installation as provided in subsection (F)(1) of this section it shall be deemed that the municipality has determined that insufficient funds are available to pay for the incremental costs of underground installation or has determined that the public benefit to be derived from underground installation is otherwise not in the public interest.

F. Notification of Affected Property Owners.

1. Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director of public works. The purpose of such notification is to allow the municipality and potentially affected property owners to determine whether there are reasons to require the underground installation of the system, to determine whether sufficient funds are available to pay the incremental costs of underground installation of the new or upgraded system, and provide the municipality the opportunity to meet with the company to discuss the project.

2. Such notification shall include a full description of the project including:

a. the need for the project;

b. location of the project;

c. height, width, type and general location of poles; and

d. amount of voltage.

3. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken. Failure to reach an agreement within the sixty-day (60) period may not be grounds for the delay of the project. Notification is not required for emergency projects, relocations, replacements and systems which are exempt under this Section except for an exemption resulting after notification under this Section.

G. Excavation Permit Required. All underground systems to be installed in the right-of-way of any municipal road shall be made in accordance with the provisions of Chapter 14.16 of this code, Excavations.

H. Relocation of Facilities and Structures in Public Ways. Any relocation of utilities or other facilities within the public way directed by the municipal engineer shall be accomplished in accordance with applicable franchise or license agreements with the municipality. If no franchise or license agreement applies to such relocation, then the relocation shall be performed as described in Subsections A and B of this Section.

1. The municipal engineer may direct any person or entity owning or maintaining facilities or structures in the public way to alter, modify, or relocate such facilities or structures as the municipal engineer may require. The person or entity owning or maintaining the facilities or structures shall, at their own cost and expense and upon written notice by the municipality protect, alter, or relocate such facilities, structures, or part thereof, as directed by the municipality within 60 days unless otherwise agreed in writing. If such person or entity refuses or neglects to conform to the directive of the municipality, the municipality shall have the right to break through, remove, alter, or relocate such part of the facilities or structures without liability to the municipality. Such person or entity shall pay to the municipality all costs incurred by the municipality in connection with such work performed by the municipality, including design, engineering, construction, materials, insurance, court costs and attorney fees.

2. All costs of alteration, modification, or relocation shall be borne by the person or entity owning or maintaining the facilities or structures involved.

19.46.160 - Oil and Gas Transmission Pipeline.

A. A notification area is hereby established for any parcels within six hundred sixty (660') feet from the mapped centerline of an oil or gas transmission pipeline, as indicated by the adopted pipeline protection map, a geographic information system (GIS) based map. The municipality makes no warranty as to the accuracy of this map, which reflects information provided by pipeline operators.

B. At the time of application for a development permit the municipality shall notify the applicant if the proposed development is within the notification area and provide contact information for the pipeline operator(s) in the area and for Utah's one-call program. It is the obligation of pipeline operators to correct or update their information with the municipality.

C. If any proposed development is within the notification area, the applicant for a development permit shall contact the pipeline operators and provide them with a copy of the application and timely notice of the first scheduled public hearing on the application, if there is one. The applicant shall file proof of this notification with Planning and Development Services before any development permit may be issued. Proof of notification shall be kept on file with the application. Once the development permit is issued, it is the responsibility of the applicant to consider any comments and recommendations posed by the pipeline operator(s) to ensure no pipelines are damaged during construction of the approved project.

D. Subdivision plats within two hundred feet from the centerline of a pipeline as shown on the adopted pipeline protection map shall show the pipeline location on the plat. The location of all known oil or gas transmission lines and related easements shall also be shown on all zoning, building and record plat maps.

E. <u>Oil and Gas Transmission Pipeline Map Modification.</u>

1. It is the obligation of pipeline operators to correct or update the adopted pipeline protection map, and they shall do this by filing an application to modify the map. The application shall be presented to the Director for review and approval. The complete application shall include:

a. An explanation from the pipeline operator(s) of how the corrected or proposed location was determined for each transmission pipeline; and

b. Electronic GIS data or detailed drawings delineating the correct or proposed location.

19.46.170 - Easements.

A. Storm drainage and utility easements for water, sanitary sewer, electricity, gas, and communications improvements shall be provided in the location and to the width as required by the provider.

B. Easements for other purposes as required by the Director or designee shall be designed, designated, reserved, and dedicated as appropriate.

C. All site plans and plats shall exhibit standard easement notes stating the type and purpose of the easement along with a list of prohibited uses/activities within the easement.

D. Any cross-access agreement shall specify maintenance responsibilities and require that access be unrestricted. The agreement and a plat depicting the easement shall be recorded. Copies of the recorded documents and an attorney certification that the requirements for this paragraph have been met shall be provided to the Director or designee.

19.46.180 - Flag Lots.

A. These standards apply to flag lots in the R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21, R-2-6.5, and A-1 zones.

B. Site plan review for the development of a single family or two family dwelling on a flag lot in a subdivision approved in accordance with Section 18.12.070 shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family and two family residential dwellings in the same zone except with regards to yard or setback requirements which, for a main dwelling, shall be a uniform yard setback of twenty feet from all property lines of the flag portion of the lot. The planning commission may modify the yard setbacks for lots with an unusual shape, topography etc., but in no case may it approve a single setback of less than 10 feet and the aggregate of all yard setbacks shall total at least 80 feet.

C. The yard or setback requirements for a detached accessory structure on a flag lot shall be as follows:

1. A detached accessory structure shall be to the rear of and at least 6 feet from the main dwelling on the flag lot, and shall maintain the following separation from adjacent property lines;

a. Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;

b. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) shall maintain one additional foot of yard or setback separation for each additional foot of detached accessory structure height.

c. Twenty feet adjacent to any street.

D. If the rear yard of the flag lot is not defined by the subdivision plat, the location of the rear yard shall be determined by considering the following criteria:

1. The orientation of the lot with respect to the public street
2. The orientation of the front door of the home; and,
3. The orientation of the rear yards of adjacent lots.

E. In addition to maintaining compliance with the area and width requirements of the zone in which the base lot(s) are located, normally applicable yard or setback requirements for the base lot(s) shall be maintained, particularly if said lots are already developed or improved. If access to a flag lot is provided via recordation of a perpetual easement across the base lot, the yard or setback for the base lot shall be measured from the interior edge of the easement closest to any existing or proposed structural improvements on the base lot.

F. Improvements to the travel way within the access connection from the flag lot(s) to the street right-of-way or easement shall be in accordance with the following standards:

1. Access to flag lots shall be provided as approved by the fire authority through the subdivision process set forth in Title 18 Subdivisions. Access shall be improved with a concrete, asphalt, or pervious paver travel surface. Unless otherwise approved by the Municipal Engineer and fire authority, the width of the travel surface shall be at least:
   a. Twelve feet wide if the length of the access connection is less than 130 feet; or,
   b. Sixteen feet wide if the length of the access connection is more than 130 feet.
2. The area within the access connection between the required travel way surface improvements and the property line(s) or easement line(s) shall be planted in its entirety and maintained as a landscaped buffer in accordance with plans reviewed and approved as part of the flag lot subdivision approval process. The plans shall be designed to one of the following standards:
   a. Eight feet of landscaping buffer split between both sides of the access travel way with one tree and four shrubs per 25 lineal feet; or,
   b. If the access drive is adjacent to the subdivision boundary:
      (i) Five feet of landscaping buffer with a solid visual barrier fence along the exterior property line with one tree and six shrubs per 25 lineal feet; or
      (ii) Zero feet of landscaping buffer with a solid visual barrier fence along the exterior property line and the use of approved permeable pavers or permeable pavement as the road surface.
3. The Planning Commission may approve an alternative landscape buffer proposal that is in line with the intent of this section to accommodate unusual circumstances on the property such as topography, natural hazards, lot size, lot shape, or the preservation of existing vegetation.
4. Minimum Landscaping standards within the access connection:

a. All trees shall be a minimum of 1 ½ inch caliper for deciduous trees and 6 feet tall for evergreens at the time of planting. Tree species and growth characteristics shall be suitable for the location and details shall be noted on the landscape plans.

b. All shrubs shall be a minimum 5-gallon size at time of planting.

c. Solid visual barrier fencing shall be a minimum of 6 feet in height, except in the front yard of the base lot where it may not be less than 2 feet in height nor exceed 3 feet in height and may not block clear view at any intersection.

d. Mulch with a minimum depth of 3 inches shall be provided around all plantings and in all areas without plants or groundcovers.

e. A guaranteed bond shall be posted to ensure the installation of the required landscaping buffer, and survival of the plants through a one-year guarantee period.

G. Lots of record that were created in accordance with the procedures for the establishment of Deep Lots or the previous deep lot ordinance as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

Chapter 19.48: OFF STREET PARKING AND MOBILITY STANDARDS

19.48.010 – Purpose of Provisions.

The purpose of this Chapter is to reduce street congestion and traffic hazards in the municipality and improve resource management by incorporating efficient, attractive facilities for off-street parking, loading, and internal automobile and pedestrian circulation as an integral part of every use of land. The standards in this Chapter are intended to provide for the following:

A. Improve bicycle and pedestrian facilities to reduce reliance on personal automobiles, provide for improved circulation between and within development sites, and promote transportation options to reduce Vehicle Miles Traveled (VMT) and related vehicle emissions for the purposes of preserving or enhancing air quality;

B. Relieve traffic congestion in the streets and improve overall traffic safety, including safety for people walking and biking;

C. Minimize any detrimental effects of off-street parking areas on adjacent lands;

D. Improve the visual aesthetics of parking areas;

E. Ensure that parking areas are appropriately located to serve community needs; and

F. Prevent the establishment of excessive amounts of off-street parking and facilitate infill development where possible to make the most of limited land resources.

19.48.020 – Off-Street Parking and Bicycle Parking Required.

A. Off-street parking, bicycle parking, and loading spaces shall be provided at the time any building or structure is erected, enlarged, increased in capacity, or any new use is established. Such parking and loading facilities shall be provided in accordance with the provisions of this Chapter.

B. Plans Required to Obtain Building Permit. All applications for a building permit shall include a site plan showing a parking layout that meets all requirements of this Chapter and includes the location of

ingress and egress, loading areas, internal automobile, bicycle, and pedestrian circulation, vehicle and bicycle parking, landscaping, and lighting. The provided plan shall be reviewed for consistency with this Chapter by the Director or Designee.

19.48.030 – Specifications.

Any parking facility or portion thereof shall meet the following specifications:

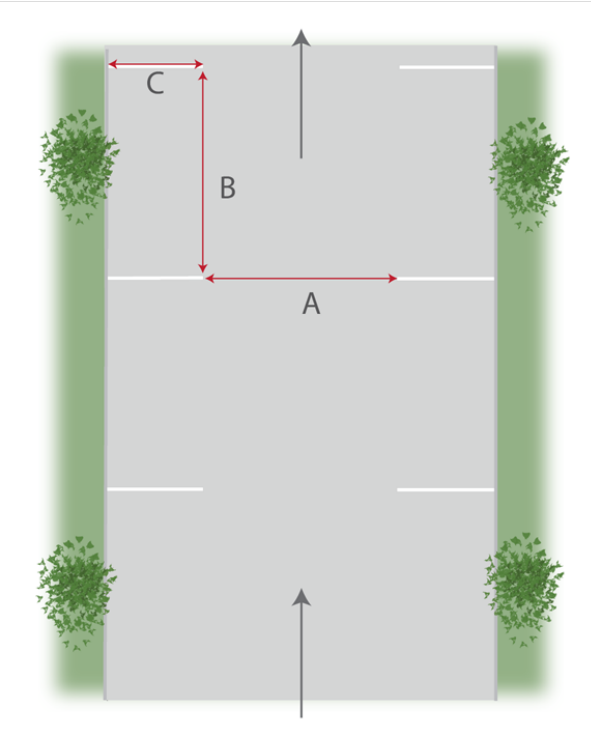
A. Use of Off-Street Parking, Stacking, and Loading Facilities. All vehicular parking areas, stacking areas, and loading areas required by this Chapter shall only be used for those designated purposes.

B. Location. Except as otherwise permitted through community parking credits, all off-street parking areas shall be provided on the same lot as the use it serves, or no farther than three hundred feet (300') from the primary entrance of a building or structure to the nearest point of the parking facility along publicly available sidewalk or walkways designated on the site plan.

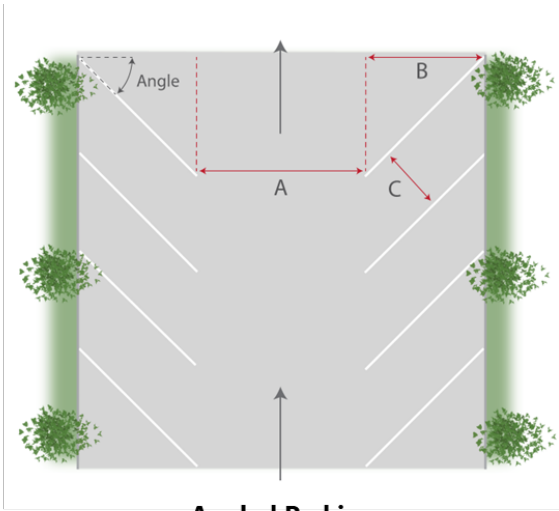
   1. Access to parking spaces shall be from private roadways or aisles and not from public streets.

C. Space and Aisle Dimensions. Parking stalls and aisles shall comply with the dimensional regulations presented in Figure 19.49.030, according to the angle of the parking and the flow of traffic.

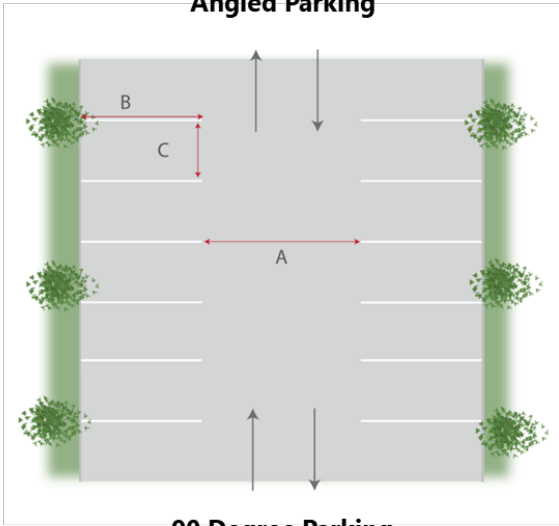
D. Figure 19.49.030: Parking Space and Aisle Dimensions.



Parallel Parking



Angled Parking



90 Degree Parking

X°	Aisle Width (A)	Stall Depth (B)	Stall Width (C)
90°	24′	18′	9′
60°	20′	20.1′	
45°	15′	19.1′	
30°	15′	16.8′	
Parallel (0°)	15′	20′	

1. Parking stalls adjacent to a column or wall shall have an additional two feet (2’) of width to accommodate ingress/egress from the vehicle.

E. Surfacing. All off-street parking, stacking, loading areas and drive approaches from the alley or street shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material.

1. Pervious Surfaces. Surfaces such as pervious asphalt, pervious concrete or turf blocks are permitted; subject to municipal policies pertaining to stormwater management. A maintenance plan, outlining responsible parties, procedures, and schedules for maintenance of pervious pavement or permeable surfaces shall be submitted and approved by the Municipal Engineer.

2. Exception for Outdoor Storage. Surfacing materials for outdoor parking areas associated with vehicle or container storage may be graded and compacted gravel, provided the subject area is at least one hundred feet (100') in driving distance from the nearest public street, no gravel is tracked off-site, and the paving surface is permitted in this Title.

F. Driveways, General. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways.

1. Sidewalk Continuity. Sidewalks shall extend through driveway approaches and driveways shall be built to the grade of the sidewalk so that driveways do not create curb cuts in the sidewalk.

2. Driveway Surface. There shall be a hard-surfaced driveway from the public or private right-of-way to the required parking space. The drive surface shall consist of a permanent, durable, hard surface such as concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. A pervious surface may be used, subject to applicable municipal ordinances and policies.

G. Accessible Parking. Accessible parking spaces required to satisfy the Americans with Disabilities Act shall be provided. Such stalls shall be included within the required number of spaces outlined in Table 19.48.150. For multi-family residential developments, the accessible stalls shall be provided in addition to the number of stalls required in 19.48.150.

H. Electric Vehicle Charging Stations. Parking lots and structures of one-hundred and fifty (150) parking spaces or more shall provide at least one (1) electric vehicle charging station for every seventy-five (75) parking spaces. Charging stations shall be associated with individual parking spaces and shall be installed according to appropriate design standards, as approved by the Director or Designee.

I. Stormwater. All parking areas are subject to the stormwater management provisions of Title 17 and any other municipal ordinances.

19.48.040 – Standards for Parking in R-1 and R-2 Residential Zones.

A. Residential Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in an R-1 or R-2 zone.

1. The number, location, and width of driveways shall comply with the specifications set forth in Sections 14.12.110 and 14.36.060 of municipal ordinances.

2. Driveways over one hundred fifty feet (150') in length are subject to approval by the Fire Authority.

3. The area within the front yard of any single- or two-family dwelling not occupied by a driveway or parking surface set forth above shall be landscaped in compliance with the applicable provisions of this Title.

4. There shall be a hard-surfaced driveway from the public or private road or drive to each required parking space (See Table 19.48.050). Each required parking space shall also be hard surfaced. The drive and parking surfaces shall consist of a permanent, durable, hard surface such as concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. A pervious surface may be used, subject to applicable municipal ordinances and policies.

B. Paved or gravel parking areas or driveways may not occupy more than fifty percent (50%) of the area of a front or rear yard. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) parking or driveway rule as long as that driveway does not exceed twenty feet (20') in width.

C. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.

D. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:

1. Be parked or stored on a paved surface in the front yard, side yard, or rear yard of a dwelling. Additionally, a recreational vehicle may be parked or stored on a parking pad which is constructed of six inches of compacted gravel. This area shall be kept weed free.

E. Commercial Vehicles. Commercial vehicles may not be parked or stored on residential property in an R-1 or R-2 zone, except in the following circumstances:

1. Commercial vehicles may be parked on a property in conjunction with lawfully permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.

2. One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. The commercial vehicle may not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.

3. One commercial vehicle may be parked in the front yard or side yard of a dwelling in the R-1 or R-2 Zones upon issuance of a permit by PDS, as long as all of the following criteria are met:

   a. No other commercial vehicle is parked or stored on the property;

   b. The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;

   c. The commercial vehicle is parked on a paved surface;

   d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and

   e. The commercial vehicle does not exceed Class 5 (two-axle, six tire single unit trucks) in Federal Highway Administration vehicle classification.

F. Clear View Triangles. In accordance with Sections 19.46.120, Subsections D and E, no vehicle may be parked in a manner that obstructs the clear view triangle of an intersecting street or a driveway.

19.48.050 – Required Number of Off-Street Parking Spaces.

A. The number of required off-street parking spaces for individual uses shall be determined in accordance with Table 19.48.150: Off-Street Parking Requirements, found at the end of this Chapter. The following factors shall be used in determining the required number of parking spaces.

1. Fractions. If units of measurements determining the number of required parking or loading spaces result in a fraction, the fraction shall be counted as one (1) additional parking space (rounded up to the nearest whole number).

2. Uses.

   a. Parking shall be calculated separately for each use in a building, structure or on a lot, except that the Director or Designee may determine that a lower standard would be adequate for shared parking, as described in Section 19.48.070.

   b. Accessory uses shall be calculated separately.

   c. Unlisted Requirements. The Director or Designee shall make a determination as to the proper classification of a parking requirement not listed for a particular use based on the requirement of the closest comparable use. If a comparison cannot reasonably be made, the Director may require a Parking Demand Study to determine the amount of parking needed on the site.

3. Bicycle Parking. Bicycle Parking shall be as required in Section 19.48.080. Bicycle parking may not occupy any vehicle parking space required by this Chapter.

4. On-Street and Public Parking. The use of on-street parking and publicly-owned parking lots or structures may count toward a portion of the minimum off-street parking requirements provided the following conditions are met:

   a. Adequate on-street parking or public lots or structures exist with five-hundred feet (500') of the primary entrance of the main building associated with the use as measured along existing sidewalk or along walkways shown on the site plan;

   b. No more than fifty percent (50%) of the off-street parking space requirement is met through the use of on-street, public parking lot, or public parking structure spaces; and

   c. The demand for parking generated by the use may not substantially adversely impact available parking for surrounding uses and many not adversely affect traffic circulation patterns.

   d. The number of required parking spaces reduced shall be calculated in accordance with Section 19.48.140.D.

B. Exceptions for the Reuse of Existing Buildings and Structures. The Director or Designee may grant a waiver of these requirements for development which reuses an existing building if the applicant can demonstrate that sufficient parking exists on the site to accommodate anticipated parking demand. If the off-street parking on the existing site exceeds the maximum requirements in Table 19.48.150, the Director or Designee may waive the maximum requirement. Re-use of the excess parking spaces in encouraged.

19.48.060 – Reserved.

19.48.070 – Process for Calculating Shared Parking.

A. If a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking spaces are encouraged. Shared parking agreements for off-street parking for two (2) or more buildings or uses is permitted subject to the following:

1. Shared parking areas shall be located within three hundred (300) feet of the use as measured along walkways designated on the site plan or already existing;
2. Adjacent lots shall be connected by drive aisles; and
3. Shared parking leases or agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.

B. A proposal for the sharing of off-street parking shall be submitted to the Director or Designee for site plan review and approval. Conditional use applications which require Planning Commission approval, and for which shared parking is being proposed as part of the application, shall have Planning Commission approval for the shared parking.

C. Shared Parking Calculation. In determining the total requirements for shared parking facilities, the Director, Designee, or Planning Commission shall use Tables 19.48.150 and 19.48.070 according to the following calculation steps:

1. For each applicable general land use category, calculate the number of spaces required for the use as if it were the only use (using Table 19.48.150).
2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 19.48.070 (six time periods per use).
3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.

D. If any uses are not listed in Table 19.48.070, the Director or Designee shall determine the required parking for the six time periods.

Table 19.48.070: Guidance for the Determination of Shared Parking Requirements.

General Land Use Category	Weekdays			Weekends		
	12 AM – 7AM	7 AM – 6 PM	6 PM – 12 AM	12 AM – 7AM	7 AM – 6 PM	6 PM – 12 AM
Office	5%	100%	5%	0%	5%	0%
Industrial	75%	100%	75%	75%	100%	75%
Retail	5%	100%	75%	5%	100%	60%
Restaurant	25%	70%	100%	30%	75%	100%
Lodging	100%	55%	100%	100%	55%	100%
Theater / Entertainment	5%	20%	100%	5%	50%	100%

Conference Rooms / Reception Venue	0%	100%	100%	0%	100%	100%
Place of Worship	0%	30%	50%	0%	100%	65%
Institutional	5%	100%	20%	5%	100%	10%
Residential	100%	60%	95%	100%	75%	90%

19.48.080 – Requirements for Bicycle Parking.

A. Bicycle Parking Required. Bicycle parking facilities shall be provided for any new commercial, office, manufacturing, industrial, multi-family residential, recreational, public and/or quasi-public use for which automobile parking is required; or for modification or change of any of such uses that results in the need for additional automobile parking facilities.

B. Number of Required Spaces. The number of bicycle parking spaces required shall be equal to five percent (5%) of the vehicular parking spaces required for such use, with a minimum requirement of two (2) spaces, and a maximum requirement of twelve (12).

C. Bicycle Parking Spaces shall be:

1. Located on the same lot as the principal use;
2. Located and designed to prevent damage to bicycles by cars;
3. Located so as not to interfere with pedestrian movements;
4. Located in a highly visible, well-lighted area that is located near entrance(s) to the building;
5. Located to provide safe access from the spaces to the public right-of-way or bicycle lane;
6. Designed to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles; and
7. Anchored to resist removal by vandalism and resistant to rust or corrosion.

D. Required bicycle parking spaces may be located within the building.

E. Any proposed bicycle parking spaces or facilities shall be clearly shown on the applicable site plan, indicating location and type.

19.48.090 – Off-Street Loading and Unloading Standards.

A. Applicability. Any building or portion thereof which is to be occupied by one (1) or more uses that require the receipt or distribution of materials or merchandise by vehicles shall provide and maintain off-street loading spaces as required by this Section.

B. Location.

1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a street;
2. Loading/unloading operations may not interfere with the normal movement of vehicular and pedestrian traffic in public rights-of-way, off-street parking areas, internal drives, or sidewalks;

3. No loading space that is adjacent to a Residential Zone shall be nearer than thirty (30) feet to the parcel line zoned residential unless it is contained within a completely enclosed building, or enclosed on all sides by a wall or solid, opaque fence not less than six (6) feet high; and

4. The vehicular path and turning radii to the loading area shall be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.

C. Specifications. Loading/unloading spaces shall be at least twelve feet (12') wide, thirty feet (30') long, and have fourteen feet (14') of vertical clearance. Each additional required loading space shall be at least ten feet (10') in width, forty-five feet (45') in length, and have fourteen feet (14') of clearance.

D. Required Number of Loading Spaces. The minimum number of loading spaces required is shown in Table 19.48.090.

Table 19.48.090: Loading Space Requirements.

Use Type	Units	Required Loading Spaces
Multi-Family Residential (total dwelling units)	0-24 du	NA
	25-74 du	1
	75+ du	2
Non-Residential (square feet of gross floor area)	Up to 10,000 sq.ft.	NA
	10,001 – 20,000 sq.ft.	1
	20,001-75,000 sq.ft.	2
	75,001-100,000 sq.ft.	3
	100,001+ sq.ft.	5

19.48.100 – Vehicle Stacking Standards.

A. Drive-Up and Drive Thru Facility, Stacking Lane Standards: These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

1. Each stacking space shall be a minimum of twenty feet (20') in length and eight feet (8') wide along the straight portions and ten feet (10') wide along the curved segments.

2. Entrances to stacking lanes shall be clearly marked and located a minimum of sixty feet (60') from the closest curb cut. Stacking lanes may not enter or exit directly into a public street.

3. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation.

4. All stacking lanes shall be clearly delineated from traffic aisles, other stacking lanes and parking areas using striping at a minimum and curbing, landscaping, or signs where appropriate.

5. Required Stacking Capacity:

   a. A drive-thru automated teller machine (ATM) shall provide no less than two (2) stacking spaces before the teller machine.

   b. A car or light truck wash shall provide no less than three (3) stacking spaces per lane before the wash bay entrance.

c. A laundry or dry-cleaning establishment with a drive thru window shall provide no less than two (2) stacking spaces per lane before the drive-up window.

d. A financial institution with teller lanes shall provide no less than three (3) stacking spaces per lane before the teller or drive-up window.

e. A pharmacy with a drive thru window shall provide no less than three (3) stacking spaces per lane before the drive-up window.

f. A restaurant with drive thru shall provide no less than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane shall provide no less than six (6) stacking spaced before the first drive-up window. Establishments where orders are placed for food or drink in a similar manner to a restaurant shall provide stacking in the same manner as a restaurant.

g. Uses having a drive thru window but not listed in this part are required to have stacking lanes and stacking spaces as determined by the Director and based on the anticipated demand for stacking spaces given existing and projected traffic and consumer patterns.

h. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

B. Self-Service Fuel Station, Stacking Lane Standards: Each pump island should generally include stacking space for a minimum of two (2) vehicles (total of 40 feet) on site so that driveways within the site or adjacent street areas are not utilized for waiting customers. Pump island stacking may not encroach upon required parking space back out areas (24 feet minimum) or two-way driveways for general site circulation (24 feet minimum).

19.48.110 – Parking Lighting and Screening Standards.

A. Landscaping. All parking areas shall be landscaped in accordance with the provisions of Chapter 19.50.

B. Screening. The sides and rear of any off-street parking area for more than five (5) vehicles which adjoins or faces an institutional or residential use shall be effectively screened by a masonry wall or solid visual barrier fence unless otherwise provided for more specifically by the requirements of the zone in which such parking area is located. Such wall or fence shall be not less than six feet (6’) in height and shall be maintained in good condition and free from advertisement.

C. Lighting. Lighting used to illuminate any off-street parking area shall be downcast and fully shielded so as to direct light away from adjoining premises and from street traffic. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area.

19.48.120 – Mobility and Pedestrian Circulation.

A. The following mobility and circulation standards apply in all parking areas or portions thereof.

1. Street and Sidewalk Continuation.

a. Streets, internal circulation drives, and parking aisles shall be arranged to provide for the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped.

b. Internal vehicular circulation areas shall be designed to allow for cross access to adjacent lots with residential, nonresidential or mixed-uses.

c. A stub for future cross access shall be provided from the vehicular use area to all adjacent lots. If cross access is deemed impractical by the Planning Commission, Director, or Designee during Site Plan Review on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived provided that appropriate bicycle and pedestrian connections are made between adjacent developments or uses.

d. A cross-access easement shall be recorded with the Salt Lake County Recorder prior to the issuance of a Building Certificate of Occupancy for the development.

2. Pedestrian Access Required. Pedestrian access shall be required for all sites to improve the health, safety and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multi-modal environment that is supportive of walking, biking and transit use. All attached single-family and multiple family residential, non-residential and mixed-use developments shall comply with the following requirements.

a. Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of main buildings.

b. At least one (1) pedestrian walkway with a minimum width of five (5) feet shall be provided from the internal pedestrian walkway network to the public sidewalk system. In the case of corner lots, connections shall be made to the sidewalks of both streets.

c. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.

3. Walkways in Parking Lots. Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Walkways shall either be dedicated sidewalks raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with striping and tactile alerts, and may use alternative materials, such as pavers.

a. Each surface parking area that has fifty (50) or more parking spaces or has any parking spaces more than three hundred fifty feet (350’) from the front entrance of the primary building as measured along walkways shown on the site plan, shall have at least one (1) pedestrian walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance.

b. The required walkway shall be at least five feet (5’) wide, may not be within a driving aisle, and, if possible, shall be within a landscaped island running perpendicular to the primary

building façade. If parking spaces are adjacent to a sidewalk, the sidewalk shall be at least seven feet (7') wide to allow for vehicular overhang.

4. Trail Connections. If trails exist or are planned within three hundred and fifty feet (350') of a primary building entrance, paths or sidewalks shall connect building entries to the trail system.

19.48.130 – Maintenance of Off-Street and Bicycle Parking.

A. Maintenance. All parking areas, including bicycle parking, shall be maintained free of dust, trash, weeds and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in a smooth, well-graded condition, and in good repair and safe condition at all times.
   1. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
   2. All off-street parking, stacking and loading areas required by this Chapter shall be maintained free of accumulated snow or standing water that prevents full use and occupancy of the areas, except for temporary periods of heavy rainfall or snowfall, not to exceed five (5) days.

19.48.140 – Supplementary Parking and Mobility Standards.

The following supplementary parking and mobility standards apply.

A. Gasoline Pumps Associated with a Self Service Fuel Station. Gasoline pumps shall be set back no less than twenty-four feet (24') from any front property line, and no less than thirty feet (30') from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be located so that automobiles stopped for service at the pump will not extend over the property line.
   1. Canopies constructed to provide a weather shield over gasoline pump islands shall be set back no less than six feet (6') from any property line and no less than ten feet (10') from any residential zone boundary.
   2. Gasoline pumps associated with a Self Service Fuel Station are subject to the Specific Use Standards in 19.42.270 and all other applicable ordinances.

B. Provisional Parking. Provisional parking in excess of the maximum parking spaces allowed in Table 19.48.150 may be permitted if the following conditions are met.
   1. Provisional parking spaces shall be shown on the site plan as complying with the parking stall size requirements of this Chapter as well as the maneuverability and aisle requirements of Municipal Code.
   2. Provisional parking spaces may be landscaped in such a way that they can be used for parking on a seasonal or temporary basis.
   3. After one year's time from the issuance of the land use permit, a property owner may request a review of the provisional parking. Upon a finding by the Planning Commission (for a conditional use) or the Director or Designee (for a permitted use) that the additional parking is needed, approval shall be granted for the provisional parking to be paved and made permanent.
   4. The Planning Commission may set conditions of approval as part of any conditional use permit that utilizes provisional parking to provide for monitoring and future review of the parking plan.

C. Valet Parking. Off-site parking may be permitted to meet the requirements of this Chapter if a Valet Parking program is established.

1. A valet parking plan shall identify the following.

   a. The location of parking spaces, pick-up areas, drop-off areas, and egress/ingress;

   b. The involvement of personnel; and

   c. General operating procedures.

2. At least ten percent (10%) of the required parking spaces shall be reserved as on-site, self-parking spaces and shall be indicated as such on the valet parking plan.

D. Community Parking Credits.

1. If the Director or Designee finds that parking is available either on public property or on property leased by a public entity for community parking, and such parking is conveniently located to a particular land use, credits may be given toward the parking requirement for said land use.

2. If multiple businesses or land uses qualify to use the same parking spaces for community parking credits, the credits shall be pro-rated for each land use. In calculating the pro-rated community parking credits, the Director or Designee shall consider:

   a. The amount of frontage a property has on the street;

   b. The total number of parking stalls required for a given land use;

   c. The intent of the public parking according to any adopted municipal plans; and

   d. The potential for future development in the immediate vicinity creating further demand for parking spaces.

3. The Director or Designee may also use Table 19.48.070 for land uses in different general categories to consider shared community parking.

E. Transit Access and Amenities.

1. Transit Stops. If public transit service is available or planned, convenient access to transit stops shall be provided by means of public or private sidewalks or walkways. Any provided seating may not obstruct a public sidewalk.

2. If transit shelters are provided, they shall be placed in highly visible and well lighted locations for purposes of safety, subject to review by the Utah Transit Authority.

19.48.150 - Parking Requirements Table.

The amount of required off-street parking spaces for individual uses shall be determined in accordance with Table 19.48.150: Off-Street Parking Requirements.

Table 19.48.150: Off Street Parking Requirements.

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
RESIDENTIAL				
Household Living	Single-Family	2 spaces per dwelling unit	NA - but no more than 50% of any front or rear yard space may be paved.	Spaces may be arranged one behind another
	Two-Family	2 space per dwelling unit	3 spaces per dwelling unit	
	Three- and Four-Family			
	Multi-Family	1 space per studio apartment; 1.5 spaces per 1 bedroom unit; 2 parking spaces per dwelling unit for any units with 2 or more bedrooms; plus .25 guest parking spaces per dwelling unit	NA - but no more than 50% of any front or rear yard space may be paved.	
	Accessory Dwelling Unit	1 space per accessory dwelling unit	2 spaces per accessory dwelling unit	Spaces may be arranged one behind another, but may not count toward the minimum parking requirements for a single-family home
Group Living	Nursing Home / Convalescent Care	3 spaces, plus 1 space for every 5 beds at total capacity	4 spaces, plus 1 space for every 3 beds at total capacity	
	Residential Facilities for Elderly Persons or Persons with a Disability	4 spaces	1 space per employee, plus 1 space per 2 residents	Parking spaces may be arranged one behind another
	Therapeutic School, Assisted Living Facility	4 visitor parking spaces plus 1 space	NA	

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
	Rehabilitation and Treatment Facilities	per employee during the highest employment shift		
	Transitional Housing, Protective Housing	1 space per employee during the highest employment shift		
FOOD, LODGING, RETAIL, AND SERVICE				
Auto-Oriented	Car and Light Truck Wash	NA	5 spaces per 1,000 sq.ft.	
	Self Service Fuel Station	1 space per pump island, plus 2 spaces per 1,000 sq.ft. of convenience store floor area	1 space per pump island, plus 5 spaces per 1,000 sq.ft. of convenience store floor area	Self-Service Fuel Stations are also subject to the Vehicle Stacking Standards in 19.48.100.
	Truck Stop and Service Facilities	5 spaces plus 1 space for each employee during the highest employment shift	5 spaces per 1,000 sq.ft. of building space	
	Vehicle and Equipment Repair, Major or Minor			
	Vehicle Rental			
	Vehicle Sales and Service, All Types			
Personal Services	Check Cashing	1 space per employee during the highest employment shift, plus 4 customer spaces	5 spaces per 1,000 sq.ft. of building space	
	Child Care Center	4 spaces plus 1 space for every 500 sq.ft. of floor area		
	Child Care, Licensed Family or Residential	1 space per 8 clients, plus 1 per employee		

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
	Reiki	1 space per 250 sq.ft. of gross floor area, plus 1 space per employee on the highest employment shift		
	Other Personal Care Service or Personal Instruction Service	3 spaces per 1,000 sq.ft.		
Other Services	Animal Hospital or Clinic	1 spaces per employee on the highest employment shift, plus 1 space per 1,000 sq.ft.	NA	
	Contractor's Office	2 spaces per 1,000 sq.ft. of office area	3 spaces per 1,000 sq.ft. of office area	
	Kennel	1 spaces per employee on the highest employment shift, plus 1 space per 1,000 sq.ft.	1 spaces per employee on the highest employment shift, plus 2 spaces per 1,000 sq.ft.	
	Laundry Cleaning, Automatic or Drop Off	4 spaces, plus 1 space per employee on the highest employment shift	4 spaces, plus 1.5 spaces per 1,000 sq.ft. of floor area	
	Mortuary or Funeral Home	1 space per 5 people at max design occupancy	1 space per 3 people at max design occupancy	
	Post Office	1 space per 500 sq.ft. of floor area, plus 1 space for each employee on the highest employment shift	1 space per 250 sq.ft. of floor area, plus 1 space for each employee on the highest employment shift	
	Commercial Plant Nursery	1 space per 1,000 for indoor display area, plus 1 space per 2,500 sq.ft. of outdoor display area.	NA	
	Pawn Shop			

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
	Retail Shops or Galleries where Primary Product is Produced On-Site	1 space per 500 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per employee on the highest employment shift	1 space per 250 sq.ft. of gross floor area used for the display of goods or services, plust 1 space per employee on the highest employment shift	
	Retail Tobacco Specialty Business			
	Shopping Center	3 spaces per 1,000 sq.ft. of gross leasable area	5 spaces per 1,000 sq.ft. of gross leasable area	
	Swap Meets and Flea Markets	NA - but all parked vehicles shall be accommodated on-site, off-street		
	Other Retail	1 space per 500 sq.ft. of gross floor area used for the display of goods or services	1 space per 250 sq.ft. of gross floor area used for the display of goods or services, plust 1 space per employee on the highest employment shift	
Food and Drink	Bar	1 space per 4 persons based on max occupancy	1 space per 2.5 persons based on max occupancy	
	Breweries and Distilleries in association with a Restaurant			
	Liquor and/or Wine Store, Package Agency	1 space per 500 sq.ft. of gross floor area, plus 1 space per employee on the highest employment shift	4 spaces per 1,000 sq.ft. of gross floor area	
	Restaurant, Fast Food	1 space per 4 persons based on max occupancy	1 space per 2.5 persons based on max occupancy	
	Restaurant, Sit Down			
Lodging	Bed and Breakfast Inn	2 spaces for each primary residential dwelling unit plus 1 space for each guest room	2 spaces for each primary residential dwelling unit plus 1.25 spaces per guest room or unit	

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
	Boardinghouse, Hotel, Guest Ranch, Resort	1 space per sleeping unit, plus parking for any accessory uses	1.5 spaces per guest room or unit	
	Yurt	NA	1 space	
OFFICE				
Offices	Office, General	1 space per 500 sq.ft. of floor area	1 space per 250 sq.ft. of floor area	
	Office, Medical or Intensive, or Financial Institution	1 space per employee on the highest employment shift, plus 4 visitor spaces	6 spaces per 1,000 sq.ft.	
INDUSTRIAL				
Light Industrial	Breweries and Distilleries, Industrial	1 space per person employed on the highest employment shift	NA	
	Dairy			
	Industrial Flex Space			
	Laboratory, Medical and Dental or Research and Development			
	Salvage Yard, Storage Yard, Towing Services and Impound Lots			
	Self Service Storage Facilities Indoor or Outdoor	5 spaces plus 1 space for each employee during the highest employment shift		
	Vertical Indoor Agriculture	1 space per person employed on the highest employment shift		
	Vehicle and Equipment Repair, Commercial and Industrial	5 spaces plus 1 space for each employee during the highest employment shift		
	Warehouse and Distribution Facilities	1 space per person employed on the highest employment shift		
	Other Light Manufacturing			

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
Medium Industrial	Agricultural Products Processing	1 space per person employed on the highest employment shift	NA	
	Assembly Use			
	Machine Shop			
	Meat or Poultry Processing Facility			
	Recycling Processing Facility			
	Solar Energy System, Commercial	NA		
	Vehicle Assembly	1 space per person employed on the highest employment shift		
	Water Treatment Facility			
Heavy Industrial	Freight Service	1 space per person employed on the highest employment shift	NA	
	Mining			
	Wind Energy System, Commercial	NA		
	Other Heavy Manufacturing	1 space per person employed on the highest employment shift		
INSTITUTIONAL				
Public and Institutional Uses	Animal Control or Rescue Facility	1 space per employee on the highest employment shift, plus 1 space per 1,000 sq.ft.	NA	
	Cemetery	NA	NA	
	Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	.25 spaces per seat; or 1 space per 300 sq.ft. of floor area if no seating is present	1 space per 3 seats; or 1 space per 200 sq.ft. of floor area if no seating is present	
	Correctional Facility	1 space per employee on the highest employment shift, plus at least 5 visitor spaces	NA	

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
	Educational Facility	Elementary and Middle Schools: 1 space per 20 students design capacity High Schools: 1 space per 8 students design capacity Technical School, College, or University: as determined by Director or Designee	All: 4 spaces per 1,000 sq.ft. of floor area	
	Educational Facility with Residential Accommodation	1 space per 2 tenants at design capacity	1 space per tenant at design capacity	
	Hospital	1 space per 3 patient beds for the total design capacity of the hospital	1 space per patient bed for the total design capacity of the hospital	
	Park and Ride	NA	120 spaces	
	Public Park	2 spaces per 1,000 sq.ft. of courts, ball fields, or pools	3 spaces per 1,000 sq.ft. of courts, ball fields, or pools	
	Resource Recycling Collection Point	1 space per collection bin	2 spaces per collection bin	
	Other Public or Institutional Use	As determined by Director or Designee		

RECREATIONAL				
	Athletic Clubs			

Fitness and Entertainment	Club, Locker Club	2 spaces per 100 sq.ft.	3 spaces per 100 sq.ft.	
	Commercial Recreation, Recreation Facility	2.5 spaces per 1000 sq.ft. of floor area	4 spaces per 1,000 sq.ft. of floor area	
	Reception Hall, Reception Center, Theater, Concert Hall	1 space per 4 people at max occupancy	1 space per 2.5 people at max occupancy	
Outdoor	Campground	1 space per campsite	2 spaces per campsite	Spaces may be arranged one behind another
	Community Garden	NA	NA	
	Outdoor Recreation, Large Scale	As determined by Director or Designee		
	Stable, Public	1 space per employee on the highest employment shift, plus 4 guest spaces	NA	
SPECIALTY				
Specialty Uses	Agritourism	Parking and Stacking Spaces as determined by Director or Designee		
	Apiary			
	Crematorium			
	Drive-Up and Drive Thru Facilities			Drive-Up and Drive-Thru Facilities are subject to the stacking standards in 19.48.100.
	Seasonal Use or Sales			
	Ski Resort			

Chapter 19.50: LANDSCAPING, SCREENING, AND WATER-EFFICIENCY STANDARDS.

19.50.010 – Purpose of Provisions.

The intent of this Chapter is to establish landscaping and screening standards for new and expanded development to ensure efficient usage of water, establish landscaping quality standards, improve landscaping maintenance, promote land-use compatibility, and support the general welfare of the community. The provisions of this Chapter work toward the following goals:

A. Increased water conservation and water efficiency;

B. Preservation and enhancement of design continuity throughout the community;

C. Improved management and quality of stormwater runoff;

D. Improved health of plant and animal species;

E. Increased compatibility between land uses;

F. Enhanced property values;

G. Reduction of development-related environmental impacts through mitigation of erosion, noise, dust, glare, and air pollution;

H. Reduction of energy consumption through the prudent placement of plants;

I. Reduction of absorption and re-generation of heat from impervious surfaces;

J. Spatial and visual separation of;

   1. Vehicular and pedestrian functions within on-site vehicular circulation and parking areas, and

   2. Parked vehicles from public view and adjacent travel ways;

K. Enhanced outdoor spaces through increased usage of native, drought tolerant, and low water use plant species in the developed environment; and

L. Reduced landscape maintenance responsibilities and costs.

19.50.020 – Scope and Applicability.

The standards of this Chapter apply to:

A. New Development. Any new development and/or off-street parking facilities shall comply with the provisions of this Chapter. Existing landscaping shall be made to conform to the provisions of this ordinance when landscaping for public agency projects, private commercial, industrial, or multifamily projects are modified or rehabilitated. Routine maintenance does not qualify as a modification or rehabilitation.

B. Building Additions. Building additions which increase building coverage by twenty percent (20%) or more require the entire property to fully comply with this Chapter. Single- and two-family dwellings are subject to this part only if more than 50% of the front or side yard area is disturbed. The Director

or Designee may grant relief from full compliance based on factors cited in the *exemptions* subsection (F).

C. Building Renovations. Building renovations, whether involving interior or exterior work, do not trigger a requirement for the property to fully comply with this ordinance. However, if such work involves the removal of existing plants, new plants shall be installed that create comparable landscape design value.

D. Residential Properties:

1. Single- and Two-Family Dwellings. Single- and two-family dwellings, except where located within a planned unit development or master planned community, shall comply with Subsection 19.50.050.A(1), but are exempt from all other sections of this chapter.

2. Less than Five (5) Units. Residential properties with less than five (5) units shall comply with the provisions of this Chapter for front yards and side yards only. The rear yard is not subject to the requirements of this Chapter.

3. Five (5) or More Units. Residential properties or developments with five (5) or more units are subject to all provisions of this Chapter, including rear yards.

E. Off-Street Parking Expansions.

1. Fifty Percent (50%) or less. A parking expansion which increases the number of parking stalls by fifty percent (50%) or less requires that the newly established expansion area be brought into compliance with both the interior and exterior/perimeter landscape requirements of this Chapter.

2. Fifty Percent (50%) or more. A parking expansion which increases the number of parking stalls by fifty percent (50%) or more requires that the entire expansion area be brought into compliance with both the interior and exterior/perimeter landscape requirements of this chapter. The pre-existing parking area, while not required to be retroactively brought into compliance with this Chapter's interior parking area landscape requirements, shall be made to conform to exterior/perimeter area landscape standards.

3. Repeated Expansions. Repeated expansions of parking facilities over time are combined in determining whether the fifty percent (50%) threshold has been reached.

F. Exemptions. The provisions of this Chapter do not apply to the following:

1. Exemption for Historic District Contributing Buildings. Properties listed on either the State or National Historic Registers may be exempt from these regulations, subject to review by the Director or Designee.

2. Exemptions from Water Allowance Limitations. Areas dedicated and used for the following specific purposes are exempt from the landscape water allowance limitations of this Chapter:

a. Sports fields;

b. Turf areas within public parks;

c. Golf courses; and

d. Cemeteries.

3. Limits to Exemptions. Although exempt from landscape water allowance limitations, all other provisions of this Chapter apply. In particular, landscaping shall be provided in the interior and perimeter areas of off-street parking facilities, adjacent to buildings, and along walkways.

19.50.030 – Landscape Irrigation Standards and Efficient Water Usage.

A. Establishment and Maintenance of a Site-Specific Landscape Water Allowance. To facilitate efficient water consumption in the establishment and long-term maintenance of site landscape improvements, an annual landscape water allowance shall be established and maintained for each improved property as set forth in this Chapter.

1. Acceptable water efficiency shall be deemed to have been achieved when the approved landscape plan indicates a landscape water allowance of no more than fifteen (15) inches per square foot (sq. ft.) average for the entire landscaped area of the site. Multiplying this figure by the total irrigated landscape area in square feet yields the annual water budget for landscape use for the property. A conversion factor of 0.62 shall be used to convert from Inches water utilized to gallons.

B. Landscape Irrigation Requirements.

1. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in Lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.

2. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and Planting Beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.

3. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

C. Introduction and Use of Native and Other Drought-Tolerant Plants. To promote maximum water conservation, at least eighty percent (80%) of the trees and shrubs used on a site shall be water conserving species, capable of withstanding dry conditions once established. Native plants shall be used to the maximum extent feasible. Drought-tolerant grass varieties shall be used in areas planted in turf or Lawn. Lists of plants that satisfy these requirements and that are available locally may be obtained from the Director or Designee or by referencing Utah State University Extension Center for Water-Efficient Landscaping Water-Wise Plants for Utah Landscapes website.

D. Plant Establishment and Arrangement Based on Water Consumption. Though there are many ways plants can be distinguished from one another, the categorization based on water use is critical for the purpose of this ordinance. The establishment and arrangement of plants on a site according to the

water needs of those plants is commonly referred to as *hydrozone management*. Hydrozone management is required by this Chapter and shall be implemented using the following techniques:

1. This requires separating high water use plants, whenever possible, from medium, low, and very low water plant material within the landscape.
2. Plants with similar water needs shall be clustered within the landscape in areas where water needs can be feasibly managed using independent hydrozones.
3. Each independent hydrozone shall identify a inches per square foot annual irrigation target intended maintain the plant material selected for the zone at maturity.
4. Each independent hydrozone will identify and appropriate irrigation strategy to meet irrigation target established for the hydrozone.
5. The total average water inches per sqft distributed in all hydrozones may not exceed 15 inchers per sqft per year.
6. For projects located at the interface between urban areas and natural (non-irrigated) open space, drought-tolerant plants that will blend with the native vegetation shall be used.
7. Areas with slopes greater than thirty percent (30%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
8. Park strips and other landscaped areas less than eight feet (8') wide shall be landscaped with water-conserving plants. Turf grass is prohibited.

19.50.040 – Landscape Design Standards.

A. Standards Applicable to All Developments. Required site landscape improvements shall be provided in accordance with the standards and design guidelines set forth in this Chapter. The standards set forth herein are numerically measurable to readily facilitate the preparation, review and approval of landscape plan submittals and the subsequent verification of compliance with the requirements of the Chapter. Design guidelines, though not precisely measurable, are intended to clarify the principles associated with specified standards, provide guidance for the review and approval of submitted landscape plans, and provide flexibility for design professionals who wish to propose alternative compliance approaches.

B. Retention of Significant Natural Features. Features that are unique to a property, such as that property's natural topography, existing vegetation, or riparian features shall be taken into consideration in the planning and design of landscape improvements for that property. Priority is to be given to the preservation or protection of existing undisturbed areas in the which vegetative cover of 60% or greater is dominated by mature native tree or wooded riparian species are present within a proposed development site. The proposed locations of streets, buildings and lots shall, to the extent possible, minimize disturbance to these areas.

C. Tree Preservation, Removal, and Replacement.

1. Preservation of Existing Trees. All healthy, existing trees shall be preserved to the maximum extent feasible. Existing, living trees having a caliper of four inches (4”) or larger shall be subject to the Replacement provisions below.

   a. Preserved trees shall be credited to the satisfaction of replacement trees on a three to one (3-to-1) caliper-to-caliper basis.

   b. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this Chapter.

   c. Where existing trees are to be protected, the following standards shall apply:

      i. A fenced tree protection zone shall be established around each tree or cluster of trees to be retained. The perimeter of this zone, which shall coincide with the drip line of the tree or trees to be protected, shall be clearly marked with high-visibility materials at a minimum height of four feet (4’).

      ii. The storage or movement of equipment, material, debris, or fill is prohibited within the fenced tree protection zone to minimize soil compaction around roots.

      iii. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the drip line of any protected tree or group of trees.

      iv. No cut or fill is permitted within the drip line of any protected existing tree or group of trees unless a qualified arborist, forester, or landscape architect has evaluated and approved the disturbance.

      v. All protected existing trees shall be pruned as specified by a qualified arborist or forester.

      vi. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

      vii. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way, and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required above. This may be accomplished by placing metal t-post stakes a maximum of fifty feet (50’) apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

   d. The removal of trees is allowed under the following circumstances:

      i. Where trees have naturally fallen or are determined by a licensed arborist to be dead or dying.

      ii. Where trees have been diagnosed by a qualified arborist as unhealthy beyond reasonable rehabilitation.

      iii. Where the species is classified by the Utah Department of Agriculture and Food as a noxious weed.

iv. Where trees are determined to be potentially harmful to the public health, safety, or welfare.

v. Where it has been determined by the municipality that tree removal is necessary to restore clear visibility at driveways and intersections.

vi. Where the preservation of trees would prevent reasonable site grading to accommodate a functional arrangement of buildings and related improvements on the property. Written documentation of the above is required prior to the removal of any tree.

2. Replacement of Existing Trees.

a. Existing trees having a caliper of four inches (4") in size or greater which are removed as a result of development or construction shall be replaced on the development site by trees of no less than two-inch caliper in size. The required replacement ratio shall be one (1) tree for every two (2) caliper inches (cumulative) of trees removed. Replacement trees may not be credited toward the satisfaction of the tree planting requirements of this Chapter but shall be in addition to that otherwise specified.

b. Trees identified for preservation on the landscape plan, but which die as a result of construction, shall be considered "existing trees removed" and shall be replaced.

3. Maximum Replacement. On development sites with significant existing tree cover, the full replacement of removed trees may be impractical. In such instances, the regulations set forth below will apply:

a. Residential and Open Space Uses. The installation of new and replacement trees shall be required up to the point where the average for the entire site reaches twenty (20) total trees per acre of landscape area (includes existing four-inch (4") caliper and larger trees and new trees).

b. For Non-Residential Uses. The installation of new and replacement trees shall be required up to the point where the average for the entire site reaches ten (10) total trees per acre of landscape area (includes existing four-inch (4") caliper and larger trees, and new trees).

D. New Plantings. The measurements and specifications for all live plants used to fulfill the requirements of this Chapter shall be as set forth in the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association. The following are minimums in relation to those standards. Nothing in this Chapter shall be interpreted to prohibit the provision of landscape improvements in excess of these minimums.

1. Plant Quality. Required plant materials shall be nursery or field grown, unless otherwise approved, and shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety, free from defects decay, disfiguring roots, sun-scald, injuries, abrasions of the bark, plant diseases, insect pest eggs, borers, and all forms of infestations or objectionable disfigurements of diseases, insects, and injuries.

2. Plant Coverage and Growth Rate. Within three (3) years of the initial planting, landscapes are required to have enough plant material to create at least thirty percent (30%) living plant cover at the ground plane, not including tree canopies.

3. Species Diversity. A variety of plant species shall be utilized in all site landscaping. No one species may make up more than twenty-five percent (25%) of the total non-turf plant materials within the landscaped area. Species diversity is required to prevent uniform insect or disease susceptibility and to stem the untimely degeneration or premature deterioration of trees planted or retained on a development site or in the adjacent area. The minimum requirements in Table 19.50.040a shall apply.
   a. Special consideration shall be given to canyon areas to protect against decimation due to insect to disease infestations.

Table 19.50.040a: Tree Species Diversity Based on Number of Trees.	
Total Number of Trees on Site	**Maximum Percentage of Any One Species**
10-19	50%
20-39	33%
40-59	25%
60 or more	15%

4. Tree Placement. Trees shall be located to provide summer shade and limit winter shade on walks, parking lots, and streets.

5. Root Accommodation. Prior to the installation of trees, a determination shall be made as to whether root barriers are necessary to prevent roots from uplifting or cracking sidewalks or other hard surface improvements in the vicinity of the tree. Root barrier collars and root path trenches shall be installed as needed to provide such protection and to ensure healthy tree root growth.

6. Plant Size Requirements at Planting. All new and replacement trees, shrubs, and other plants shall meet the minimum size requirements shown in Table 19.50.040b.
   a. Where plant materials are secured on the basis of container size, equivalency shall be in accordance with the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association.

Table 19.50.040b: Tree and Shrub Size Requirements at Planting.	
Plant Type	**Size**
Deciduous trees	Two-inch (2”) caliper
Ornamental and flowering trees	One and one-half inch (1.5”) caliper OR six feet (6’) in height
Evergreen trees	Six feet (6’) in height
Spreading shrubs	Eighteen inches (18”) of spread at the time of planting AND grown in a five (5) gallon container
Upright shrubs	Twenty-four inches (24”) of spread at the time of planting AND grown in a five (5) gallon container
Herbaceous plants	One (1) gallon container

7. Mulch. At least three inches (3”) of mulch, permeable to air and water, shall be used in planting beds to inhibit weed growth, moderate soil temperature, and improve water retention. Newly

planted trees in areas predominantly improved with turf shall be provided a plant-free, mulched area with a minimum radius of four feet (4') around the trunks to protect the trunks from turf-maintenance operations and expedite tree root establishment. Nonporous materials (e.g., plastic) may not be placed under mulch. Bare soil is not permitted. The following types of mulch are permitted:

a. Organic mulch. Bark mulch or other organic landscape mulch commonly used in the industry.

b. Gravel mulch. Ornamental landscape gravel of fine aggregate, not exceeding one-half inch (.5"). White and black gravel is prohibited.

c. Recycled mulch. Mulch made of recycled materials may be accepted upon the Director's or Designee's review and approval.

8. Lawn and Turf Areas.

a. Lawn may not be installed in park strips, paths, on slopes greater than twenty-five percent (25%) or four-to-one (4:1) grade, or be less than eight feet (8') wide at its narrowest point.

b. Drought-tolerant grass varieties shall be established and maintained.

c. In commercial, industrial, institutional, and multi-family development common area landscapes, Lawn areas shall be equal to or less than twenty percent (20%) of the total landscaped area, outside of Active Recreation Areas.

9. Coverage Requirements for Landscape Improvements. Areas of a site not covered with buildings or pavement are considered landscape areas and shall be covered with trees, shrubs, groundcover, flowers/herbaceous plants, mulch, or turf in compliance with the standards set forth in this Chapter. Areas of bare dirt are not allowed. Native landscaping may be used in appropriate locations, subject to Director or Designee approval.

E. In residential landscapes, the landscaping shall adhere to the following *Localscapes* requirements:

1. If size permits, the landscaped areas of the front yard and street-facing side yard shall include a designed central open shape created by using lawn, hardscape, groundcover, gravel, or mulch.

2. Gathering Areas shall be constructed of hardscape and placed outside of the central open shape. In a landscape without Lawn, Gathering Areas may function as the Central Open Shape.

3. Activity Zones shall be located outside of the Central Open Shape and shall be surfaced with materials other than Lawn.

4. Paths shall be made with materials that do not include Lawn, such as Hardscape, Mulch, or other groundcover.

5. Lawn areas may not exceed two hundred and fifty square feet (250 sq. ft.), or thirty-five percent (35%) of the total landscaped area, whichever is greater.

6. Small residential lots, which have no back yards, which the total landscaped area is less than two hundred and fifty square feet (250 sq. ft.), and which the front yard dimensions cannot

accommodate the minimum eight feet (8') wide Lawn area requirement of the Landscaping Requirements, are exempt from the eight feet (8') minimum width Lawn area requirement.

F. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the landscaping requirements. Applications to receive exceptions are to be considered on a case-by-case basis by the Director or Designee.

19.50.050 – Landscape Yards or Setbacks and Buffer Areas.

A. Frontage Landscape Setbacks. Frontage landscape setbacks to provide landscape enhancement along public and private streets are required as follows:

1. Single-Family, Two-Family, Three-Family, and Four-Family Dwellings.

a. Area Required. The front yard area and any street-facing side yard shall be maintained as a landscape setback, except that driveways and pedestrian walkways are permitted.

b. Required Landscaping. The landscaping shall adhere to the *Localscapes* requirements as outlined in section 19.50.040.

i. The front yard area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.

iii. Mulch/gravel areas may not extend more than five feet (5') from the branching of shrubs or trunks of trees.

iv. At least one tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.

v. At least thirty percent (30%) of any landscaped areas shall have canopy coverage from live plant growth, not including tree canopies.

vi. Impervious surfaces within a front yard or street side yard may not exceed 50% of the yard area.

c. Maximum Area of Turf. The area of domestic turf on any property may not exceed thirty-five (35%) of the total landscape area.

2. Multiple-Family Uses.

a. Area Required. Unless a reduced building setback has been allowed under this Title or a variance has been granted, a landscape setback of twenty feet (20') in depth shall be maintained along the property frontage, except that driveways and pedestrian walkways are permitted. Where the front yard is subject to a build to line requirement, the entire front yard setback shall be landscaped.

b. Required Landscaping.

i. The front yard area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.

iii. Mulch/gravel areas may not extend more than five feet (5') from the branching of shrubs or trunks of trees.

iv. At least one tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.

v. At least one shrub shall be planted for every forty square feet (40 sq. ft.) of landscape area within the landscape setback. Three herbaceous plants with a mature height of thirty inches (30") or more may be substituted for one shrub.

vi. At least thirty percent (30%) of any landscaped areas shall have canopy coverage from live plant growth, not including tree canopies.

c. Maximum Area of Turf. The area of domestic turf on any property may not exceed thirty five percent (35%) of the total landscape area.

3. Commercial, Office, and Public Uses.

a. Area Required. If a front yard is provided, a minimum landscape area ten feet (10') in depth shall be maintained along the frontage, except that driveways and pedestrian walkways are permitted. Where the front yard is subject to a build to line requirement, the entire front yard setback shall be landscaped.

b. Patio Seating. Up to fifty percent (50%) of the required landscape area for restaurants can be patio seating.

c. Required Landscaping.

i. The landscape setback area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.

iii. Mulch/gravel areas may not extend more than five feet (5') from the branching of shrubs or trunks of trees.

iv. At least one tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.

v. At least one shrub shall be planted for every forty square feet (40 sq. ft.) of landscape area within the landscape setback. Three herbaceous plants with a mature height of thirty inches (30") or more may be substituted for one shrub.

vi. At least thirty percent (30%) of any landscaped areas shall have canopy coverage from live plant growth, not including tree canopies.

vii. If a patio area is established, planter boxes or other landscaping types shall be included to visually soften the hard surface of the patio area.

d. Maximum Area of Turf. The area of domestic turf on any property may not exceed thirty five percent (35%) of the total landscape area.

4. Industrial Uses.

a. Area Required. The required front yard area shall be maintained as a landscape setback, except that driveways and pedestrian walkways are permitted.

b. Required Landscaping.

i. The landscape setback area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.

iii. Mulch/gravel areas may not extend more than five feet (5') from the branching of shrubs or trunks of trees.

iv. At least one tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.

v. At least one shrub shall be planted for every forty square feet (40 sq. ft.) of landscape area within the landscape setback. Three herbaceous plants with a mature height of thirty inches (30") or more may be substituted for one shrub.

vi. At least thirty percent (30%) of any landscaped areas shall have canopy coverage from live plant growth, not including tree canopies.

c. Maximum Area of Turf. The area of domestic turf on any property may not exceed thirty five percent (35%) of the total landscape area.

5. Open Space Uses. Open space uses such as parks, golf courses, sports fields, cemeteries, etc.

a. Area Required. The required front yard area shall be maintained as a landscape setback, except that driveways and pedestrian walkways are permitted.

b. Required Landscaping. The landscape setback area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

B. Buffer Areas between Nonresidential and Residential Land Uses. The following provisions apply whenever a non-residential use abuts with a residential or open-space use.

1. Masonry Wall. Commercial, industrial, or major public utility projects that abut a residential use or residential zone shall be required to install a six (6') foot tall decorative masonry wall along the property line between the residential and non-residential uses.

    a. All fences and walls shall be architecturally integrated to match the design of all main buildings associated with the project to the greatest extent possible. For commercial or industrial projects, walls should be the same as or similar to the finishes of the exterior of buildings. Where possible, walls should act as an extension of the building, rather than an afterthought.

    b. Where the wall does not match the materials and design of the building, the required masonry wall may be constructed of brick, reinforced stacked stone, cast stone, split faced block, architecturally treated concrete masonry units, or brick or stone veneer over block. Concrete walls may be permitted by the Director if the concrete is articulated and colored in a manner to be comparable to natural materials.

2. Landscape Area. In addition to the masonry wall, a landscaped buffer area not less than eight feet (8') wide shall be required between nonresidential and residential uses.

3. Required Landscaping.

    a. The landscape buffer area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

    b. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.

    c. Mulch/gravel areas may not extend more than five feet (5') from the branching of shrubs or trunks of trees.

    d. At least one tree, either shade or ornamental, shall be planted for every twenty feet (20') of length of the buffer, rounded to the nearest whole number. Trees may be planted in a linear or cluster arrangement, so long as the spacing of provided trees adequately screens the nonresidential use from the adjacent residential use. If a linear arrangement of trees is provided, tree spacing may not exceed twenty feet (20') on center.

    e. At least one shrub shall be planted for every thirty square feet (30 sq. ft.) of landscape area.

    f. At least thirty percent (30%) of any landscaped areas shall have canopy coverage from live plant growth, not including tree canopies.

19.50.060 – Landscaping of Park Strips.

A. Landscaping Responsibility. Although park strips are part of the public right-of-way, it is the responsibility of the property owner immediately adjacent to a park strip to provide basic maintenance of that park strip. This responsibility includes the establishment and maintenance of landscaping that conforms to these regulations.

B. Irrigation. It is the responsibility of the adjacent property owner to provide regular and adequate watering to ensure the health of park strip landscaping. If the adjacent property is irrigated, the irrigation system shall be extended to include the park strip.

C. Applicability.

1. Any new development shall provide park strip landscaping in conformance with these regulations.

2. Existing development is not required to provide park strip landscaping, except where the provisions of section 19.50.020 apply.
3. Any new park strip landscaping done in conjunction with existing development shall conform to these regulations.

D. Landscape Plans. For all new development, park strips shall be shown on all landscape plans for approval.

E. Pavement in Park Strips.

1. A paved pedestrian walkway up to five feet (5') in width is allowed across any park strip.

2. Hardscape or an alternative form of landscaping is allowed in park strips of less than five feet (5') in depth, as measured from the back of curb to the sidewalk.

3. Paving in park strips with a depth, as measured from the back of curb to the sidewalk, of five feet (5') or greater is only allowed when the maintenance of landscaping is impractical due to site topography, lack of direct access, traffic patterns, or other such factors and is subject to approval by the Director or Designee.

4. The pavement allowed in subsections 2 and 3 shall consist of decorative stamped concrete, removable brick, or paving stones.

F. Plants.

1. The type of plants used in park strip landscaping shall be at the discretion of the adjacent property owner, subject to these regulations. The use of water efficient standards as outlined in Landscape Irrigation and Efficient Water Usage Section 19.50.030 of this Chapter is required.

2. Lawn is prohibited in areas less than eight feet (8') wide. The use of drought-tolerant plants is encouraged.

3. No less than thirty percent (30%) of the ground area of a park strip may be covered by plants, not including tree canopies. These plants may include evergreen or deciduous groundcover, herbaceous plants, or shrubs that do not exceed a mature height of eighteen inches (18"). No plant may create a visibility obstruction for motorists.

G. Trees in Park Strips. One deciduous tree shall be planted in the park strip area for every twenty-five (25) linear feet of lot frontage, rounded to the nearest whole number. Park strips less than 5' wide as measured from curb to sidewalk are not subject to this requirement. All trees shall be planted in the center of the width of the park strip.

1. Trees Prohibited for Park Strips. Any tree or shrub that could conflict with the safe use of the right-of-way is prohibited in the park strip. Some of these trees include:

   a. Box Elder – *Acer negundo*

b. Silver Maple – *Acer saccharinum*

c. Tree of Heaven – *Ailantus altissima*

d. River Birch – *Betula nigra*

e. Russian Olive – *Eleagnus angustifolia*

f. Poplar (all, includes Cottonwood) – *Populus spp*.

g. Quaking Aspen – *Populus tremuloides*

h. Flowering Plum – *Prunus cerasifera*

i. Pin Oak – *Quercus palustris*

j. Idaho Locust – *Robina x ambigua '*Idahoensis'

k. Willow (all) – *Salix spp*.

l. Siberian Elm – *Ulmus pumila*

2. <u>Trees Recommended for Park Strips</u>.

a. Paperbark Maple – *Acer Griseum*

b. Tatarian Maple, single stemmed – *Acer tatrium*

c. Netleaf Hackberry – *Celtis reticulate*

d. Thornless Cockspur Hawthorn – *Crataegus crus-galli var. inermis*

e. La Valle Hawthorn – *Crataegus x lavallei '*Carrier'

f. Amur Maakia – *Maackia amurensis*

g. Fruitless Crabapple – *Malus, ioensis '*Klem's Improved' *or '*Spring Snow', etc.

h. Eastern redbud – *Cercis Canadensis*

i. Blackhaw Viburnum – *Viburnum prunifolium*

3. <u>Trees Appropriate for Use Under Powerlines</u>.

a. Netleaf Hackberry – *Celtis reticulate*

b. Seedless Ash – *Fraxinum pennsylvatica lanceolata* 'Marshall Seedless'

c. Thornless Honeylocust – *Gleditsia tricanthos var. inermis* 'Imperial'

d. Goldenrain Tree – *Koelreuteria paniculate*

e. Crabapple spp – *Malus ioensis* 'Spring Snow,' 'Snow Drift,' 'Centurion,' and 'Zumi'

f. Callery Pear – *Pyrus calleriana* 'Aristocrat,' Chanticleer',' and 'Redspire'

g. Japanese Pagodatree – *Sophora japonica* 'Regent'

h. Wireless zelkova serrulata

4. Other species of trees may be used, subject to review and approval by the Director or Designee.

19.50.070 – Landscaping of Parking Lots.

A. Frontage Landscaping. The landscaping of parking lots along public and private streets is subject to the provisions of section 19.50.110.

B. Side Landscaping. The landscaping of parking lots parallel to side lot lines shall conform to the following:

1. A landscape area at least five feet in width, exclusive of car overhang, shall be provided.

2. Required Landscaping

a. At least one tree shall be planted for every 25 feet of length, rounded to the nearest whole number. Trees may be either shade, ornamental or evergreen.

b. At least one upright shrub shall be planted for every six feet of length.

c. Additional herbaceous plantings are encouraged.

d. The remainder of the landscape areas may be covered in mulch, gravel, or turf.

C. Interior Parking Lot Landscaping. Interior, curbed landscape parking lot islands or medians are required in parking lots consisting of 20 or more spaces.

1. Islands

a. Number of Parking Lot Islands

i. At least one parking lot island shall be provided for every 10 parking spaces.

ii. All rows of parking spaces shall be terminated by a parking lot island, which may result in more than one island for every 10 spaces.

iii. Parking lot island locations may be varied based on specific site requirements or design scheme.

iv. Where a row of parking exceeds 20 spaces, a parking lot island shall be located in the middle of the row.

b. Size of Parking Lot Islands

i. Parking lot islands shall be the same dimension as a standard parking stall, as required in section 19.48.030.

ii. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.

2. Medians

a. Number of Parking Lot Medians. One continuous median per row of head-in parking stalls may be used in place of parking lot islands.

b. Size of Parking Lot Medians.

i. The length of parking lot medians shall be equal to the length of each row of parking stalls when the median abuts a single row of parking stalls or acts as a divider median separating opposing rows of head-in parking stalls.

ii. The width of parking lot medians shall be:

(A) Eight (8') feet, with consideration for vehicle overhang, where divider medians occur adjacent to head-in parking stalls, or

(B) Ten (10') feet, with consideration for vehicle overhang, for divider medians separating opposing rows of head-in parking stalls.

D. Interior Parking Lot Design

1. Design of Parking Lot Islands and Medians

a. Parking lot islands, medians, or landscaped areas shall be surrounded with a six-inch (6") high concrete curb. In cases where the parking lot island or median is designed specifically for the absorption of stormwater, the curb requirements may be modified.

b. Islands, medians, and landscaped areas shall be properly drained and irrigated, as appropriate for the site conditions and plant species, to ensure healthy plant growth.

2. Required Trees

a. One shade tree shall be planted for every twenty-five (25') feet of length in a parking lot median.

b. A minimum of one shade tree shall be provided for every parking lot island.

c. If the island extends the width of a double row, then two shade trees shall be provided.

3. Groundcover Plantings

a. A minimum of fifty percent (50%) of the surface area of each parking lot island or median shall be planted in low-growing shrubs, groundcover, perennials, ornamental grasses or other herbaceous plants.

b. To avoid visibility obstructions, plantings may not reach a mature height of more than thirty (30") inches.

c. The use of drought-tolerant plants is encouraged.

d. The entire parking lot island or median shall be mulched to promote plant health and to retain water.

e. No turf shall be planted in parking lot islands or medians.

4. Pedestrian Walkways

   a. Parking lots shall be designed to provide pedestrian walkways that link the public sidewalk along the street with the front door of the building.

   b. A landscape area at least three feet in width shall be located along one side of such walkway and shall be planted with trees, shrubs and herbaceous plants at the discretion of the applicant.

E. Wheel Stops. Wheel stops shall be installed no less than two feet from the edge of any landscape area where vehicular parking stalls abut interior parking area landscaping that is not situated within and protected by a landscape planter.

19.50.080 – Landscaping of Drive-Through Facilities.

A. Plantings and related landscape improvements shall be provided in conjunction with drive-through service facilities, including automatic car washes, in order to:

   1. Introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites;

   2. Better integrate these types of land uses into the established character of surrounding area improvements; and

   3. Screen queued vehicles from the view of passing motorists on adjacent roadways.

B. Trees Required.

   1. One (1) tree shall be planted for each one hundred and twenty-five square feet (125 sq. ft.) or more of landscape area. Landscape areas of less than one hundred and twenty-five square feet (125 sq. ft.) do not require a tree to be planted.

C. Groundcover Plantings.

   1. A minimum of fifty percent (50%) of the surface area of each landscape area shall be planted in low-growing shrubs, groundcover, perennials, ornamental grasses, or other herbaceous plants.

   2. To avoid visibility obstructions, these plantings may not reach a mature height of more than thirty inches (30”).

D. Mulch.

   1. The entire landscape area shall be mulched to promote plant health and retain water. No turf shall be planted in these landscape areas.

E. Water efficient landscaping.

   1. Landscaping shall follow the guidelines for the Landscape Irrigation Standards and Efficient Water Usage Section 19.50.030 of this Chapter.

19.50.090 - Car Wash Water Efficiency Standards.

A. Purpose and Applicability. In order to preserve the limited water resources available within the Municipality, all new and rehabilitated car washes shall comply with these applicable water efficiency standards.

B. Water Recycling Encouraged. Recycling of all water used in a car wash is encouraged to reduce the amount of fresh culinary water used.

C. Plumbing for Water Recycling Systems Required. All car washes shall be plumbed at the time of construction to provide for water recycling systems for both wash water and reverse osmosis rinse water systems, whether installed or not.

D. Water Efficiency Standards.

1. All car washes shall install systems and equipment to limit the amount of fresh culinary water used on a per-vehicle basis. No car wash, new or rehabilitated, may be permitted unless the applicant can demonstrate that the system may not use more than an average of thirty-five (35) gallons of culinary water per vehicle.

2. At the time of construction or rehabilitation, systems which recycle water used for vehicle washing and recycle reverse osmosis reject water shall be installed and used in perpetuity.

3. The use of secondary irrigation water in the wash cycle may be permitted in lieu of some recycling requirements if available and approved by the water provider and Director or Designee.

4. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal laws, guidelines, and standards.

5. Larger storage tanks may be permitted on site in order to capture or re-use water.

19.50.100 – Functional Enhancements.

A. Pedestrian and Vehicular Pathways. The design of pedestrian and vehicular travel ways for multiple-family, residential, retail commercial, office, public and quasi-public, and mixed-use developments shall incorporate plantings and related landscape improvements for separation of pedestrian and vehicular traffic movements, improved pedestrian convenience and safety, and better-defined vehicular circulation and parking.

B. Building Entrances, Drop-off and Pick-up, and Outdoor Dining Areas. Plantings and related landscape improvements shall be incorporated into the design of building entrances, drop-off and pick-up, and outdoor dining areas in order to:

1. Separate these areas from on-site vehicular circulation and parking facilities and from off-site traffic;

2. Enhance pedestrian comfort, convenience, and safety; and

3. Facilitate outdoor dining with maximum insulation from vehicular traffic impacts.

19.50.110 – Stormwater Management Facilities Requirements and Landscaping.

All detention/retention basins, ponds and other stormwater facilities shall be improved with landscaping, which may include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover, and other plants and related landscape improvements.

19.50.120 – Screening Requirements.

Residential projects with fewer than five (5) units are exempt from the Screening Requirements of this Section; all other properties shall comply.

A. Refuse Disposal Dumpsters and Refuse Storage Areas.

1. All refuse containers shall be fully enclosed on three (3) sides by a six foot (6') high solid visual barrier constructed of wood, simulated wood, vinyl screen fence, opaque masonry wall (stone, stucco, or brick), or decorative concrete wall.

2. The remaining side of the enclosure shall be gated and screened in such a manner as to reduce the visual impact of the refuse container.

3. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six-foot (6') height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.

4. The materials used for screening shall complement the architecture of the principal structure.

B. Loading Berths.

1. Loading berths in all zones shall be screened as much as feasible, unless the Director or Designee determines that screening is unnecessary.

2. Screening shall consist of an opaque masonry wall (stone, stucco, or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six feet (6') in height.

3. Where feasible, loading berths shall be located and oriented so they are not be visible from the street and adjacent properties, while still allowing access to the use they are serving.

C. Outdoor Storage and Display Areas.

1. Outdoor Storage Areas.

   a. All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six feet (6') in height.

   b. Where feasible, plants to provide a softening effect shall be installed along the fence or wall located along the public right-of-way.

   c. No materials stored outdoors shall be of a greater height than the required fence or wall.

2. Outdoor Sales and Display Areas

a. Display Areas Abutting Residential Zones. When the rear or interior side yard of an outdoor display area abuts a residential zone or use, or the rear yard is separated from a residential zone or use by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco, or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six feet (6') in height.

b. Display Areas Abutting Public Right-of-Way.

i. To enhance the view from a public right-of-way, all outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten feet (10') in width, planted with one (1) shade or evergreen tree per twenty-five feet (25'), and supplemented with shrubs and perennials.

ii. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.

c. Motor Vehicle Dealerships.

i. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way, meeting the requirements of subsection (b) above, but such plantings may be clustered.

ii. To optimize the view of motor vehicles for sale, the screening may consist entirely of small shrubs or a low pedestrian wall of no less than two feet (2') in height.

d. Nursery Stock. Growing areas for nursery stock located in the front or corner side yard shall meet screening requirements.

D. Screening of Service and Mechanical Equipment. Service areas and on-grade mechanical equipment shall be screened from public view by plants, solid opaque fencing, berms, or a combination thereof. These elements shall also be sited to minimize their visibility and impact or enclosed so as to appear to be an integral part of the architectural design of the building. Site elements that are subject to this provision include:

1. Air conditioning units;
2. Electrical transformers;
3. Loading areas and docks;
4. Mechanical equipment;
5. Outdoor storage areas;
6. Public utility transformers;
7. Service yards; and
8. Telephone transformers.

E. Perimeter boundaries of off-street parking areas.

1. The perimeter boundaries of all off-street parking areas that abut streets accessible to the public shall be landscaped and screened from public view. Specified yard area depth measurements are from the public right-of-way or private street easement boundary.

   a. Front and Street Side Areas Where a Yard or Setback Depth of no Less Than Twenty Feet (20') is Maintained.

      i. An area of land graded and re-contoured at a maximum slope ratio of three feet horizontal to one foot vertical (3:1) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of three feet (3') and an average height of thirty-two inches (32"), as measured from the grade of the closest abutting sidewalk or top of curb is required.

      ii. Landscaping within yards located between a street and a parking area shall include street trees as specified in this Chapter. In addition, not less than fifty percent (50%) of these landscaped yards shall include a mix of evergreen and deciduous shrubs, herbaceous perennials, and non-turf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents so long as the combination of berms, plantings, and visual accents effectively screen from public view any parked vehicles in contiguous off-street parking areas on the property.

   b. Provisions for Yard Reductions to No Less Than Fifteen Feet (15'). Front and street side yards or setback areas with no abutting off-street parking may be reduced to a depth of not less than fifteen feet (15') with provision of the following:

      i. An open decorative fence (picket, split rail, etc.) on the interior side of the landscaped area. Alternatively, a continuous hedge no less than three feet (3') in height at planting but not more than six feet (6'), as measured from the grade of the abutting sidewalk or street, may be provided.

      ii. An area of land graded and re-contoured at a maximum slope ratio of three feet horizontal to one foot vertical (3:1) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of thirty-two inches (32") and an average height of two feet, as measured from the grade of the closest abutting sidewalk or top of curb.

      iii. No less than seventy-five percent (75%) coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this Chapter together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and non-turf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.

   c. Provisions for Encroachment of Off-Street Parking Areas into Required Front and Street Side Yards or Setback Areas.

      i. Encroachments to Within Twelve Feet (12'). Off-street parking areas may encroach into required front and street side yard or setback areas such that a minimum depth of not less than twelve feet is maintained subject to provision of the following:

(A) An area of land graded and re-contoured at a maximum slope ratio three feet horizontal to one foot vertical (3:1) so as to provide an earthen berm traversing the entire width of the area with a height of no less than thirty inches (30") above the grade of the abutting sidewalk or street and supported on its interior side by a masonry retaining wall no less than four feet (4') in height above the grade of the abutting off-street parking area surface. The use of this alternative is restricted to properties where it is feasible to provide a parking area with a finished grade at least two feet (2') below the grade of the adjacent street.

(B) No less than seventy-five percent (75%) coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter, together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and non-turf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.

19.50.130 – Landscape Plan Required.

A. General Provisions.

1. All applications for site development plan approval for land uses subject to this Chapter shall be accompanied by a landscape plan package and water allowance worksheet prepared in accordance with the requirements of this Chapter.

2. Submitted landscape plan packages shall be prepared and certified for compliance with all requirements of this Chapter by a landscape architect licensed to practice in the State of Utah under Utah Code Title 58. A landscape designer certified by the Utah Nursery and Landscape Association may submit a landscape plan package if the certified designer is employed by the contractor installing plantings of the specific project submitted.

3. All submitted irrigation plans shall be prepared by a qualified professional who is licensed under Utah Code Title 58 or by a person who is exempt from professional licensure requirements for the scope of work performed.

4. Best industry practices shall be observed during construction to ensure that the approved landscape plan is fully implemented. It is recommended that the standards of the Utah State University Extension's Center for Water Efficient Landscaping be observed in the selection, handling, planting, and maintenance of plants used in the landscape plan.

B. Landscape Plan Package Contents. The information to be provided with the landscape plan package shall be presented in the following format:

1. Project Data.

Table 19.50.130a: Table of Requirements for Project Data Sheet.

Information Required	Preliminary	Final
The project title and county site development plan application number (the file number assigned to the development proposal that the landscape plan is associated with)	X	X

Preparation date and issue/revision/date table	X	X
The name, address, telephone number, fax, and e-mail of the applicant or authorized agent	X	X
The name, address, telephone number, fax, and e-mail of the landscape architect, landscape designer, or other qualified professional who prepared the landscape plan, together with their professional registration stamp (as required)	X	X
The landscape contractor to be used on the project, if known at the time of application	X	X
Site vicinity and location map, including the street address and tax identification number of the property	X	X
Sheet index	X	X
General landscape design intent statement including the general character and location of proposed landscaping and open area and how it meets the intent of these regulations	X	X
Annual water budget worksheet	X	X
Soils analysis and proposed soils amendments	X	X
Signature block for landscape package approval		X

2. Grading and Drainage Plan.

Table 19.50.130b: Table of Requirements for Grading and Drainage Plan.		
Information Required	**Preliminary**	**Final**
Scale, north arrow, site boundary including adjacent property lines and street names	X	X
Existing and proposed adjacent uses	X	X
Existing and proposed private driveways, off-street parking areas, patios, walkways, service areas and other paved surfaces	X	X
Existing and proposed buildings and structures (general locations)	X	X
Existing and proposed utilities and easements	X	X
Limits of proposed site disturbance	X	X
Existing and proposed building and structure finish floor elevations	X	X
Spot elevations and contour lines at no more than one foot (1’) intervals to determine high points and low points, positive drainage of paved surfaces, wall heights and other vertical control	X	X
Existing landscaping, including location, type, and size	X	X
Any existing landscaping proposed to be removed	X	X

3. Landscape Planting Plan.

Table 19.50.130c: Table of Requirements for Landscape Planting Plan.		
Information Required	**Preliminary**	**Final**
Base plan consisting in information included on the grading and drainage plan	X	X
Limits of proposed site disturbance	X	X
General landscape improvements with planting symbols clearly drawn to indicate location and general plant category (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)	X	X
Legend of plant category symbols keyed to general plant material schedule indicating quantities of each plant category and listing of plant species (including Latin name) included in each category	X	X
Typical detail drawings at one inch equals twenty feet (1”=20’) to illustrate perimeter treatment, buffering, typical front yard, and any special treatment areas on the site	X	X
All hydrozone boundaries and total area within each hydrozone with each hydrozone clearly labeled high, moderate, low, or very low	X	X
Detailed landscape improvements with planting symbols clearly drawn to indicate each plant (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)	X	X
Detailed plant material schedule with abbreviation identification key, quantity of each plant, botanical name, common name, hydrozone rating (high, moderate, low, or very low), plant/container size, spacing, and notes	X	X
Define areas to be considered open areas and specify if they will be public or private. Indicate how open areas will be maintained including: erosion control, re-vegetation, and weed management both during and after construction	X	X
Plant installation, mulching, tree staking, and any other applicable planting and installation details	X	X
Soil preparation details, including instructions to scarify planting pit bottom and sides and surface ground planes to promote root penetration in compacted soils	X	X
Protection of existing plant and other site features to remain, clearly identifying the locations, species, size, and condition of all significant trees, each	X	X

labeled as to its intended retention, relocation, or removal		

4. Soils Report. A soils report is required in all cases. Special procedures or requirements shall be incorporated in the preparation and recommendations of the soils report where the past use of a site has resulted in soil contamination or where difficult soil or landscaping conditions are known to exist. The soils report shall describe:

    a. The depth, composition, fertility, bulk density, and landscaping suitability of the topsoil and subsoil at the site;

    b. Soil class;

    c. An approximate soil infiltration rate for site soils, either measured or derived from soil texture/infiltration rate tables. A range of infiltration rates shall be noted where appropriate;

    d. A measure of pH, electroconductivity (ERC), salt absorption ratio (SAR) and organic matter; and

    e. Recommendations for retention and re-use of viable topsoil on the site together with such soil amendments as are necessary to ensure the health and sustainability of the landscaping to be planted.

    f. The final recommendations of the soils report shall be incorporated into the landscape planting plan and implemented with site planting operations.

5. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the landscape planting plan and shall reflect the requirements set forth in Section 19.50.030 of this Chapter.

6. Irrigation Schedule. The irrigation schedule required in Section 19.50.030 shall be provided in tabular form and shall specify:

    a. Plant type (e.g., turf, trees, low water use plants);

    b. Irrigation type (e.g., sprinklers, drip, bubblers);

    c. Flow rate in gallons per minute;

    d. Precipitation rate in inches per hour (sprinklers only);

    e. Run times in minutes per day;

    f. Number of water days per week; and

    g. Cycle time to avoid runoff.

19.50.140 – Construction Inspection.

A. Construction Observation and Certification of Compliance. Construction observation and monitoring of all required landscape improvements shall be provided by a licensed landscape architect so as to ensure compliance with the approved landscape plans for the site.

B. Right to Inspect. The Director or Designee reserves the right to perform site inspections at any time and to require corrective measures regarding the installation of site landscaping and irrigation system improvements found not to comply with the requirements of this Chapter.

C. The Director or Designee shall field-verify landscaping improvements prior to final project approval.

19.50.150 – Post-Construction Verification of Compliance.

A. Single-Phase Projects. Following construction and prior to issuing an approval for occupancy, a landscape architect or other qualified professional shall complete a site inspection of all installed site landscaping improvements and provide written certification of compliance with approved plans. The Director or Designee shall field-verify landscaping improvements prior to final project approval. Certification of compliance with approved irrigation plans shall be provided by the licensed professional under whose construction observation the irrigation system was installed.

B. Multi-Phase Projects. Projects approved for development in multiple phases shall be inspected and certified to be in compliance with the approved plans for each respective phase prior to the occupancy or use of the development associated with that phase. Permits may not be issued for subsequent phases without prior Director or Designee approval until this requirement has been satisfied.

19.50.160 – Certificate of Substantial Completion.

Upon completion of all required landscaping improvements the property owner shall complete a certificate of substantial completion for submittal to the Director or Designee. A disclosure document shall be filed with the County Recorder's Office clearly indicating that the property is subject to the requirements of this Chapter and that any re-landscaping by the present or future property owners shall be in accordance with the certified landscape plan for the property. Proof of recordation shall be provided prior to final land use approval.

19.50.170 – Long-Term Viability of Established Landscapes.

A. Plant Maintenance. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. Where applicable, an adequately funded Homeowner's or Property Owner's Association shall assume and be held liable for such responsibilities. In the latter instance, provisions for long-term maintenance of required landscaping in the event of dissolution of the Homeowner's or Property Owner's Association shall be provided prior to landscape plan acceptance.

B. Plant Survival. All plant materials shall be regularly maintained in a healthy condition and shall be guaranteed for survival for two (2) years from planting. During this period, each plant shall show at least seventy-five percent (75%) healthy growth and shall have the natural characteristic of the plant of its species. Any plant found dead or unsatisfactory by the Director or Designee during the guarantee period shall be replaced until it has lived through the required two (2) year survival period.

19.50.180 – Enforcement of Landscape Regulations.

A. No building permit or occupancy permit shall be issued for any lot or use subject to the requirements of this chapter unless all the requirements of this chapter have been fulfilled.

B. If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the landscaping, which shall be returned upon completion of required landscaping.

C. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the occupancy permit and/or the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.

19.50.190 – Weed Abatement and Responsibility to Keep Property Clean.

A. Real Property to be Kept Clean. It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the municipality to allow weeds to grow higher on such property than is permitted in this section, or to fail to remove from the property any cuttings of such weeds or any refuse, unsightly or deleterious objects, after having been given written notice by the Planning and Development Services Division or the Health Department.

B. Standards of Weed Control. The following standards apply:

1. Height. Weeds may not be permitted to reach a height of more than six inches (6”) at any time and shall be cleared from all real property in the municipality. The cuttings shall be cleared and removed from the premises.

    a. Ornamental grasses that are deliberately planted as part of a coherent landscaping plan may exceed 6” as long as they are properly maintained.

2. Fire Hazard. When an inspector determines that the weeds on a property pose a serious fire hazard due to their density, dryness, proximity to possible sources of ignition, and the effects of prevailing winds and weather, the weeds shall be deemed to be in violation of this section, regardless of their height.

3. Noxious Weeds. Noxious weeds shall be controlled and contained according to the recommendations of the Utah Department of Agriculture and Food.

C. Exceptions. On a property of five (5) acres or more, in lieu of cutting the weeds on the entire property, the owner is permitted to cut a thirty-foot (30’) firebreak of not more than six inches (6”) high around all structures and around the complete perimeter of the property. The cuttings shall be cleared and removed from the premises. This exception does not relieve a landowner from the responsibility to control and contain noxious weeds.

D. Enforcement. This section shall be enforced according to the provisions of Title 12 of the Municipal Code.

19.50.200 - Tree and Landscaping Trimming.

A. In addition to the other standards of this Chapter, the property owner is responsible for maintaining all trees and landscaping on the property and adjacent park strips to the following standards.

1. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet (13.5’) above the street pavement.

2. Trees and landscaping which overhang the sidewalk shall be trimmed to a minimum height of eight and one-half feet (8.5') above the sidewalk.

3. The abutting property owner shall remove any tree, tree stump, shrub or vine in or within twenty feet (20') of the right-of-way if that tree, tree stump, shrub, or vine is dead, diseased, or determined by the Director or Designee to be undesirable for any other reason.

4. If trees or landscaping are determined by the Director or Designee to be an imminent threat to public health and safety, the municipality may proceed with an emergency abatement, as outlined in Title 12.

5. Noxious Trees. Noxious trees shall be controlled and contained according to the recommendations of the Utah Department of Agriculture and Food.

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

Chapter 19.52: SIGNS.

19.52.010 – Purpose of Provisions.

This Chapter is provided to achieve the purposes of the General Plan and all other Municipal Land Use Ordinances, and to achieve the following additional purposes:

A. To provide for the identification of businesses, sites and buildings and to promote economic vitality;

B. To provide a convenient method of public communication without unnecessary clutter;

C. To eliminate signs and displays that create potential hazards to motorists, pedestrians, or property;

D. To avoid confusion of allowed signs with required traffic signs and other regulatory and public safety signs;

E. To minimize any adverse effects of signs and associated lighting on adjacent properties;

F. To encourage signs that promote equity, diversity, and inclusion, including the provision of multi-lingual signage; and

G. To ensure compliance with constitutionally protected First Amendment rights.

19.52.020 – Sign Plan Required.

A. When a land use application on a parcel of ground is submitted to Planning and Development Services, the application shall be accompanied by a complete comprehensive sign plan that includes the following:

   1. Name of organization and location:
   2. Contact Person
   3. Address and phone number for contact person;
   4. Description of the activities occurring on the site where the sign will be installed;
   5. Description of any existing signage that will remain on the site;
   6. Identification of the type of sign/signs to be erected by the applicant;
   7. Site plan depicting the location of the proposed signage and existing remaining signage;
   8. Scale drawings of the proposed signage, and
   9. A written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type and style..

B. The sign plan shall be reviewed by the land use authority under the same process, permitted or conditional, as the land use application.

   1. The Director or Designee is the land use authority for all permitted uses, including sign plans associated with a permitted use.
   2. The Planning Commission is the land use authority for all conditional uses, including sign plans associated with a conditional use.

C. Applicants seeking to add a new sign on a property or enlarge or alter an existing sign are not required to submit a new sign plan but are required to obtain a sign and building permit as described in Section 19.52.030.

19.52.030 – Sign and Building Permit Required.

A. No new or existing sign may be erected, enlarged, re-located, or structurally altered without first obtaining a sign permit, and for any permanent sign, a building permit.

1. Changes to Sign Face or Copy. Unless an enlargement, relocation, or structural alteration is involved, a permit is not required for a change to sign face or copy.

2. Requirements for Non-Permanent Signs. A sign permit is required for limited duration signs but is not required for temporary or portable signs.

a. Nonetheless, temporary and portable signs shall include a signature in indelible ink on the lower right-hand corner, stating:

i. Contact information for the sign's owner; and

ii. The date the temporary sign was erected.

B. A nonconforming sign may not be reconstructed, raised, moved, placed, altered, extended, or enlarged unless the sign is changed so as to conform to all provisions of this Title.

1. Alterations do not include changing the text or copy of electronic message centers, off-premises advertising signs, theater signs, outdoor bulletins, or other similar signs which are designed to accommodate changeable copy.

2. Exception for LED Retrofits. Nonconforming signs that update fluorescent lighting to LED lighting may do so without coming into compliance with other provisions of this Chapter; however, a building permit is required for the retrofit.

19.52.040 – Enforcement.

A. Any sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or be a Land Use Ordinance or Building Code violation shall be remedied and corrected upon written notice by the Director or Designee.

1. Any sign not remedied or corrected within timeframe specified on the written notice by the Director or Designee shall be subject to removal by the Municipality, or subject to other remedies available to the Municipality under the law.

a. The Director or Designee may grant an extension to the specified timeline before removing the sign if good cause exists.

b. If a sign poses an immediate and significant hazard to public safety, the Director or Designee may authorize the immediate removal of such sign.

B. The municipality or the property owner may confiscate non-permanent signs installed in violation of this Chapter. Neither the municipality nor the property owner is responsible for notifying sign owners of the confiscation of an illegal non-permanent sign.

C. Where other ordinances are in conflict with the provisions of this Chapter, the most restrictive ordinance shall apply.

19.52.050 – Exempt Signs.

The following signs shall be allowed without a sign permit and may not be included in the determination of the type, number, or area of permanent signs allowed within a zone, provided such signs comply with the regulations in this section, if any.

A. Official traffic signs.

B. Government/regulatory signs.

C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside and are located greater than three (3) feet from the window.

D. Holiday and seasonal decorations, provided that decorations are maintained in attractive condition and do not constitute a fire hazard. Holiday decorations may be erected no sooner than forty-five (45) days before the holiday and shall be removed no later than thirty (30) days after the date of the applicable holiday. Permanently installed holiday lights are exempt from this requirement.

E. Personal expression signs of any sign type, including flags, provided that they do not exceed six (6) sq. ft. in area per side and are not illuminated.

F. Address signs. Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.

    a. Residential districts. Signs not to exceed three (3) sq. ft. in area.

    b. Non-residential districts. Signs not to exceed five (5) sq. ft. in area.

G. Public signs. Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.

H. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not exceed four (4) sq. ft. in area.

I. Driveway signs. One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.

J. Security and warning signs. These limitations may not apply to the posting of conventional "no trespassing" signs in accordance with state law.

    a. Residential Zones. Signs not to exceed two square feet (2 sq.ft.) in area.

    b. Non-residential Zones. Maximum of one (1) large sign per property, not to exceed five square feet (5 sq. ft.) in area. All other posted security and warning signs may not exceed two square feet (2 sq. ft.) in area.

K. Flags:

    a. Location. Flags and flagpoles may not be located within any right-of-way.

    b. Height. Flags and flagpoles shall have a maximum height of thirty-five feet (35 ft).

    c. Number. No more than four (4) flags per lot in residential zones, no more than six (6) flags per lot in all other zones.

d. Size. Maximum flag size is thirty-five square feet (35 sq.ft.) in residential zones; there is no maximum size in non-residential zones.

e. Flags up to six square feet (6 sq.ft.) in area are considered personal expression signs and are regulated in accordance with Subsection 19.52.050(E).

L. Legal notices.

M. Memorial signs or historical identification signs erected by the Municipality or other State or Federal Agencies, including plaque signs up to three square feet (3 sq.ft.) in area.

N. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

O. Incidental signs, including incidental window signs.

P. Artwork and Murals provided that:

1. The property owner receives written permission from the Council to install the mural or artwork;

2. The mural or artwork is not to be installed on a property that is zoned residential;

3. The installation contains no electrical or mechanical components or changing images;

4. The installation does not cause damage to any building or site, especially any historically designated building or site;

5. The primer and paint used if the mural or artwork is directly painted on a wall may not be a vapor barrier; moisture shall be allowed to escape through the surface of the mural;

6. No more than twenty-five percent (25%) of the artwork or mural may contain written copy;

7. The painted artwork or mural is maintained in good condition and repaired in the case of vandalism or accidental destruction; and

8. The property owner submits an image of, description of, and the location of the finished mural to the Council for inclusion in public maps advertising local artwork and points of interest.

Q. Temporary Signs do not require a permit, as described in Section 19.52.030. However, temporary signs shall follow all standards outlined in this Chapter, including those found in Table 19.52.070.

19.52.060 – Prohibited Signs.

Sign types not specifically allowed or exempt as set forth within this Chapter are prohibited. In addition, the following signs are explicitly prohibited in the Municipality:

A. All signs in violation of any provision of this Ordinance, including all signs erected, enlarged, or structurally altered without receiving the necessary approval(s).

B. All signs in violation of any requirements or conditions of approval including all temporary signs established for longer than thirty (30) calendar days, or limited duration signs established for more than ninety (90) days.

1. Established time periods for temporary and limited duration signs may be extended by the Director or Designee if the Director or Designee finds that a longer duration is needed in order to fulfill the purposes of the temporary or limited duration sign.

C. Any new off-premise signs designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located, including all billboards.

1. Subject to State Code, the Municipality may only require termination of an existing billboard in the Municipality and its associated rights through:

a. Gift;

b. Purchase;

c. Agreement;

d. Exchange; or

e. Eminent Domain.

D. Signs that are abandoned, dilapidated, or advertise businesses that no longer carry a business license or exist within the Municipality (see Section 19.52.120).

E. Signs located within a clear view area.

F. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter. Signs attached to any fences, traffic control devices and signs utility poles, trees, shrubs, or other natural objects are prohibited, unless specifically provided for by law including no trespassing and no hunting.

G. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

H. Mechanical movement signs, including revolving signs.

I. Pennant strings and streamers.

J. Animated signs, flashing signs, or signs that scroll or flash text or graphics.

K. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.

L. Any signs that imitate, resemble, interfere with, or obstruct official traffic or warning lights, signs, devices, or signals.

M. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

N. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

O. Reflective signs or signs containing mirrors.

P. Signs incorporating beacon or festoon lighting.

Q. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.

R. Roof signs.

S. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

T. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as defined by Utah State Code.

19.52.070 – Allowed Signs.

The signs listed in Table 19.52.070 are allowed, subject to the specified standards. Additional standards may apply as indicated by superscript in the table, and as articulated following the Table.

Table 19.52.070: Allowed Signs and Associated Standards.

Sign Type	Zones Permitted	Location / Setback	Dimensions	Number Permitted
Permanent				
Ground [A] [*Ground signs shall only be permitted in association with a Shopping Center Use as defined in Chapter 19.04 Definitions.*]	All Zones except mixed-use zones and any zone that prohibits Shopping Centers.	Shall be set back no more than 5 feet (5 ft.) from property lines.	*In C-1 Zones*: Max Height: 25 ft. Max Area: 48 sq.ft., plus 1 sq.ft. for every 4 ft. of public street frontage over 30 ft., not to exceed 128 sq.ft. *In C-2, C-3, and Manufacturing Zones*: Max Height: 30 ft. Max Area: 48 sq.ft., plus 1 sq.ft. for every 10 ft. of public street frontage over 30 ft., not to exceed 256 sq.ft.	At least one sign per frontage on a public street, and one additional sign on any frontage over 300 ft in length. Signs shall be spaced at least 100 ft apart.

Monument [B E]	All Zones except for Forestry and Recreation (FR) and Mixed-Use Zones.	*In single-family residential zones*: Shall be set back at least six feet (6 ft.) from property lines. *In all other zones:* Shall be set back at least two feet (2 ft.) from property lines.	In single family residential zones: Max Height: 6 ft. Max Area: 36 sq.ft. *In multi-family residential zones:* Max Height: 8 ft. Max Area: 64 sq.ft. *In mixed-use zones and commercial zones:* Max Height: 12 ft. Max Area: 100 sq.ft. *In manufacturing zones:* Max Height: 20 ft. Max Area: 150 sq.ft. *In all other zones:* Max Height: 7 ft. Max Area: 56 sq.ft.	*In residential zones*: One sign per street frontage. *In non-residential zones*: One sign per 300 ft. of street frontage.
Wall or Flat [C D]	All Zones	Wall or flat signs shall only be permitted in association with a licensed business conducted on the premises and may not be used to identify home occupations.	*In commercial zones:* In total, wall signs may not exceed 15% of the wall area. *In manufacturing zones*: In total, wall signs may not exceed 20% of the wall area. *In all other zones*: In total, wall signs may not exceed 5% of the wall area. No portion of a wall sign shall be mounted or painted on less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed.	

Projecting / Blade	All Zones	Shall be located on the façade, at least 2 ft. away from a shared wall with an adjoining use or building. Awning signs shall only be permitted in association with a licensed business conducted on the premises and may not be used to identify home occupations.	No portion of a projecting sign shall project more than 4 ft. from the face of the building; and The outermost portion of the projecting sign shall project no closer than 5 ft. from a curbline of a public street. The lowest edge of a projecting sign shall be at least 8 ft. above the finished grade.	Maximum of 3 projecting / blade signs per use, with no more than 1 sign per building face.
Awning [D]	All Zones	Shall be centered within or over architectural elements such as windows or doors	The lowest edge of the canopy or awning shall be at least eight feet (8 ft.) above the finished grade; The awning or canopy may no project more than six feet (6 ft.) from the building; A maximum of 25% of the wall area may be covered with an awning; and A maximum of 50% of the awning may be covered with graphics.	Maximum of 3 awning signs per use, with no more than 1 awning sign per building face.
Window	All Zones	NA	*In residential zones*: The maximum sign area per use is 8 sq.ft. *In all other zones:* The maximum sign area per use is 16 sq.ft.	Maximum of 3 window signs per use, with no more than 1 window sign per building face.
Marquee	All non-Residential Zones	Shall be located only above the principle public entrance of a building facing a public street or parking lot.	The lowest edge of the marquee sign shall be at least 10 ft. above the finished grade; The sign may not exceed the width of the entrance it serves, plus 2 ft on each side thereof; and No marquee shall extend closer to the curb than 3 ft.	1 per public entrance

Non-Permanent				
All non-permanent signs shall be made of durable materials and shall be well-maintained. Illumination of any non-permanent sign is prohibited.				
Limited Duration	All Zones	If 2 limited duration signs are allowed, the signs shall have a minimum of 200 ft. spacing between them.	*In non-residential zones:* Max Area: 32 sq.ft. Max Height: 8 ft. *In residential zones:* Max Area: 16 sq.ft. Max Height: 6 ft.	1 per parcel of ground, plus 1 additional sign if the parcel exceeds 5 acres or has at least 400 ft. of street frontage.
Portable	All Zones	May not be placed in any manner that blocks the flow of pedestrian traffic or otherwise threatens the public health, safety, or welfare.	Max Area: 9 sq.ft. Max Height: 3 ft.	1 per business
Temporary	All Zones	May not be placed in any manner that blocks the flow of pedestrian traffic or otherwise threatens the public health, safety, or welfare.	*In non-residential zones*: Max Area: 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs Max Height: 24 ft. for hanging banner, 6 ft. for freestanding banner, 8 ft. for all other types *In residential zones:* Max Area: 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs Max Height: 24 ft for hanging banner, 6 ft. for freestanding banner, 6 ft. for all other types	Only one banner is allowed per property. For other temporary sign types, 2 signs are allowed per property.

A. Property abutting a freeway may have one sign located within 30 ft. of the freeway not to exceed 600 sq. ft. in area. The height of such sign may not exceed 60 ft. above freeway grade.

B. If a pole sign is used, a monument sign may not be used.

C. Any ground-floor awning projecting into the right-of-way shall be retractable.

D. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.

E. Monument signs are prohibited on single-family properties but may be used in common areas to direct entry to a subdivision or identify a clubhouse or other amenity.

F. Signs in Association with a Drive-Thru Facility. In addition to any other signs permitted in Section 19.52.070, Drive-Thru Facilities are allowed one on-site permanent sign per drive-thru lane, subject to the following requirements:

1. Setback. The sign shall be located at least twenty feet (20') from any property line.
2. Proximity to Drive-Thru Lane. The sign may not be located more than five feet (5') from the drive-thru lane.
3. Height. The maximum sign height is eight feet (8').
4. Area. The maximum sign area is forty-eight square feet (48 sq.ft.).
5. Approval Process. All signs in association with a Drive-Thru Facility shall be identified and reviewed as part of an approved sign plan for the Drive-Thru Use.
6. Signs in association with a Drive-Thru Facility are subject to all other standards of this Chapter.

19.52.080 – Standards of General Applicability.

All signs, including those exempt from permitting processes, shall also comply with the following standards:

A. Size Computation. When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.

B. Height of Pole Signs. The height of pole signs, except as otherwise specified in this Chapter, shall be measured from the grade at the property line of the yard in which the sign is located to the top of the sign.

C. Imprint of Ownership Required. The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

D. Change of Copy. Sign text, statement, symbol, picture, graphics, and message may be changed and modified by the owner and do not constitute a structural sign alteration provided such changes do not constitute a public hazard or nuisance and are not of an obscene nature.

E. Right-of-Way Clearance. No sign or portion thereof may be permitted within three (3) feet any road or street right-of-way or utility easement and all signs shall maintain necessary clearances from underground or overhead power transmission lines, as required by the electrical power provider.

F. Fire Protection Clearance. No sign or portion thereof may interfere with the use of fire protection appliances, including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.

G. Signs Prohibited from Resembling Public Safety Devices. No sign or portion thereof may imitate or resemble a public safety sign or device including any lights, emblems, or text that resembles public warning or public safety lights or signs.

H. Clear View and Traffic Flow Provisions. No sign or portion thereof may occupy any clear view area, and no sign may create any traffic or pedestrian flow hazard.

I. Signs on Public Property. No sign may be located on publicly owned land or inside street rights-of-way except signs required by permission of an authorized public agency.

J. Design. All signs shall use materials and colors that are harmonious with the adjacent building(s).

19.52.090 – Design Standards Specific to Zones or Historic Districts.

Additional signage design guidelines may exist for mixed-use zones, historic districts, and special land use centers. The applicant shall refer to and comply with the municipality's other applicable adopted plans and ordinances.

19.52.100 – Sign Lighting Requirements.

The following sign lighting requirements are provided to achieve the purposes of this Chapter and Ordinance:

A. Externally illuminated signs are permitted as follows:

1. All externally lit signs shall be illuminated with steady, fully shielded light sources aimed directly onto the sign. Light bulbs or lighting tubes used for illuminating a sign may not be visible from any location.

B. The following internally illuminated signs are permitted:

1. Individual back-lit letters that are silhouetted against an illuminated wall, or halo-illuminated.
2. Individual letters with translucent faces, containing soft lighting elements inside each letter.
3. Metal-faced box signs with cutout letters and soft-glow fluorescent tubes.

C. Lighting.

1. No lighting or illumination associated with any sign shall constitute a safety hazard or create a nuisance to surrounding properties.
2. The intensity of lighting may not exceed that necessary to illuminate a sign from the closest adjacent public right-of-way. The nighttime illuminance of a sign may not increase ambient lighting conditions by more than three-tenths (0.3) foot candles when measured perpendicular to the sign face at a distance determined by the following formula:
   a. Measurement Distance (in feet) = the square root of [Area of electronic message center face in square feet x 100]
   b. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign lighting turned off. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken with the sign lights fully turned on.

3. No light source shall be directed toward any adjacent property.
4. All light sources shall be fully shielded or hooded.

D. If the Director or Designee or adjacent property owners allege that an illuminated sign violates any portion of this Section, the complainant may request a photometric assessment to measure the amount of light and ascertain the validity of the alleged violation. If photometric measuring devices are available through the Municipality, the Municipality shall perform the assessment. If the Municipality has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Director or Designee. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

19.52.110 – Electronic Message Center Requirements.

A. An electronic message center (EMC) shall only display static images with instant or fade-in and fade-out transitions. An electronic message center may not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed, to avoid light pollution. The light source of electronic message centers may not allow light trespass onto adjacent residential properties.

B. Display Duration. The minimum image display duration is five (5) seconds.

C. Transition Duration. The transition from one static image to another shall be instant or shall fade in and fade out. The maximum transition duration shall be two (2) seconds.

D. Ambient Light. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and shall be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center may not increase ambient lighting conditions by more than three-tenths (0.3) foot candles when measured perpendicular to the electronic message center face at a distance determined by the following formula:

   a. Measurement Distance (in feet) = the square root of [Area of electronic message center face in square feet x 100]

   b. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken with the sign turned on to a full white screen.

E. Electronic Message Center Allowable Type and Size by Zone. Table 19.52.110 shows which type of signs are permitted to include an electronic message center in which zones. The Table also sets the maximum size of EMCs per zone and sign type.

   1. All signs containing an EMC shall also include a non-digital identifier that covers at least twenty-five percent (25%) of the total sign area.

Table 19.52.110: Specifications for Electronic Message Centers

Zone	Sign Types Permitted to Include EMC	Additional Conditions	Allowable EMC Size as a Percentage of Total Allowable Sign Size

C-1, C-2, Mixed-Use	Monument	Permitted	50%
	Pole*	May not be located within 100' of an RMH, R-1, R-2, R-4, or R-M Zone.	
C-3	Monument	Permitted	70%
	Pole*	May not be located within 100' of an RMH, R-1, R-2, R-4, or R-M Zone.	50%
M-1 and M-2	Monument	Permitted	70%
	Pole*	May not be located within 100' of an RMH, R-1, R-2, R-4, or R-M Zone.	50%
PR	Monument	Permitted	50%

*Pole signs shall only be permitted in association with a Shopping Center use, as defined in Chapter 19.04: Definitions.

19.52.120 – Unused and Abandoned Signs.

A. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty (30) days of such unavailability. Empty signs frames shall either be replaced with new signs for an active business or removed within six (6) months from the time the sign area becomes vacant.

B. Vacant portions of signs where panels remain empty for over six (6) months shall be removed or brought into compliance by the property owner. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the Municipality and all costs incurred shall be the responsibility of the property owner.

Chapter 19.56 - FLOODPLAIN HAZARD REGULATIONS

Sections:

19.56.010 – Authorization and Findings

A. Statutory Authorization.

1. The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Magna Metro Township Council does ordain as follows:

2. The Magna Metro Township elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the Magna Metro Township 's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the Magna Metro Township having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the Magna Metro Township may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

B. Findings of Fact.

1. The flood hazard areas of the Magna Metro Township are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

3. These potential flood losses are caused by:

   a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;

   b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and

   c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

19.56.020 – Purpose of Provisions

A. It is the purpose of this Chapter to promote the public health, safety and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

B. Protect human life and health;

C. Minimize expenditure of public money for costly flood control projects;

D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

E. Minimize prolonged business interruptions;

F. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

G. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

H. Ensure that potential buyers are notified that property is in a flood area and can make their decisions based on full information.

19.56.030 - Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
B. Requiring that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
D. Controlling filling, grading, dredging and other developments that may increase flood damage; and
E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

19.56.040 – General Provisions.

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Magna Metro Township.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salt Lake County and Incorporated Communities," dated November 19, 2021, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this chapter.

C. Establishment of Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.

D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning and Disclaimer of Liability.

1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
2. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter may not create liability on the part of the Magna Metro Township, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

19.56.050 – Administration.

A. Floodplain Administrator Appointed. The Director of Planning and Development Services is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this Chapter.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Utah Division of Emergency Management, State Floodplain Manager, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

9. When a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

19.56.060 – Permit Procedures.

A. Application. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following submittals and information are required:

1. Plans drawn to scale shoring the location, dimensions, and elevations of proposed landscape alterations.

2. Plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.

3. Location of the foregoing in relation to SFHA's.

4. Elevation, in relation to mean sea level, of the lowest floor (including basement and crawlspace) of all new and substantially improved structures.
5. Elevation, in relation to mean sea level, to which any nonresidential structure (if applicable) shall be floodproofed.
6. A certificate from a registered professional engineer that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this chapter and the NFIP Regulations.
7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
8. All other information that may reasonable be required by the Floodplain Administrator.
9. Reasonable fees in accordance with the adopted fee schedule.
10. The Magna Metro Township shall become the owner of all Floodplain Development Permits and shall maintain a record of all such information in accordance with this chapter and the NFIP Regulations.

B. Approval or Denial. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area.

19.56.070 - Variances and Appeal Procedures.

A. The land use hearing officer shall hear and decide all appeals and requests for variances from the requirements of this chapter, as provided in Chapter 19.20 of this title, as amended. The following conditions shall apply, in addition to the provisions of Chapter 19.20:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot above the base level, providing the land use hearing officer has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:

    a. The danger that materials may be swept onto other land to the injury of others;

    b. The danger to life and property due to flooding or erosion damage;

    c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner:

    d. The importance of the services provided by the proposed facility to the community;

    e. The necessity to the facility of a waterfront location, where applicable;

    f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

    g. The compatibility of the proposed use with the existing and anticipated development;

    h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

    i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

    j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

    k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

3. Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. The Floodplain Administrator shall maintain in perpetuity a record of all variance actions, including justification for their issuance, and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.

B. <u>Prerequisites for Granting a Variance.</u>

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in subsection 19.56.060.B.1-10 are met, and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. The land use hearing officer shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

19.56.080 – Provisions for Flood Hazard Reduction.

A. General Standards. In all areas of special flood hazards, the following standards are required for all new construction and substantial improvements:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Substantial Improvement and Substantial Damage Determination. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, shall:

1. Estimate the market value of the building or structure only (not of land) before the start of construction of the proposed work. If the applicant disagrees with the estimated market value, the applicant may obtain an appraisal of the market value prepared by a qualified independent appraiser. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs.

4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.

5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.

6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, compliance with the flood regulations of this chapter is required.

C. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter, the following standards are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation. A registered professional engineer, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this chapter are satisfied.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation or together with

attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

    a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

    b. The bottom of all openings shall be no higher than one foot (1') above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Enclosures below the BFE. Enclosures below the BFE may only be used for building access, vehicle parking, and storage. Certification and documentation from a professional, licensed engineer is required if the structure's lowest floor is built below the BFE. Applicant shall enter into a maintenance and nonconversion agreement with the Magna Metro Township that it will maintain the improvements outlined in this paragraph and not modify or convert them to uses other than approved uses.

5. Crawlspaces. New construction and substantial improvements built on an at grade crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

    a. The structure shall be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered professional engineer.

    b. The crawlspace is an enclosed area below the BFE and, as such, shall have flood openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the LAG.

c. The crawlspace enclosure shall have proper flood openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of 1 square inch of flood opening is required per 1 square foot of the enclosed area subject to flooding.

d. Portions of the building below the BFE shall be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork shall either be placed above the BFE or sealed from floodwaters.

e. Any building utility systems within the crawlspace shall be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. The interior grade of a crawlspace below the BFE may not be more than 2 feet below the LAG.

g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed 4 feet at any point.

h. There shall be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

Note. Buildings with below grade crawlspaces will have higher flood insurance premiums than buildings that have preferred crawlspace construction, with interior elevation at or above the LAG.

6. <u>Manufactured Homes</u>.

a. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot (1’) or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. In the A1-30, AH, AO and AE Zones, manufactured homes placed or substantially improved in an existing manufactured home park shall be elevated so that the lowest floor is one foot (1') or more above the base flood elevation; or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

7. Recreational Vehicles. - Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use;

i. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

b. Meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" in this section.

C. Standards for Subdivision Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit and other requirements of this chapter.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development that is greater than 50 lots or 5 acres, including the placement of manufactured home parks and subdivisions.

4. All subdivision proposals, including the placement of manufactured home parks and subdivisions shall, have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established by this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of non-residential structures:

a. Have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or;

b. Together with attendant utility and sanitary facilities be designed so that below one foot (1') above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer shall submit a certification to the Floodplain Administrator that the standards of this subsection are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways. Located within areas of special flood hazard established in Section 19.56.040 are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of Sections 19.56.100 through 19.56.180.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

19.56.090 – Definitions.

The following definitions shall apply to terms use in this chapter. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

100-Year Flood means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "100-hundred-year flood" and "1-percent-annual-chance flood" are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.

100-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.

500-Year Floodplain means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.

Accessory Structure is a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure. The ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.

Addition is any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

Alluvial Fan Flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure—see *Accessory Structure*.

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.

Area of Shallow Flooding means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-Related Erosion Hazard is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard are the lands in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V

Base Flood means the flood having a 1-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at

pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

Best Available Data is existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. {If Higher Standard Option elected refer to ARTICLE III, SECTION B.1 USE OF BEST AVAILABLE DATA}

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building of the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.

Building—see S*tructure*.

Channelization means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

Conditional Letter of Map Revision Based on Fill (CLOMR-F) is FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

Crawlspace means an under-floor space that has its interior floor area (finished or not) no more than 4 feet from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.

Critical Facility means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.

Critical Feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Deed Restriction refers to a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

Detached Garage is a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

Elevated Building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Enclosure refers to an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

Erosion means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

Existing Construction refers to structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as *Existing Structures*.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Existing Structures—see *Existing Construction*.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be

affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

FHBM means Flood Hazard Boundary Map.

Fill refers to the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

Flood or Flooding means:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

    1. The overflow of inland or tidal waters.

    2. The unusual and rapid accumulation or runoff of surface waters from any source.

    3. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this Chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
    4. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this Chapter.

Flood Insurance Manual is the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) or Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain Development Permit is a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of *Flooding*).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.

Flood Opening refers to an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

Floodway—see *Regulatory Floodway*.

Floodway encroachment lines mean the lines marking the limits of floodways on federal, state, and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that

are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.

Historic Structure means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the Secretary of the Interior, or

    2. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA) means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

Letter of Map Revision (LOMR) means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.

Levee means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG) means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the FHBM or the FIRM for a community issued by FEMA.

Mean Sea Level means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.

Mixed Use Structures are structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.

New Construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-Rise Certifications are formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in

accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.

Physical Map Revision (PMR) is FEMA's action whereby one or more map panels are physically revised and republished.

Recreational Vehicle means a vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

Section 1316 refers to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

Special Flood Hazard Area—see *Area of Special Flood Hazard*.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

***Structure*,** for insurance purposes, means:

A. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site.

B. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

C. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The term does not, however, include:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure", if the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

Watercourse means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Chapter 19.58 GEOLOGICAL HAZARDS ORDINANCE

Sections:

19.58.010 Purpose of provisions.

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

19.58.020 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;

B. "Avalanche Special Study Areas" dated March 31, 1989;

C. "Landslide, Debris Flow, and Rockfall Special Study Area Map" dated April 9, 2002.

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

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

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

"Governing body" means the Magna Metro Township Council.

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

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

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

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

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

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

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

19.58.030 Applicability.

These regulations are applicable to:

A. All lands within Geological Hazard Special Study Areas in the Magna Metro Township, as shown on the following geologic hazards maps on file with Planning and Development Services:

   1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;

   2. "Avalanche Special Study Areas" dated March 31, 1989; and

   3. "Landslide, Debris Flow, and Rockfall Special Study Areas" dated April 9, 2002.

B. Areas where slopes are in excess of thirty percent; and

C. Areas where topography, geology, soil conditions, slope instability, slope angle or aspect, whether on-site or off-site, indicate a potential for geologic hazards.

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

19.58.040 Disputes.

A. Disputes may arise when:

   1. There is a conflict between the boundary lines illustrated on the map and actual field conditions,

   2. Detailed investigations show that mapped hazards are not present within a particular area, or

   3. Field conditions indicate that unmapped hazards may exist that require study.

A. Disputes shall be settled as follows:

   1. The person disputing the special study area boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their

claim to the Municipal Geologist in the form of a site-specific geologic hazards report (see Section 19.58.060).

2. The Municipal Geologist may request the Utah Geological Survey, U.S. Forest Service, and/or other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the person disputing the map.

3. The Municipal Geologist may allow deviations from the mapped boundary line only if evidence is provided by the applicant that, to the satisfaction of the Municipal Geologist, clearly and conclusively establishes that the Geologic Hazard Special Study Area boundary location is incorrect, or that the mapped hazards are not present within a particular area.

4. Any decision of the Municipal Geologist may be appealed to the land use hearing officer pursuant to the appeal procedures set forth in Section 19.20.030.

19.58.050 Studies and reports required.

Any applicant requesting development on a parcel of land within a Geologic Hazard Special Study Area, as required under Chart 19.58.050, or in other applicable areas as defined in Section 19.58.030, shall submit to the Planning and Development Services Division two copies of a site-specific geologic hazard study and report.

Chart 19.58.050: Special Study Area Report Requirements Based on Special Study Area Maps					
Is a Site-Specific Geological Hazards Report Required Prior to Approval?					
		Liquefaction Potential			
Land Use (Type of Facility)	Surface Fault Rupture	HIGH and MODERATE	LOW and VERY LOW	Landslide, Debris Flow & Rockfall	Avalanche
Critical and Essential Facilities as defined in Section 19.58.020	Yes	Yes	Yes	Yes	Yes
Industrial and Commercial Bldgs. (1 story and <5,000 sq. ft.)	Yes	No*	Yes	Yes	Yes
Industrial and Commercial Bldgs. (>5,000 sq. ft.)	Yes	Yes	Yes	Yes	Yes
Residential-Single Lots/Single Family Homes	Yes	No*	Yes	Yes	Yes
Residential Subdivisions (>9 Lots), and Residential Multi-Family Dwellings (4 or more units per acre)	Yes	Yes	Yes	Yes	Yes
Residential Subdivisions (<9 Lots), and Residential Multi-	Yes	No*	Yes	Yes	Yes

Family Dwellings (<4 units per acre)					
*Although a site-specific investigation is not required, the owner is required to file a disclosure notice prior to land use approval					

19.58.060 Geologic hazard and engineering geology reports.

This section describes requirements for site-specific geologic hazard studies and reports, where required according to Section 19.58.050, the Geologic Hazard maps and Chart 19.58.050:

A. An engineering geology report that includes a geologic hazards investigation and assessment shall be prepared by a qualified engineering geologist, except as provided in Sections 19.58.060 (C) and (F), below. A "qualified engineering geologist" requires 1) an undergraduate or graduate degree in geology, engineering geology, or a related field with a strong emphasis in geologic coursework, from an accredited university; 2) at least three full years of experience in a responsible position in the field of engineering geology; and 3) per State law, after January 1, 2003, geologists practicing before the public must be licensed in Utah. The report shall be site-specific and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, that may affect the particular property. All reports shall be signed and stamped by the preparer and include the qualifications of the preparer.

B. Fault rupture hazard reports shall contain all requirements as described in the document "Minimum Standards for Surface Fault Rupture Studies" published by Salt Lake County, and incorporated by reference as Appendix A of this ordinance. Fault study reports shall be prepared, signed, and stamped by a qualified engineering geologist as described in Appendix A.

C. Liquefaction analyses shall contain all requirements as stated in the document "Liquefaction: A Guide to Land Use Planning" published by Salt Lake County and incorporated by reference as Appendix B to this ordinance. Liquefaction analyses shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.

D. Debris flow hazard studies and reports shall include test pits or trench logs (scaled 1 inch to 5 feet), include estimates of the number and frequency of past events and their thicknesses, volume and maximum clast sizes; and include estimates of the recurrence, depth, and impact forces anticipated in future events. While debris flow hazard analyses may require contributions from hydrologists and engineers, the debris flow report shall be under the control of, and prepared by, a qualified engineering geologist, and shall include the geologist's qualifications to perform the study (such as their experience in performing similar studies).

E. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). Landslide reports shall be prepared, signed, and stamped by a qualified engineering geologist, and include the qualifications of the preparer. Slope stability or other analyses included in these reports shall include both static and dynamic conditions, and shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.

F. Snow avalanche hazard reports shall be prepared in accordance with the document "Snow-Avalanche Hazard Analysis for Land Use Planning and Engineering" (Colorado Geological Survey Bulletin 49) or other appropriate references. Avalanche hazard reports shall be prepared by an experienced avalanche expert, and shall include the avalanche expert's qualifications to perform the study (such as their experience in performing similar studies).

G. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." All reports shall be signed by the preparer and include the qualifications of the preparer. Generally, these reports shall be prepared, signed, and stamped by a qualified engineering geologist licensed in the State of Utah. However, reports co-prepared by a professional engineer shall include the professional engineer's original stamp and signature.

H. All reports shall include, at a minimum:

1. A 1:24,000-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards;

2. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map shall show the location and boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. Scale shall be one inch equals two hundred feet or smaller.

3. Trench logs and test pit logs (scale: 1 inch equals 5 feet, or smaller), boring logs (scale: 1 inch equals 5 feet, or smaller), aerial photographs, references with citations, and other supporting information, as applicable

4. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants thereof in terms of risk and potential damage.

5. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required, and evaluate mitigation options.

6. Specific recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in Section 19.58.010. Design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions, shall be included in the report. Final design plans and specifications for engineered mitigation shall be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate.

7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

I. Additional or more detailed studies may be required, as recommended by the report or as determined by the Municipal Geologist, to understand or quantify the hazard, or to evaluate whether mitigation measures recommended in the report are adequate.

19.58.070 Review of reports—Approval procedure.

A. In order to fulfill the purposes of this chapter, the Planning and Development Services Division or the Planning Commission, as appropriate under the Magna Metro Township's Development Standards, shall review any proposed land use which requires preparation of a geologic hazard report under this chapter to determine the possible risks to the safety of persons or property from geologic hazards.

B. Prior to consideration of any such development by the Planning and Development Services Division and the Planning Commission, the geologic hazard report shall be submitted to the Municipal Geologist for review and recommendation. The Municipal Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. Any cost the municipal shall pay for such third-party reviews shall be paid by the applicant prior to Planning Commission or Planning and Development Services Division action. The Municipal Geologist shall file a copy of the geologic hazard report in the Municipal Geologist's Geologic Hazards Library, and another copy in the Planning and Development Services project file. A copy may also be forwarded to the Utah Geological Survey.

C. The Municipal Geologist and other retained experts in their review of the report, and the Planning Commission or Planning and Development Services Director in their consideration of the development, shall determine whether the development complies with all of the following standards:

    1. A suitable geologic hazard report has been prepared by a qualified professional as defined in Section 19.58.060.

    2. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;

    3. At the Planning Commission's discretion, with advice from the Municipal Geologist, the proposed land use may be approved if the applicant submits substantial evidence in the geologic hazard report that, using best available practices, the identified hazards can be mitigated to a level where the risk of human life and damage to property are reduced to an acceptable and reasonable level in a manner which has a minimum effect on the natural environment. Mitigation measures should consider, in their design, the intended aesthetic functions of other applicable ordinances

D. Any area determined to contain geologic hazards to life or property may not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be

overcome in such a manner as to minimize hazard to life or property. The applicant shall include, with the geologic hazards report, an acceptable mitigation plan that defines how the identified hazards or limitations will be overcome in such a manner as to minimize hazard to life or property, as described in Section 19.58.070C(1), above, and without impacting or affecting off-site areas.

E. The Municipal Geologist may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this chapter are met. These requirements may include, but are not limited to:

1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
4. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.

F. The Planning Commission or Planning and Development Services Director may set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

19.58.080 Requirements in geologic hazard areas.

19.58.081 Active fault considerations.

A. No critical facility (excluding transportation lines or utilities, which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. A fault study shall be prepared as defined in Sections 19.58.030 and 19.58.060, and Appendix A, prior to final approval of the land use or building permits. If a fault is discovered in the excavation for such a structure, whether located within a Special Study Area or not, a special study, as described in Section 19.58.060 shall be performed to determine if the fault is active. If the fault is determined to be active, the procedures set forth in Section 19.58.070 shall be followed. The fault study report shall establish a fault setback on either side of the fault following the requirements in Appendix A, within which no critical facilities or structures for human occupancy shall be placed.

B. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements in Appendix A or the requirements of the Building Code, whichever is more stringent. The Planning and Development Services Director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

19.58.082 Liquefaction considerations.

A. Liquefaction analyses shall be performed for all critical facilities regardless of the mapped special study area designation for the site.

B. For all structures for which a liquefaction analysis indicates that ground settlement may be anticipated, the project structural engineer shall provide documentation to the Municipal Geologist that the building will be designed to accommodate the predicted ground settlements, in such a manner as to be protective of life safety during the design event.

19.58.083 Avalanche considerations.

A. Development of structures for human occupancy is not permitted within an avalanche special study area, or in other areas where avalanche hazards may exist, unless a detailed avalanche hazard analysis is performed, as described in Section 19.58.060, by a qualified avalanche expert.

B. If the avalanche analysis indicates that the site may be impacted by avalanches, the report shall delineate the following areas:

1. A "red zone" of high avalanche potential [return period of twenty-five years or less, and/or impact pressures over six hundred pounds per square foot (psf)] within which critical facilities or structures for human occupancy are not permitted;

2. A "blue zone" (return period between twenty-five and three hundred years, and impact pressures less than six hundred psf) within which critical facilities or structures for human occupancy shall only be permitted when at least one of the following requirements has been met:

   a. The structure is designed to incorporate direct protection measures that address the estimated impact forces (flowing snow/debris and powder blast loading). The estimated impact forces shall be calculated by the avalanche expert. The structure shall be designed by, and the plans stamped by, a qualified structural engineer licensed in the State of Utah; or

   b. Appropriate engineering controls (i.e. deflection structures, snow retention nets, dams, etc.) are designed and installed to mitigate the avalanche hazard. Design or performance criteria for engineered mitigation measures (including estimated impact forces, flow heights, location and dimensions of the mitigation structures) and all supporting modeling or other analyses, calculations, and assumptions, shall be calculated by the avalanche expert and included in the report. Final design plans and specifications for engineered mitigation shall be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate, licensed in the State of Utah.

19.58.090 Disclosure.

19.58.091 Disclosure when a geologic hazards report is required.

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

A. Notice that the parcel is located within a Geologic Hazard Special Study Area as shown on the geologic hazard map or otherwise defined in Section 19.58.030;

B. Notice that a geologic hazards report was prepared and is available for public inspection in the Municipal Geologist's Geologic Hazards Library;

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

19.58.092 Disclosure when a geologic hazards report is not required.

Whenever a parcel to be developed is located within a Geologic Hazard Special Study Area but a geologic hazards report is not required under this chapter (such as but not limited to, a single-family home located in a moderate liquefaction potential area), notice that the parcel is located within such area(s) shall be recorded by the land owner by signing a Disclosure and Acknowledgment Form provided by the municipality, prior to the approval of any such development.

19.58.100 Warning and disclaimer.

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

19.58.110 Change of use.

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions of this chapter.

19.58.120 Conflicting regulations.

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the Magna Metro Township and the geologic hazards ordinance codified in this chapter, the most restrictive provision shall apply.

Chapter 19.60: AIRPORT OVERLAY ZONE (AOZ)

19.60.010 - Purpose of Provisions.

It is determined that a hazard to the operation of an airport endangers the lives and property of users of airports, and the health, safety and welfare of property or occupants of land in its vicinity. If the hazard is an obstruction or incompatible use, such hazard also effectively reduces the size of the area available for landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport(s) and the public investment therein. Therefore, the Magna Metro Township has determined that:

A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the airport(s);

B. It is necessary in the interest of public health, public safety and general welfare that the creation and establishment of airport hazards be prevented; and

C. The prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

19.60.020 – Definitions.

In this Chapter, the following terms, phrases, words, and their derivations, shall have the meanings as defined in this Section:

A. "Air Circulation System" means any method of cooling and heating an area with windows and doors closed, or with evaporative coolers and similar devices.

B. "Airport" means any landing area, runway, or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces, as permitted by local zoning ordinances.

C. "Airport Elevation" means the highest point of the airport's usable landing area, measured in feet from mean sea level.

D. "Airport Hazard" means any structure or object of natural growth located on or in the vicinity of the airport, or any use of land near the airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff of an aircraft.

E. "Airport Reference Point" means the point established as the approximate geographic center of the airport landing area, and so designated.

F. "FAA" means the Federal Aviation Administration.

G. "Height" For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

H. "Incompatible Use" means any structure or use of land which, because it exposes residents or occupants in the vicinity of airports to aircraft noise, constitutes an airport hazard.

I. "Nonconforming Use" means any preexisting structure, tree or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

J. "Nonprecision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities, with only horizontal guidance or area-type navigation equipment for which straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document.

K. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of the foregoing.

L. "Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system ("ILS") or a precision approach radar ("PAR"). It shall also mean a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan or any other FAA approved planning document.

M. "Primary Surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of such runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface of a runway will be that width prescribed in Part 77, Section 77.24 of the Federal Aviation Regulations ("FAR"), which is hereby incorporated by reference and made a part hereof, for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

N. "Runway" means a defined area on the airport prepared for landing and takeoff of aircraft along its length.

O. "Structure" means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth foundations and overhead transmission lines.

P. "Tree" means any object of natural growth.

Q. "Utility Runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred pounds maximum gross weight or less.

R. "Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan or on any planning document submitted to the FAA by competent authority.

19.60.040 - Airport Overlay Zones, Establishment and Applicability.

In order to carry out the provisions of this Chapter, several overlay zones, which may include all of the land lying within the approach zones, transitional zones, horizontal zones, conical zones, and airport influence zones, are established. The Airport Overlay Zones shall be effective only to the extent shown on the adopted zoning maps on file with Planning and Development Services. The established overlay zones are as follows:

A. Utility Runway Visual Approach Zone. Utility Runway Visual Approach Zones are established with the inner edge coinciding with the width of the primary surface and being two hundred fifty feet (250')

wide. The approach zone expands outward, uniformly, to a width of twelve hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

B. Runway Larger than Utility, Visual Approach Zone. Runways larger than utility with a visible minimum as low as three-fourths' (¾) mile nonprecision instrument approach zones are hereby established, with the inner edge of this approach zone coinciding with the width of the primary zone and being one thousand feet (1,000') wide. The approach zone expands outward, uniformly, to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

C. Precision Instrument Runway Approach Zone. Precision Instrument Runway Approach Zones are hereby established, with the inner edge of this approach zone coinciding with the width of the primary surface and being one thousand feet (1,000') wide. The approach zone expands outward, uniformly, to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

D. Transitional Zone. Transitional Zones are hereby established as the area beneath the transitional surfaces. The surfaces extend outward and upward to ninety-degree (90*) angles to the runway centerline and the runway centerline extended, at a slope of seven feet (7') horizontally for each foot (1') vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface extend a distance of five thousand feet (5,000'), measured horizontally from the edge of the approach zones and at a ninety-degree (90*) angle to the extended runway centerline.

E. Horizontal Zone. Horizontal Zones are hereby established as that area the perimeter of which is constructed by swinging arcs of specified radii from a point on the centerline and two hundred feet (200') beyond each end of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is five thousand feet (5,000') for all runways designated as utility or visual, and ten thousand feet (10,000') for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five-thousand-foot (5,000') arc is encompassed by tangents connecting two adjacent ten-thousand-foot arcs (10,000'), the five-thousand-foot (5,000') arc shall be disregarded in determining the horizontal zone.

   1. The horizontal zone does not include the approach and transitional zones.

F. Conical Zone. Conical Zones are hereby established as the area that commences at the periphery of the horizontal zone and extends outward from a horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.

G. Airport Influence Zones. Airport Influence Zones are established as follows:

   1. Airport Influence Zone A is that area shown on the airport zoning map exposed to the most severe levels of aircraft noise.

   2. Airport Influence Zone B is that area shown on the airport zoning map exposed to severe levels of aircraft noise.

3. Airport Influence Zone C is that area shown on the airport zoning map exposed to moderate levels of aircraft noise.
4. Airport Influence Zone D is that area shown on the airport zoning map exposed to noise from aircraft operating on a primary flight track.
5. Airport Influence Zone E is that area shown on the airport zoning map exposed to noise from aircraft operating on a heavily used aircraft traffic pattern.

19.60.050 - Airport Overlay Zones, Height Limitations.

A. Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any Overlay Zone established by this Chapter to a height in excess of the applicable height limits established in this Section.

B. If the underlying zone has a height limit that is different from that in the applicable overlay zone, the more restrictive standard shall apply.

C. Nothing in this Chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height consistent with the terms of this Chapter.

D. Airport Overlay Zone Height Limitations:

1. Utility Runway Visual Approach Zone, Height Limitation. The height limitation in a Utility Runway Visual Approach Zone slopes upward twenty feet (20’) horizontally for each foot (1’) vertically, beginning at the end of and at the same elevation as the primary surface, and extends to a horizontal distance of five thousand feet (5,000’) along the extended runway centerline.

2. Runway Larger than Utility Visual Approach Zone, Height Limitation. The height limitation in a Runway Larger Than Utility Zone with a visual minimum as low as three-fourths' (3/4) mile nonprecision instrument zone slopes upward one hundred feet (100’) horizontally for each foot (1’) vertically, beginning at the end of and at the same elevation as the primary surface, and extends to a horizontal distance of ten thousand feet (10,000’) along the extended runway centerline; and thence slopes upward forty feet (40’) horizontally for each foot (1’) vertically to an additional horizontal distance of forty thousand feet (40,000’) along the extended runway centerline.

3. Precision Instrument Runway Approach Zone, Height Limitation. The height limitation in a Precision Runway Approach Zone slopes upward one hundred feet (100') horizontally for each foot (1') vertically, beginning at the end of and at the same elevation as the primary surface, and extends to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; and thence slopes upward forty feet (40') horizontally for each foot vertically to an additional distance of forty thousand feet along the extended runway centerline.

4. Transitional Zone, Height Limitation. The height limitation in a Transitional Zone slopes upward and outward seven feet (7') horizontally for each foot (1') vertically, beginning at the side of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation.

    a. In addition to the foregoing, there are established height limits sloping upward and outward seven feet (7') horizontally for each foot (1') vertically, beginning at the sides of and at the same elevation of the approach zones, and extending to where they intersect the conical surface.

    b. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, height limits sloping upward and outward seven feet (7') horizontally for each foot (1') vertically shall be maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface and extending to a horizontal distance of five thousand feet (5,000'), measured at a ninety-degree (90*) angle to the extended runway centerline.

5. Horizontal Zone. The height limitation in a Horizontal Zone shall be one hundred fifty feet (150') above the airport elevation.

6. Conical Zone. The height limitation of the conical zone shall slope upward and outward twenty feet (20') horizontally for each foot (1') vertically, beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation, and extending to a height of three hundred fifty feet (350') above the airport elevation.

19.60.060 - Airport Influence Overlay Zones, Incompatible Uses.

A. Except as provided for in this Chapter, no structure or use of land shall be erected, altered or utilized in any Airport Influence Overlay Zone so as to create an incompatible use, as hereinafter established for such zones. To avoid the enlargement of existing nonconforming uses, defined as incompatible, compliance with these provisions will be required for the entire structure when changes of use occur. When structures, other than single-family or two-family dwellings, are remodeled or altered, only the area involved in the work shall comply.

B. For this purpose, "development" means subdivision of property and construction of buildings on vacant property, except on improved subdivided property recorded as of the effective date of the ordinance codified in this Chapter.

C. Airport Influence Zone A. The following uses are incompatible in this zone:

    1. Residential uses;

    2. Commercial uses, except those constructed with air circulation systems and at least twenty-five db of sound attenuation;

3. Institutional uses, such as schools, hospitals, churches and rest homes; and
4. Hotels and motels, except those constructed with air circulation systems and at least thirty db of sound attenuation in sleeping areas, and at least twenty-five db of sound attenuation elsewhere.

D. Airport Influence Zone B. The following uses are incompatible in this zone:

1. Residential uses, except residences in agricultural zones with air circulation systems, and at least twenty-five (25) db of sound attenuation;
2. Institutional uses such as schools, hospitals, churches and rest homes, except those constructed with air circulation systems and at least twenty-five (25) db of sound attenuation; and
3. Hotels and motels, except those constructed with air circulation systems and at least twenty-five (25) db of sound attenuation in sleeping areas.

E. Airport Influence Zone C. The following uses are incompatible in this zone:

1. Residential uses, except those constructed with air circulation systems;
2. Mobile homes, except those constructed with air circulation systems and at least twenty (20) db of sound attenuation; and
3. Institutional uses such as schools, hospitals, churches and rest homes, except those constructed with air circulation systems.

F. Airport Influence Zone D. The following uses are incompatible in this zone:

1. Low-density residential and school uses except those constructed with air circulation systems.

G. Airport Influence Zone E. The following uses are incompatible in this zone:

1. No restrictions, except aviation easements are required.

19.60.070 – Airport Influence Overlay Zones, Avigation Easements.

A. Any development on land located within Airport Influence Zones A, B or C requires the acknowledgment of the existing prescriptive avigation easement. Such easement is the memorialization by dedication of an avigation easement by the owners, both legal and equitable, of the property to be developed. A sample of the avigation easement shall be on file with the county recorder.

B. For purposes of this action, development requiring the easement is defined as the subdivision of land (defined under Title 18 of this code), and/or the new construction of improvements upon vacant land, excepting only:

1. New construction which is proposed on improved and subdivided property where plats were approved and filed on record prior to the date of adoption of this ordinance; and
2. Remodeling of or additions to existing structures on improved and subdivided lots, provided no change of use is involved.

C. The requirement of an avigation easement is separate and apart from the various sound attenuation requirements that may be imposed on construction in various zones.

19.60.080 – Airport Overlay Zones, General Use Restrictions.

Notwithstanding any other provision of this Chapter, no use may be made of land or water within any overlay zone established by this Chapter in such a manner as to:

A. Create any electrical interference with navigational signals for radio communication between the airport and the aircraft;

B. Make it difficult for pilots to distinguish airport lights and others;

C. Result in glare in the eyes of the pilots using the airport;

D. Impair visibility in the vicinity of the airport; or

E. Otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

19.60.090 – Permits, Required.

A. All uses shall obtain permits before construction or installation, as required by other the Magna Metro Township ordinances.
B. No permit shall be granted that would allow the establishment or creation of an airport hazard, or permit a nonconforming use or structure to be made or become higher or become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this Chapter, or any amendment thereafter, or than it is when the application for a permit is made.

19.60.100 - Hazard Marking and Lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned by the Salt Lake City Department of Airports as to require the owner to at his own expense, install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

19.60.110 - Nonconforming Uses, Provisions Not Retroactive.

A. The regulations prescribed in this Chapter may not be construed to require the removal, lowering, or other changes or alterations in any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and which is diligently prosecuted.

B. Notwithstanding the provisions of Subsection A, the owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary, by the airport manager, to indicate to the operators of aircraft in the vicinity of the airport hazards.

C. If the Director determines that a noncomplying structure has been abandoned for a period of twelve (12) consecutive months, or physically deteriorated as defined in Chapter 19.06, no permit shall be granted that would allow the structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

19.60.120 - Conflicting Provisions, Resolution.

Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, including land use zoning, whether the conflict is with respect to height of structure or trees, the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

Chapter 19.64: ANNEXATION

19.64.010 – Definitions.

A. For the purposes of this Chapter:

1. "Annexation Policy Plan" means a plan for identifying and establishing the process for annexation of unincorporated properties adjacent to Magna pursuant to UCA § 10-2-401.5.
2. "Property Owner" means the owner of real property located within the boundary of the proposed annexation area pursuant to UCA § 10-2-401(2) eta/.
3. All other terms used in this Chapter shall be defined as outlined in Utah Code §10-2-401.

19.64.020 – Purposes.

A. The purposes of this Chapter are to codify the Annexation Policy Plan as required by UCA §10-2-401.5 and to accomplish the following:

1. Aid the Council in its deliberations concerning the possible acceptance or rejection of any proposed annexation;
2. Assure that Magna has adequate time to prepare for the budgetary and operational impact of annexation;
3. Minimize disruptions to the Magna's operations caused by the processing and evaluation of proposed annexations and any adverse economic impact on the municipality arising from any approved annexation;
4. Protect the general interests and character of the community; and
5. Maintain consistency with the Magna General Plan, the Magna Annexation Policy Plan, and Utah State Code.

19.64.030 – General Provisions.

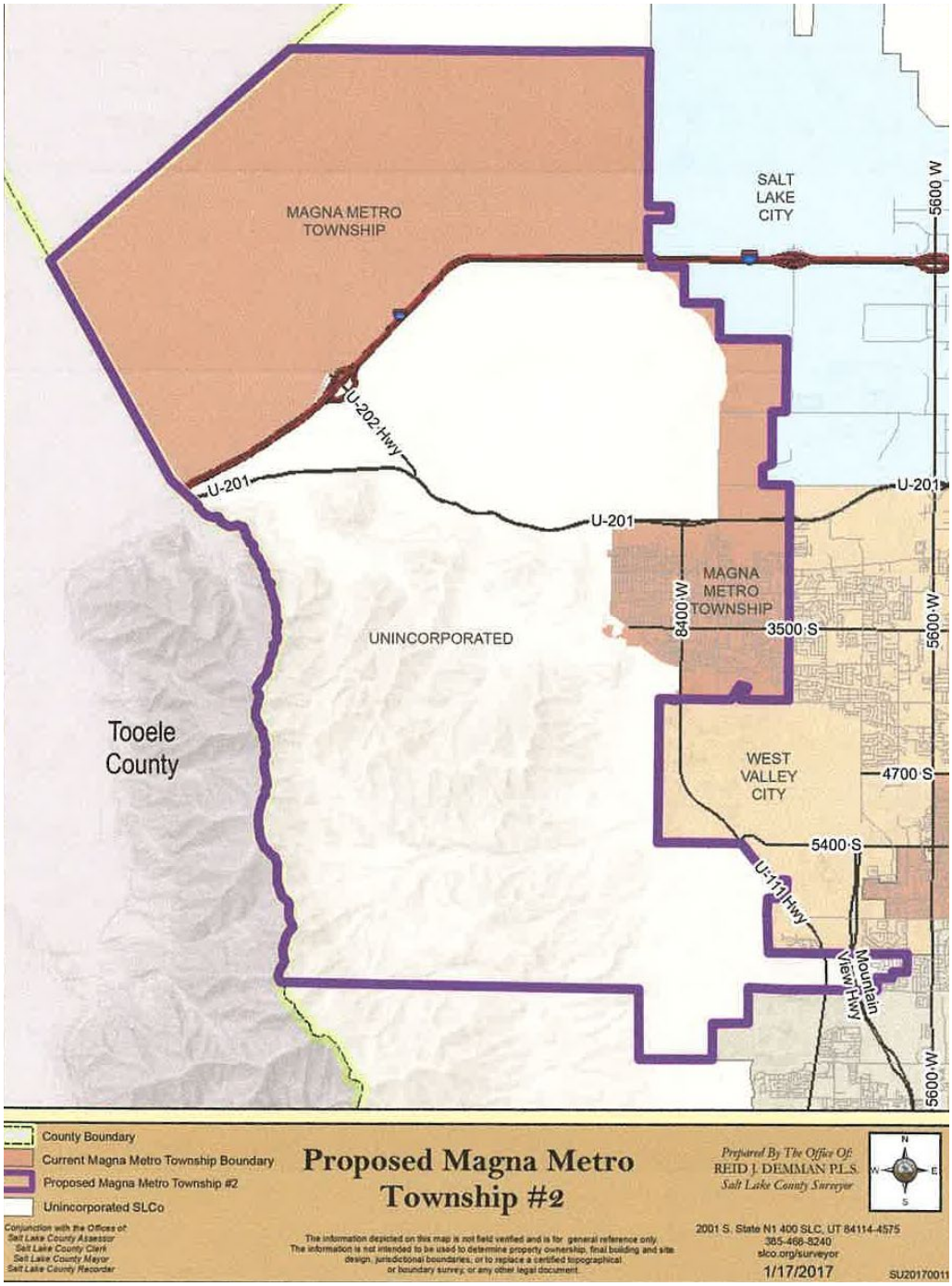
A. As practical and feasible, boundaries of an area proposed for annexation shall be drawn:

1. Contiguous to Magna's then-current legal boundaries;
2. Within Magna's Expansion Area as identified in the Annexation Policy Plan and Section 19.64.040;
3. Along the boundaries of existing special districts, service districts, school districts, and other taxing entities;
4. In a manner that does not leave or create any unincorporated island or peninsula;
   a. Consistent with Utah State Code §10-2-402, Magna may accept an annexation that leaves an island or peninsula if the unincorporated island or peninsula existed before the annexation, and the annexation will reduce the size of the unincorporated island or peninsula.
5. To facilitate the consolidation of overlapping functions of local government;
6. To promote the efficient delivery of services; and
7. To encourage the equitable distribution of community resources and obligations.

19.64.040 – Magna's Expansion Areas (Annexation Declaration Area Map).

The Annexation Declaration Area Map is included as Figure 19.64.040. The map may be altered to change the proposed expansion areas of Magna upon action by the Council following recommendation by the Planning Commission.

Figure 19.64.040: Magna's Expansion Areas.



Credit: Magna Annexation Policy Plan, 2017.

19.64.050 – Factors for Consideration by Council when Reviewing an Annexation Proposal.

A. Prior to accepting or rejecting any proposed annexation, the Council shall consider the following factors:

1. The compatibility and historic identity between Magna and the area being considered for annexation;
2. The quantity and quality of parks, trails, open space, public recreation facilities and developable land located within the proposed area for annexation;
3. The needs of the proposed annexation area for present and future municipal services and the plans and capabilities for providing such services;
4. All municipal-type services provided to Magna are provided by Local Districts, Interlocal Cooperation Agencies via legally-defined service areas, or from regulated public utilities operated in accordance with State Law. Though annexation will not directly impact Magna as an entity unto itself, it may impact the Local Districts and Interlocal Agencies that provide services. Those impacts are expected to be nominal, but should be considered by the Council as a part of the annexation process.
5. Anticipated tax consequences to residents of Magna and the area being considered arising from the annexation;
6. Concerns and interests of businesses and other affected entities located within the area regarding the proposed annexation;
7. Effect of annexation on the development of land located within the area to be annexed;
8. Common school and neighborhood ties between Magna and the potential annexed area; and
9. The zoning that will be applied to the land at the time of annexation. Such zoning designation should be based on the community's general plan and other land use plans as applicable.

19.64.060 – Annexation Procedures.

Any proposed annexation shall follow all notices, processes, and procedures pursuant to UCA §10-2-401 to 428, et al.

Chapter 19.69 PLANNED COMMUNITY (P-C) ZONE

19.69.010 - Definitions

Whenever used in this chapter:

"Council" means the Magna Council.

"Council Chair" means the chairperson of the Magna Council, or appointed designee.

"Director" means the Director of Planning and Development Services, or appointed agent designated by the director.

" Magna" means Magna, a Municipal Corporation under State Law.

"MSD" means the Greater Salt Lake Municipal Services District, its successor, and/or any agents contracted to provide municipal-type services for and to Magna.

"Magna Ordinance" means the zoning ordinance for Magna.

"Planning and Development Services" means the Planning and Development Office, or MSD-contracted entity providing such services.

"Planning Commission" means the Magna Planning Commission.

"Planning Director" means the Planning and Development Services Director.

"Staff' means employees provided by the MSD to provide land use planning and development services to Magna.

19.69.020 - Purpose

The purpose of the Planned Community (P-C) Zone is to provide a regulatory tool which allows large properties in Magna to be developed in accordance with a specific plan designed to achieve the following purposes:

1. To promote and protect the public health, safety, and welfare.
2. To implement the objectives and policies of the general plan.
3. To safeguard and enhance environmental amenities and the quality of development.
4. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources.
5. To lessen congestion and assure convenience of access.
6. To secure safety from fire, flood, and other dangers.
7. To provide for adequate light, air, sunlight, and open space.
8. To promote and encourage conservation of scarce resources.
9. To prevent overcrowding of land and undue concentration of population.

10. To facilitate the creation of a convenient, attractive, and harmonious community with a desirable living and working environment with unique identity and character.
11. To attain a desirable balance of residential and employment opportunities.
12. To promote a pedestrian friendly environment that encourages transit and bicycle use.
13. To expedite the provision of adequate and essential public services.
14. To facilitate development within Magna in accordance with the general plan by promoting high quality, innovative and creative development that includes a mixture of uses, heights and setbacks, varying densities and lot sizes and sufficient diversity of housing types to meet the full life cycle of housing needs of Magna residents, a harmonious variety of industrial and commercial uses, a high level of amenities, and preservation of open space;
15. To promote more economical and efficient use of the land; and,
16. To provide a process for initiation, review, and regulation of large-scale comprehensively planned communities that affords the maximum flexibility to the developer within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities. This chapter establishes an approval and entitlement process to promote inventive and efficient land use patterns that would otherwise be difficult under typical zoning ordinances. Districts within a P-C Zone may include neighborhoods, villages, town centers, business, research or educational campuses, and open space with convenient pedestrian access among residential, commercial, office, retail, and recreational areas. Individual structures within those districts may contain mixed uses. Permitted densities and intensity of land use in villages and town centers may be higher than those permitted in neighborhoods.

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.

19.69.040 - P-C Zone Area - Minimum Requirements

Each P-C Zone shall contain a minimum of 75 acres located in Magna as depicted on the Magna Land Use Plan on file with Planning and Development Services. If the P-C Zone contains multiple owners, the owners may, if necessary, to reach the 75-acre threshold, or if such owners otherwise desire, combine their properties for planning and development purposes.

19.69.050 - Permitted Uses

A. The following uses may be conducted in all areas within a P-C Zone of more than 200 acres:

1. Residential uses of all types on a range of lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail, commercial, or office uses, and condominiums.
2. Retail, service, office, hotel, restaurant, entertainment, and all other commercial uses of any type; Mix of permitted uses (including office/commercial, office/residential, retail/residential) within individual structures.
3. Home-based businesses following the provisions of Chapter 19.85 of this Title.
4. Healthcare facilities. v. Public facilities, such as schools, libraries, and civic buildings; Common areas, such as plazas, playgrounds, and trails Churches.
5. Day-care facilities.
6. Open space, including landscaped areas and areas in natural vegetation, golf courses, parks,
7. recreational areas.
8. Industrial and manufacturing uses; and
9. Other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses.

B. The following uses may be conducted in all areas within a P-C Zone containing at least 75 and fewer than 200 acres:

1. Residential uses of all types on a range of lot sizes including single family detached; single family attached; multifamily residential; town homes; loft apartments; residential units above ground floor retail, commercial, or office uses; and condominiums.
2. Retail, service, office, hotel, restaurant, entertainment, and all other commercial uses of any type; Mix of permitted uses (including office/commercial, office/residential, retail/residential) within individual structures.
3. Home-based businesses following the provisions of Chapter 19.85 of this Title.
4. Healthcare facilities.

C. The following use may be conducted in and area zoned P-C:

1. Public facilities, such as schools, libraries, and civic buildings; Common areas, such as plazas, playgrounds, and trails.
2. Churches.
3. Day-care facilities.
4. Open space, including landscaped areas and areas in natural vegetation, golf courses, parks,
5. Recreational areas; and
6. Other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses.

19.69.060 - Conditional Uses

7. If a proposed P-C Zone Plan includes specific land uses identified as conditional uses within a given district, those conditional uses in the P-C Zone Plan must be expressly approved by the Metro Township Council in a development agreement with the applicant(s). The Metro Township Council's approval of conditional uses in a development agreement does not establish any entitlement for approval of a conditional use and is an additional requirement for approval of a P-C Zone Plan including any conditional use(s). All conditional uses in any P-C Zone require separate review and approval as set forth in Chapter 19.84 of this Title. Design standards for conditional uses shall be included with the applicable Project Specific Standards.

8. Within a P-C Zone Plan or Community Structure Plan of properties containing at least 75 acres, but fewer than 200 acres, industrial and manufacturing uses may be allowed as conditional uses, subject to planning commission and council approval. This ordinance will become effective 20 days after publication pursuant to Utah Code Ann. § I 0-3- 711(l) and Utah Code Ann.§ 10-3-712.

19.69.070 - Planning And Approval Process For P-C Zone

Development within the P-C Zone will require the following plans to be prepared and submitted for approval in accordance with this chapter: P-C Zone Plan, CSP, and Project Plans and/or subdivision and condominium plat approval as applicable. The planning and approval process and approving bodies are summarized in the following table:

APPROVAL STEP	SCALE (AREA COVERED BY APPLICATION)	WHAT IS DESCRIBED IN PLAN	APPROVAL LEVEL
P-C Zone and Plan	Total land area to be rezoned P-C.	Land area to be rezoned with land use table outlining proposed permitted and conditional uses (if applicable), number of residential units, and square feet of nonresidential development.	Planning Commission and Council
Community Structure Plan	Any portion of project that has a common street system, open space system or other infrastructure system.	Major systems for the larger development such as major roadways, infrastructure, open space networks, general location of villages, towns, neighborhoods and business and research parkways.	Staff, Planning Commission and Council
Project Plan/Subdivision Plat	Multiple phases of development. May, but is not required to include, master subdivision approval followed by phased subdivision plats.	Show major development parcel locations, open space system, and major infrastructure associated with roadways. Final plats indicate lot layouts and development regulations.	Planning Commission
Site Plan Approval	Individual sites within the development.	Final site development requirements.	Staff

19.69.080 - P-C Zone Plan

At the time of application for rezoning, a P-C Zone Plan shall be submitted to the Planning Commission for review and recommendation to the Council. Following recommendation by the Planning Commission, a P-C Zone Plan shall be submitted for review and approval by the Council. A proposed development agreement shall be submitted for approval by the Council in connection with each P-C Zone Plan. The approved P-C Zone Plan and development agreement shall implement and govern development within the applicable P-C Zone but may be amended through standard rezoning procedures or through procedures outlined in the development agreement and shall contain the following information:

1. Name of planned community.
2. Names, addresses, and phone numbers of applicant and property owners.
3. P-C Zone parcel location, legal/boundary description, acreage, scale, and north arrow.
4. A land use table showing the proposed permitted and conditional uses (if applicable), number of dwelling units, height limits, and the total acreage of open space in the P-C Zone and areas (in square footage or acreage) of the various non-residential land uses proposed in the P-C Zone;
5. General descriptions and locations of existing and proposed major infrastructure, including water, sanitary sewer, storm drainage, parks/open space/trails, and street improvements, together with service adequacy analyses for each of these (including the necessity of system improvements within

or adjacent to the subject property, if applicable) to justify the dwelling units, open space, and non-residential square footage proposed in the land use table mentioned above;

6. Existing waterways, major utilities, easements, and flood boundary.
7. Adjacent parcels, owners, and uses.
8. Topography and significant features on or adjacent to the property; and
9. Other information deemed necessary by the Director. Subject to conditions or limitations agreed to in the development agreement, the development agreement based on the approved P-C Zone Plan shall confer a vested right to proceed with the development process established in this chapter for the property included within the applicable P-C Zone Plan, including the number of dwelling units and the square footage of nonresidential uses reflected in the approved P-C Zone Plan. Upon approval, the P-C Zone Plan shall constitute an amendment to the Magna general plan for the area covered by the P-C Zone Plan.

19.69.090 - Community Structure Plan (CSP)

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

1. Name of planned community.
2. Names, addresses, and phone numbers of applicant and property owners.
3. CSP location, legal/boundary description, acreage, scale, and north arrow.
4. Proposed land use districts (neighborhoods, villages, business and research parks, and/or town centers) boundaries, and acreage; a table showing the number of dwelling units, open space acreage, and acreage of the various non-residential land uses.
5. A master circulation system plan, including a street network, pedestrian circulation, bicycle and trail system plans (including possible equestrian trails), identification of street alignments and right of-way widths, illustrative cross sections which accommodate and specify vehicular, pedestrian, and bicycle use in the right-of-way. Pedestrian and bicycle trail systems shall connect the land use districts, schools and open space areas and provide linkages to other trail systems in existing or future areas of the P-C Zone and adjacent facilities within the adjacent municipal jurisdictions of Salt Lake County.
6. Existing and proposed waterways and water bodies, major utilities and easements, flood boundary, and flood control facilities.
7. Adjacent parcels, their owners, and their uses.
8. Topography and significant features on or adjacent to the property.
9. Documentation of existing and proposed secondary water rights, shares, and usage, if any.

10. Open space plan providing general description and locations of major open space.

11. Standards that govern the design and maintenance of major public infrastructure improvements (including without limitation sidewalks, street lighting, paving, street furniture, etc.) and general building placement, massing, and design criteria (CSP Design Standards); and

12. Other information deemed necessary by the Director. The Planning Commission shall have the discretion to disapprove a CSP only on the basis of: (1) the failure of the proposed CSP to include all of the elements required in this section; (2) the failure of the proposed master circulation system identified in the CSP within and surrounding the P-C Zone to adequately serve the communities within the P-C Zone; (3) the failure of the proposed major infrastructure identified in the CSP within and surrounding the P-C Zone to provide adequate service to the communities within the P-C Zone; or (4) the inclusion of uses in the CSP not permitted or conditionally permitted under this Chapter. In approving a CSP, the planning commission may impose reasonable conditions of approval to mitigate reasonably anticipated detrimental impacts in accordance with Magna Metro Township Code of Ordinance Subsection 19.84.060(C)-(D).

19.69.100 Project Plan/Subdivision Plat

Upon approval of a CSP, a Project Plan shall be submitted for review, together with a development agreement that outlines Project Specific Standards establishing in substantial detail the character and nature of the design of public and private improvements within the area covered by the applicable Project Plan (Project Specific Standards) for the applicable portion of the P-C Zone covered by the Project Plan. The purpose of the Project Plan is to allow for the creation and approval of a fully integrated development plan for a specifically identified portion of the applicable P-C Zone. A Project Plan may include vertical and horizontal mixtures of uses on one or more proposed lots, parcels or units located within the boundaries of the proposed Project Plan. Therefore, the Project Plan may identify a combination of proposed subdivisions, condominium projects, and/or site plans, one or more of which may be submitted concurrently for review and approval with the Project Plan. The Project Plan, and each Subdivision Plat or Condominium Project submitted in connection therewith or in furtherance thereof, shall be reviewed and approved by the County staff prior to submittal of the Project Plan and associated development agreement to the Planning Commission for approval. Subdivision Plats (preliminary and final) shall be submitted and approved pursuant to the process and in accordance with the requirements set forth in Title 18, "Subdivisions," of the Magna Metro Township Code of Ordinances, and other applicable sections of the code. Application and approval of a preliminary or final subdivision plat may occur before submission of a Project Plan provided Project Specific Standards are submitted and approved contemporaneously with such subdivision plat application and approvals; and provided, further, that the Project Specific Standards and subdivision plat will ultimately be incorporated into an approved Project Plan and associated development agreement. The preliminary and final plats shall conform to the applicable CSP Standards as well as all applicable Project Specific Standards, including any supplemental Project Specific Standards proposed and approved in connection with the applicable final plat.

19.69.110 Site Plan Review

Site plans may be reviewed concurrently with a Project Plan or Subdivision Plat. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional

developments and alterations to existing developments shall be located on legal lots of record created by metes and bounds conveyance with the approval of the Staff or pursuant to subdivision or condominium plats and shall meet the site plan review requirements outlined in chapter 19.02.080 of this Title. All Magna Ordinances and requirements shall be met in preparing site plan applications and in designing and constructing the development. Where applicable, building permits may not be obtained nor shall any site work be performed prior to site plan approval as set forth in section 19.02.130 of this Title.

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.

1. 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.

2. 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.

3. 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.

4. 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.

19.69.130 Development Agreement

In conjunction with the approval of a P-C Zone Plan, CSP, and Project Plan, the developer and Magna shall enter into one or more development agreements reflecting all conditions of approval and terms of the applicable P-C Zone Plan, CSP, and Project Plan, and such other matters as Magna and the developer may agree. The council chair signs all development agreements. The council need only approve the development agreement associated with the P-C Zone Plan. Development Agreements entered into with respect to a CSP or Project Plan do not require approval of the council unless the approved CSP or Project Plan, together with the approved CSP Design Standards or Project Specific Standards, are inconsistent with the conditions and requirements set forth in this title. Without regard to future amendments, additions or changes to the Magna Ordinance, Magna may agree, in such Development Agreements, that the developer may advance development applications for projects within the applicable P-C Zone pursuant to the planning and approval processes set forth in this chapter, or such other process as is specifically agreed upon pursuant to a development agreement approved by the council. Such development agreements may further identify a process for approving amendments to an approved P-C Zone Plan, CSP, Project Plan or Subdivision Plat, which shall be approved by the council to the extent such a process differs from Magna ordinance. Any entitlement granted to the developer under the terms of a Development Agreement shall be subject to amendments, changes, or additions to this chapter if the council finds that failure to so amend, change, or add to the chapter would constitute a compelling countervailing public interest.