

**MAGNA CITY
ORDINANCE NO. 2024-O-17**

Ordinance No. 2024-O-17

Date: December 10, 2024

AN ORDINANCE OF THE MAGNA COUNCIL AMENDING TITLE 19 TO REPLACE MAGNA METRO TOWNSHIP WITH MAGNA OR MAGNA CITY, AS APPROPRIATE; CLARIFYING WHEN INFRASTRUCTURE AND PUBLIC IMPROVEMENTS MUST BE INSTALLED BY A DEVELOPER SUBJECT TO THE LIMITATIONS ON EXACTIONS IN UTAH CODE; CLARIFYING THAT INTERNAL AND ATTACHED DWELLING UNITS MAY ONLY BE CONSTRUCTED ON SINGLE FAMILY LOTS WITH 6,000 SQUARE FEET OR GREATER; AMENDING THE DEFINITION OF COMMERCIAL VEHICLES AND CLARIFYING THE CIRCUMSTANCES IN WHICH COMMERCIAL VEHICLES MAY BE PARKED IN R-1 AND R-2 ZONES; CLARIFYING 1 ACRE MINIMUM FOR NEW DEVELOPMENT IN THE A-1 ZONE; CLARIFYING THAT A LOT MUST INCLUDE 20,000 SQUARE FEET TO HAVE "ANIMAL RIGHTS"; REQUIRING AN "ALL WEATHER SURFACE" IN STORAGE AND SALVAGE YARDS; REQUIRING TREES AND LANDSCAPING TO BE TRIMMED TO 14.5" ABOVE THE STREET; AND ADDING OR CLARIFYING DEFINITIONS FOR "OFF PREMISE SIGNS", "ANIMAL RIGHTS", "ALTERATION", "CLUSTERING", "EXPANSION", "GRADING", "NATURAL OPEN SPACE", "NET DEVELOPABLE ACREAGE", "RETAINING WALL", "SITE PLAN", "SLOPE", "STREAM, "EPHEMERAL", "STREAM", PERENNIAL", "STREAM CORRIDOR", "SUBSTANTIAL ECONOMIC HARDSHIP", "UNDEVELOPABLE", AND "WAIVER"

RECITALS

WHEREAS, Magna is a municipality and has authority to adopt land use regulations, pursuant to Utah Code § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 9a, Utah Code; and

WHEREAS, infrastructure and public improvements should be installed by a developer subject to the limitations on Exactions in Utah Code;

WHEREAS, the legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's;

WHEREAS, the parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances;

WHEREAS, the 1 acre lot area requirement in the A-1 zone needed to be clarified to reflect the legislative intent;

WHEREAS, animal rights were never intended to be allowed on lots with less than 20,000 square feet;

WHEREAS, an "all weather surface" is necessary to ensure adequate storm water pollution prevention in Storage and Salvage Yards;

WHEREAS, commercial vehicles can often exceed 13.5' in height, but rarely exceed 14.5' in height;

WHEREAS, clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles;

WHEREAS, the Council deems it necessary to amend its land use ordinances for the protection and preservation of the public health, safety and general welfare;

WHEREAS, the Magna Planning Commission held a public hearing on November 12th, 2024 to consider amending Title 19 as set forth in Exhibits A through I (the "Proposed Action") in accordance with Utah Code §§ 10-9a-205 and 10-9a-502; and

WHEREAS, the Planning Commission has recommended that the Council amend its land use ordinances set forth in Exhibits A through I for the protection and preservation of the public health, safety and general welfare.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Chapter 19.04 Definitions, is hereby revised to read as set forth in Exhibit A.
2. To replace Magna Metro Township with Magna City, the following chapters sections and subsections are hereby revised to read as set forth in Exhibit B: Section 19.02.010 Title; Section 19.02.20 Organization; Section 19.02.030 Purpose; Section 19.02.040 Applicability; Section 19.10.010 Findings and Purpose; Subsection 19.10.030(D) Conduct of the Hearing; Chapter 19.14 Zones, Zoning Map and Boundaries; Section 19.30.020 Establishment of Medium and High-Density Residential Zones; Section 19.34.020 Establishment of Manufacturing Zones; Section 19.42.030 Accessory Dwelling Unit; Section 19.56.010 Authorization and Findings; 19.56.040 General Provisions; Section 19.56.060 Permit Procedures; Subsection 19.58.080 (C)(4) Enclosures below the BFE; Section 19.58.010 Purpose of Provisions; Section 19.58.020 Definitions; Section 19.58.030 Applicability; Section 19.58.070 Review of Reports-Approval Procedure; Section 19.58.091 Disclosure When a Geographical Hazards Report is Required; Section 19.58.100 Warning and Disclaimer; Section 19.58.120 Conflicting Regulations; 19.69.060 Conditional Uses; Section 19.69.090 Community Structure Plan (CSP; and Section 19.69.100 Project Plan/Subdivision Plat.

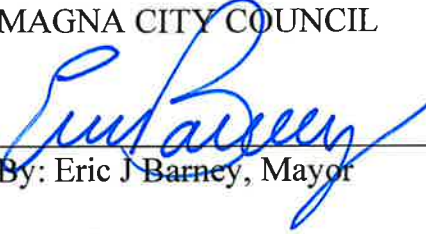
3. Section 19.46.120 Infrastructure and Public Improvements, is hereby revised to read as set forth in Exhibit C.
4. Subsections 19.42.030(A) and 19.42.030(B), are hereby revised to read as set forth in Exhibit D.
5. Subsection 19.48.040(E) Commercial Vehicles, is hereby revised to read as set forth in Exhibit E.
6. Section 19.26.050 Lot Area, Lot Width, Lot Coverage is hereby revised to read as set forth in Exhibit F.
7. Section 19.42.060 Animal Rights, is hereby revised to read as set forth in Exhibit G.
8. Section 19.42.320 Storage and Salvage Yards, is hereby revised to read as set forth in Exhibit H.
9. Section 19.50.200 Tree and Landscape Trimming, is hereby revised to read as set forth in Exhibit I.
10. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
11. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.
12. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code § 10-3-712.

This Ordinance is effective upon posting as required by law.

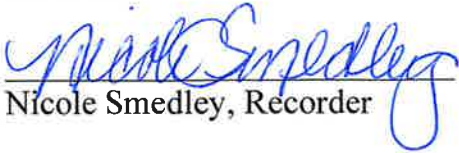
[Execution on following page]

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 10th day of December 2024.

MAGNA CITY COUNCIL


By: Eric J Barney, Mayor

ATTEST


Nicole Smedley, Recorder

APPROVED AS TO FORM:


Paul Ashton, City Attorney

Voting:

Council Member Barney	voting	Aye
Council Member Prokopis	voting	Aye
Council Member Hull	voting	Excused
Council Member Pierce	voting	Aye
Council Member Sudbury	voting	Aye

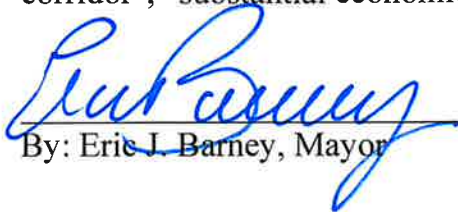
(Complete as Applicable)

Date ordinance summary was published to the Utah Public Notice website per Utah Code §10-3-711: December 11, 2024

Effective date of ordinance: December 10, 2024

SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2024-O-17

On December 10, 2024, the Magna Council enacted Ordinance No. 2024-O-16, amending title 19 to replace Magna Metro Township with Magna or Magna City, as appropriate; clarifying when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah code; clarifying that internal and attached dwelling units may only be constructed on single family lots with 6,000 square feet or greater; amending the definition of commercial vehicles and clarifying the circumstances in which commercial vehicles may be parked in R-1 and R-2 zones; clarifying 1 acre minimum for new development in the a-1 zone; clarifying that a lot must include 20,000 square feet to have "animal rights"; requiring an "all weather surface" in storage and salvage yards; requiring trees and landscaping to be trimmed to 14.5" above the street; and adding or clarifying definitions for "off premise signs", "animal rights", "alteration", "clustering", "expansion", "grading", "natural open space", "net developable acreage", "retaining wall", "site plan", "slope", "stream, "ephemeral", "stream, perennial", "stream corridor", "substantial economic hardship", "undevelopable", and "waiver"


By: Eric J. Barney, Mayor

ATTEST

APPROVED AS TO FORM


Nicole Smedley, Recorder


Paul Ashton, City Attorney

Voting:

Council Member Barney	voting	Aye
Council Member Prokopis	voting	Aye
Council Member Hull	voting	Excused
Council Member Pierce	voting	Aye
Council Member Sudbury	voting	Aye

A complete copy of Ordinance No. 2024-O-17 is available in the office of the Magna Recorder, 2001 South State Street, N2-700, Salt Lake City, Utah.



Council Staff Report

Meeting Body: Magna City Council

Meeting Date: December 10th, 2024

File Number & Project Type:
OAM2024-001293- Magna Zoning Ordinance Revisions

Applicability: Citywide

Planner: Brian Tucker, Planning Manager

Applicant: Magna Staff

Key Findings:

- A code section requiring infrastructure and public improvements to be installed by a developer was inadvertently left out of the adopted Title 19 in 2023,
- The parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances,
- Animal rights were never intended to be allowed on lots with less than 20,000 square feet,

Staff Recommendation: The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

Exhibits:

A. Proposed Ordinance

BACKGROUND/ ISSUES TO CONSIDER

In June 2023, Magna repealed and replaced its Titles 18 and 19, the Subdivision and Zoning ordinances respectively. Staff have been using the ordinance for a year and have noted that a few of the provisions could be amended to clarify what the ordinance is requiring, recalibrate the wording to reflect the legislative intent, and/or respond to requests from the Planning Commission or Council.

PROPOSED ORDINANCE

The proposed ordinance:

Amending Titles 18 and 19 to replace Magna Township with Magna or Magna City as appropriate;

Clarifies when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code;

Clarifies that Internal and Attached Dwelling Units may only be constructed on single family lots with 6,000 square feet or greater;

Amends the definition of Commercial Vehicles and clarifies the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones;

Clarifies that there is a 1 acre minimum for new development in the A-1 zone, which seemed to be the consensus based on the workshop discussions that lead to the Title 19 repeal and replace in June 2023;

Clarifies that a lot must include 20,000 square feet to have "animal rights";

Requires an "all weather surface" in Storage and Salvage Yards;

Requires trees and landscaping to be trimmed to 14.5" above the street; and

Adds or clarifies the definitions for "Off Premise Signs", "Animal Rights", "Alteration", "Clustering", "Expansion", "Grading", "Grading", "Natural Open Space", "Net Developable Acreage", "Retaining Wall", "Site Plan", "Slope", "Stream, Ephemeral", "Stream, Perennial", "Stream Corridor", "Substantial economic hardship", "Undevelopable", and "Waiver".

STAFF RECOMMENDATION

Staff find that:

1. A code section requiring infrastructure and public improvements to be installed by a developer was inadvertently left out of the adopted Title 19 in 2023,
2. These improvement installation requirements are subject to the limitations on exactions in the Utah Code,
3. The legislative intent in adopting an ADU ordinance was that lots with less than 6,000 square feet would not be allowed to build ADU's,
4. The parking of commercial vehicles in residential areas is not desirable, but is acceptable in limited circumstances,
5. The workshop consensus for a 1 acre lot area requirement in the A-1 zone needed to be clarified to reflect the legislative intent,
6. Animal rights were never intended to be allowed on lots with less than 20,000 square feet,
7. An "all weather surface" is necessary to ensure adequate storm water pollution prevention,
8. Commercial vehicles can often exceed 13.5' in height, but rarely exceed 14.5' in height,
9. Clear definitions of the words and phrases used in titles 18 and 19 are essential to administering those titles.

Given the above findings, staff recommend the following action:

The Magna Planning Commission and Planning Staff recommend that the Council approve the attached ordinance.

Magna Ordinance Clean Up, Fall 2024

Remove References to Metro Township, Replacing with Magna City or Magna, as appropriate in Titles 18 and 19.

Clarify when infrastructure and public improvements must be installed by a developer subject to the limitations on exactions in Utah Code.

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 Magna's Master Transportation Plan.

A. Off-Site Improvements Required.

1. Off-Site Improvements. Subject to the essential link and rough proportionality tests for exactions in Utah Code Section 10-9a-508, an applicant for a building or land use permit for a dwelling, or a commercial or industrial use shall provide curb, gutter, sidewalk and urban hydrology improvements along the entire property line which abuts any public road or street in cases where it does not exist at municipal standards.
2. Access to public right of ways. New and reconstructed vehicular entrances to the property shall be provided as required in Section 14.12.110. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the Municipal Engineering Division.
3. Exceptions.
 1. The planning commission may grant exception to the installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.
 2. The planning commission may grant exception to the installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare is preserved.
 3. The planning commission may require the applicant to sign a delay agreement binding the current and future property owner to pay for their share of any required improvements that are installed by Magna City within 10 years of the waiver.

B. 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.

C. Private Streets.

1. 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; and
 - (iii) For residential subdivisions if the street is equally shared between properties. Such streets shall have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

D. Ingress and Egress Requirements. No building with human occupiable space may 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.

E. 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 may 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 (40') 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.

F. 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.

G. 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.

H. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places, and Chapter 19.48 Parking and Mobility.

I. 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.

Clarify that Internal and Attached Dwelling Units may only be constructed in single family lots with 6,000 square feet or greater.

19.42.030 Accessory Dwelling Unit

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. IADU's and AADU's may only be constructed on lots with an area of 6,000 square feet or greater.
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 8,000 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 as part of a development agreement.
3. In no case may 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.

Amend the definition of Commercial Vehicles and clarify the circumstances in which Commercial Vehicles may be parked in R-1 and R-2 zones

19.04.020 General Definitions

A. General terms used in Title 19 are defined as follows:

80. "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 features;
- d. Vehicles exceeding Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification with more than two axles; or
- e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

19.48.040 Standards for Parking In R-1 And R-2 Residential Zones

- 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. Subject to Subsection 4, One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. ~~The commercial vehicle may not exceed Class 5 (two (2)-axle, six (6)-tire single unit trucks) in Federal Highway Administration vehicle classification.~~
 3. Subject to Subsection 4, One commercial vehicle may be parked in the front yard or side yard of a dwelling in the R-1 or R-2 Zones upon issuance of a permit by Planning and Development Services, as long as all of the following criteria are met:
 - a. No other commercial vehicle is parked or stored on the property;
 - b. The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;
 - c. The commercial vehicle is parked on a paved surface; and
 - d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; ~~and.~~
 4. e. Prohibited Commercial Vehicles. The following commercial vehicles are prohibited from being parked in an R-1 or R-2 Zone except as provided for in Subsection 1:
 - a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
 - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles; and

~~c. The commercial vehicles does not exceeding~~ Class 5 (two-axle, six tire single unit trucks) in the Federal Highway Administration vehicle category classification.

Clarify 1 acre minimum for new development in the A-1 zone.

19.26.050 Lot Area, Lot Width, Lot Coverage

A. 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 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. Lots created subsequent to the adoption of this ordinance must include one (1) acre and have a minimum lot width of one hundred (100) feet.

Clarify that a lot must include 20,000 square feet to have "animal rights".

19.42.060 - Animal Rights.

Animal Rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

A. Parcels containing fewer than twenty thousand square feet (20,000 sq. ft.) are prohibited from keeping animals under the animal rights provisions in this Section.

A.B. When a parcel with animal rights contains at least twenty thousand square feet (20,000 sq. ft.) 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.C. 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.D. 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.E. Applicant shall submit a manure management plan, which shall address mitigation of stormwater runoff, odor, and flies, and shall include the following:

1. Clean-up of manure and off-site deposit of the same in warm -weather seasons. Manure storage or composting is allowed in accordance with Salt Lake County Health Department General Sanitation Regulation regarding composting.
2. Siting of newly constructed stalls to protect surface water, drainageways, wellheads, streams and irrigation ditches.
3. Bedding system such as stall mats, hay, wood shaving, and/or wood pellets.

E.F. Provisions in the FR or FA zones related to horses shall govern over this section and its associated definitions. A horse shall be considered a large animal, but the number of horses allowed in the FR or FA zones shall not be increased or diminished by this section or its associated definitions.

Require an "all weather surface" in Storage and Salvage Yards.

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 may 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 may not 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 may 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 may be stored within the outdoor storage areas. Permitted salvage yards are the only allowable storage areas for inoperable vehicles or equipment.

E. 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.

- F. 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.
- G. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.
- H. 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').
- I. 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 submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- J. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in ~~a salvage~~~~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 may be applied as a dust control method, or otherwise allowed to be discharged upon the ground.
- K. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- L. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

Require trees and landscaping to be trimmed to 14.5" above the street.

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 ~~fourteen~~~~thirteen~~ and one-half feet (~~14.5~~~~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 Magna Municipal Code.

Adding or Clarifying Definitions in Chapter 19.04.

19.04.020 General Definitions

"Alteration" means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls.

"Animal Rights" means the keeping of livestock and fowl on lots and parcels containing at least twenty thousand (20,000) square feet. The keeping of livestock and fowl is, limited to one animal unit and their seasonal offspring for each ten (10,000) thousand square feet. Household pets are not subject to these limits.

"Clustering" means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

"Expansion" means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

"Grading" means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

"Net developable acreage" is defined as land with all of the following:

- a. An average slope less than thirty percent; and
- b. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. See Chapter 19.56 (Floodplain Hazard Regulations) and Chapter 19.58 (Geological Hazard Regulations).

"Site plan" means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility easements and services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

"Slope" means the level of inclination from the horizontal, determined by dividing, in fifty foot intervals, the average horizontal run of the slope into the average vertical rise of the same slope and converting the resulting figure into a percentage value.

"Stream, Ephemeral" means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")

"Stream, Perennial" means those streams, excluding ephemeral streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, Ephemeral.")

"Stream corridor" means the corridor defined by a perennial stream's ordinary high water mark.

"Substantial economic hardship" means a denial of all reasonable economic use of a property.

"Undevelopable" means strict application of this title prevents the minimum development necessary to establish a permitted or conditional use in the underlying zone on the property.

"Waiver" means permission to depart from the requirements of an Ordinance with respect to the application of a specific regulation.

19.04.030 Site Standard Definitions

"Natural open space" means land in a predominantly open and undeveloped condition that is suitable for any of the following: natural areas; wildlife and native plant habitat; important wetlands or watershed lands; stream corridors; passive, low-impact activities; little or no land disturbance; or trails for non-motorized activities.

"Retaining wall" means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

19.04.060 Sign Definitions

"Off-Premise Sign" means a sign identifying or advertising a business, person, activity, goods, products or service, which is not related to, or available at the premises where the sign is located.