

**MAGNA CITY
ORDINANCE NO. 2024-O-11**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE MAGNA
MUNICIPAL CODE, SUBSECTION 19.36.030 AND TABLE 19.36.030. USES TO
ALLOW DRIVE THRU AND DRIVE-UP FACILITIES IN THE DH MIXED USE ZONE
UNDER CERTAIN CONDITIONS**

RECITALS

WHEREAS, Magna City is a municipality and has authority to regulate land use pursuant to Utah Code Ann. Subsection 10-9a-102(2); and

WHEREAS, Drive-Thru and Drive Up Facilities were not allowed in the DH Mixed Use Zone when it was adopted; and

WHEREAS, potential incompatible aspects of Drive-Thru and Drive Up Facilities may include obstruction of traffic, direct access to Main Street that renders designated parking spaces unusable, additional vehicle only uses in a district designed to be pedestrian friendly, and potential impacts on neighboring property in a mixed use environment; and

WHEREAS, if those potential impacts can be mitigated through reasonable conditions and standards, Drive-Thru and Drive Up Facilities may be feasible in a mixed use environment; and

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

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Subsection 19.36.030 and Table 19.36.030 of the Magna City Code is amended to read as shown in **Attachment A** to this Ordinance:
2. **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.
3. **Effective Date**. This Ordinance will take effect immediately upon posting and publication as required by law.

[Execution on following page]

Attachment A:

Proposed Ordinance Allowing Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone

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 19.36.030, 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, subject to Subsection 19.42.170. ^F	P	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:

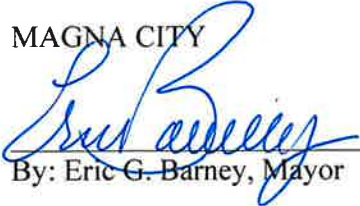
1. In the DH and CMU Mixed Use Zones, residential uses are limited as follows.
 - a. Units above a business: Residential dwelling units on the second story or above are permitted.
 - b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
 - c. Units attached to a business on a multiple frontage lot: In no case may 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.

F. In addition to the specific use standards for Drive-Thru and Drive Up Facilities in Subsection 19.42.170, said facilities in the Downtown Historic District (DH) Mixed Use zone are subject to the following additional standards:

1. No drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction may be conducted on a street facing side of a building,
2. No entrance or exit for a drive-thru or drive up facility may directly access Main Street. All access must occur from a side street, and
3. A public alley may be used to access stacking lanes. The alley may not be blocked by the stacking of vehicles and the alley may not count as stacking spaces for the purposes of meeting required stacking capacity.
4. The Planning Commission may allow for variations to the stacking lane and capacity requirements In Section 19.48.100 of this code when it finds that site constraints due to lot width or area make compliance impossible. The approved drive-thru or drive up facility must be designed to ensure that 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.

ADOPTED AND APPROVED at a duly called meeting of the Magna City Council on this 27th Day of August 2024.

MAGNA CITY


By: Eric G. Barney, Mayor

ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

Voting:

Council Member Barney voting *aye*
Council Member Prokopis voting *aye*
Council Member Hull voting *aye*
Council Member Sudbury voting *aye*
Council Member Pierce voting *aye*

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code

§10-3-711: *August 29, 2024*

Effective date of ordinance:

August 29, 2024