

**MAGNA CITY
ORDINANCE NO. 2024-O-12**

**AN ORDINANCE OF THE MAGNA CITY COUNCIL AMENDING THE MAGNA
MUNICIPAL CODE, SECTIONS 19.42.170 AND 19.48.100 TO ADDRESS
WEAKNESSES IN THE GENERAL REGULATIONS CONCERNING DRIVE-THRU
AND DRIVE UP FACILITIES**

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 are allowed in commercial and mixed use districts subject to the use standards in Section 19.42.170 of Magna City Code; and

WHEREAS, Stacking/queuing standards for Drive-Thru and Drive Up Facilities are subject to the standards in Section 19.48.100 of Magna City Code; and

WHEREAS, the existing standards do not adequately reduce noise, lighting and visual impacts to residential uses abutting Drive-Thru and Drive Up Facilities; and

WHEREAS, the existing standards do not adequately regulate the location of stacking/queuing areas associated with Drive-Thru and Drive Up Facilities; and

WHEREAS, the existing standards lacked context to adequately apply a standard requiring a minimum distance between curb cuts and entrances to stacking/queuing areas; and

WHEREAS, the existing standards lacked the ability for the land use authority to adjust the requirements when site constraints made strict compliance impossible; and

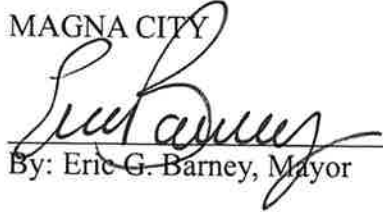
WHEREAS, the Council deems it necessary to amend its ordinances accordingly, and for the protection and preservation of the public health, safety, and general welfare.

BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Section 19.42.170 and 19.48.100 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.

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

SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2024-O-12

On August 27, 2024, the Magna City Council Enacted Ordinance No. 2024-O-12, amending the Magna Municipal Code, Sections 19.42.170 and 19.48.100 to address weaknesses in the general regulations concerning drive-thru and drive-up facilities.

MAGNA CITY COUNCIL


By: Eric Barney, Mayor






ATTEST

APPROVED AS TO FORM:


Nicole Smedley, Clerk/Recorder


Paul Ashton, City Attorney

Voting:

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

A complete copy of Ordinance No. 2024-O-12 is available in the office of the Magna City Clerk, 2001 South State Street, N3-600, Salt Lake City, Utah.

Attachment A:

General Drive-Thru and Drive Up Facilities Amendments

19.42.170 - Drive-Thru and Drive Up Facilities.

- A. Purpose: The regulations of this section are intended to allow for drive-thru 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 square feet (1,000 sq. ft.), 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-thru 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. Adjacent To Residentially Zoned Property: Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building, a masonry wall in accordance with Subsection 19.50.050 (B), or by a major street.
- E. Capacity and design standards for drive-thru and drive-up facilities are found in Section 19.48.100.

19.48.100 - Vehicle Stacking Standards.

- A. Drive-Thru and Drive Up Facility, Stacking Lane Design 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. To prevent stacking lanes from blocking traffic on adjacent streets, 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. Stacking lanes may not block required back out areas for adjacent drive aisles and parking spaces unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
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. Stacking lanes may not wrap around in front of the main building entrance doors unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
6. Stacking lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
7. All drive-thru queuing lanes providing greater than nine (9) spaces shall also provide a separate escape lane.

B. Required Stacking Capacity: These standards ensure that adequate stacking for certain land uses is provided.

1. A drive-thru automated teller machine (ATM) shall provide no fewer than two (2) stacking spaces before the teller machine.
2. A car or light truck wash shall provide no fewer than three (3) stacking spaces per lane before the wash bay entrance.
3. A laundry or dry-cleaning establishment with a drive thru window shall provide no fewer than two (2) stacking spaces per lane before the drive-up window.
4. A financial institution with teller lanes shall provide no fewer than three (3) stacking spaces per lane before the teller or drive-up window.
5. A pharmacy with a drive thru window shall provide no fewer than three (3) stacking spaces per lane before the drive-up window.
6. A restaurant with drive thru shall provide no fewer than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane shall provide no fewer 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.
7. 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.

8. 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.