



Murray City Municipal Council

Notice of Meeting

Friday, April 19, 2019

Holiday Inn Express

5429 South Commerce Drive, Murray, Utah 84107

City Council Workshop

Agenda

10:00 a.m. Conference Room


1. Welcome/Introductions Dave Nicponski, Council Chair
2. Discussion Item Melinda Greenwood

Murray City Center District Ordinance
Murray City Municipal Code Chapter 17.170
3. Adjournment



On Wednesday, April 17, 2019, at 11:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.

Janet M. Lopez
Council Executive Director
Murray City Municipal Council

Properties Listed in MCCD Zone Title 17.170.010

	Address	Year Built	Ownership	National Register	Local Name	Current Use	Photo	Parcel #
1	4836 S State	1900	DAR Enterprises		Murray Mercantile	Upholstery (closed)		22-07-105-007
2	4838 S State	1920	DAR Enterprises		Harker Building	West City Tattoos		22-07-105-007
3	4842 S State	1920	DAR Enterprises		Harker Building	Red Rock Financial		22-07-105-007
4	4844 S State	1920	DAR Enterprises		Harker Building	Empty		22-07-105-007
5	4841 S State	1898	Bruce Parsons		Warenski Home	Jeweled Maidens		22-07-106-006

Properties Listed in MCCD Zone Title 17.170.010

	Address	Year Built	Ownership	National Register	Local Name	Current Use	Photo	Parcel #
6	4859 S State	1930	Iris Building Historic Condo (Mike Todd)	Individual	Duvall Building	Desert Star Theatre		22-07-112-008
7	4861 S State	1930	Iris Building Historic Condo (Mike Todd)	Individual	Duvall Building	Desert Star Theatre	same as above	22-07-112-008 (common ground)
8	4863 S State	1930	Iris Building Historic Condo (Mike Todd)	Individual	Duvall Building	Desert Star Theatre	same as above	22-07-112-008
9	4871 S State	1915	Affordable Housing & Alliance Lc &Mike Todd Const		Warenski Building	H&R Block		22-07-112-001 (4861 S) #1; 22-07-112-002 (4861 S) #2
10	4873 S State	1915	Affordable Housing & Alliance Lc &Mike Todd Const		Warenski Building	Law Offices	same as above	22-07-112-003 (4861 S #3); 22-07-112-004 (4861 S #4)
11	4877 S State	1915	Affordable Housing & Alliance Lc &Mike Todd Const		Warenski Building	Army Career Center		22-07-112-006 (4861 S) #5; 22-07-112-007 (4861 S) #6




Properties Listed in MCCD Zone Title 17.170.010

	Address	Year Built	Ownership	National Register	Local Name	Current Use	Photo	Parcel #
12	4881 S State 4883 S State	1903	RSB Trust & PUJ Cueni Trust		E Larson Block	Crows Pitcher Bar		22-07-106-029 (4881 S & 4883 S)
13	4889 S State	1903	Danny Dong & Gu Gao		Carlson Block	Cesars Barber Shop		22-07-106-009
14	4891 (listed as 4901) **address not specifcially listed in code	1904	Terry & Tina Siebert		MurrayFire Station/Hall	G T Welding		22-07-106-010
15	4901 S State	1960	4901 LLC		was referenced as <u>Murray Fire Station/Hall</u> but is not	Strip Mall		22-07-106-011
16	4959 S State	1938	City	Individual	Murray Theatre	Murray Theatre		22-07-157-011




Properties Listed in M CCD Zone Title 17.170.010

	Address	Year Built	Ownership	National Register	Local Name	Current Use	Photo	Parcel #
17	4961 S State	1938	City	Individual	Murray Theatre	Murray Theatre		22-07-157-011
18	4963 S State	1938	City	Individual	Murray Theatre	Murray Theatre	same as above	22-07-157-011
19	4973 S State	1915	North Light Productions		1st Iris Theatre/Murray Power	Clever Octopus, Suite 200		22-07-157-013
20	166 E Vine	1916	Lambson Property Holdings	Individual	Carnegie Library	Empty		22-07-157-042
21	184 E Vine (166 East in city code)	1907	Lambson Property Holdings	Individual	Murray 1st Ward	Empty		22-07-157-029
22	186 E Vine	1930	Lambson Property Holdings		Murray 1st Ward- east addition	Empty		22-07-157-029

Properties Listed in M CCD Zone Title 17.170.010

	Address	Year Built	Ownership	National Register	Local Name	Current Use	Photo	Parcel #
23	190 E Vine	1906	HCVI Property, LLC		Duplex	Duplex (4 units total)		22-07-157-030
24	192 E Vine	1906	HCVI Property, LLC		Duplex	Duplex (4 units total)	same as above	22-07-157-030
25	5000 S Jones Court	1906	Sixmax Holdings, LLC		Duplex	Duplex		22-07-157-036
26	5002 S Jones Court	1906	Sixmax Holdings, LLC		Duplex	Duplex	same as above	22-07-157-036
27	5004 S Jones Court	1906	Sixmax Holdings, LLC		Duplex	Duplex	same as above	22-07-157-032
28	5006 S Jones Court	1906	Sixmax Holdings, LLC		Duplex	Duplex	same as above	22-07-157-032
29	4843 S Polar	1905	RDA		Townsend Home	NeighborWorks		22-07-105-004

Properties Listed in MCCD Zone Title 17.170.010

	Address	Year Built	Ownership	National Register	Local Name	Current Use	Photo	Parcel #
30	4872 S Poplar	1899	City	Individual	Cahoon Mansion	Empty		22-07-104-020
31	4886 S Poplar	1926	RDA		Murray Baptist Chapel	Empty		22-07-108-003
32	120 East 4800 South	1927	Bruce Parsons	Individual	Sheranian Clinic Hospital	Massage		22-07-106-012

Chapter 2.41

2.41.010: CREATED:

The History Advisory Board is created. It shall consist of seven (7) voting members, all of whom shall be appointed by the Mayor with the advice and consent of the City Council. Five (5) of the members shall be residents of the City; and the remaining two (2) members shall be at large members and may reside within or outside the City. Board members should have interest, competence or knowledge in historic preservation. If possible, at least two (2) board members shall be professionals, as defined by national park service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history. (Ord. 16-17)

2.41.020: MEMBERSHIP TERMS AND VACANCIES:

All board members shall be appointed to overlapping terms of three (3) years. A member may not serve more than two (2) consecutive terms. For purposes of this section, "term" means board service for eighteen (18) or more months. Members may be removed by the Mayor. Vacancies occurring due to expiration of terms of appointment, death, disability, resignation or removal by the Mayor, shall be filled by appointment by the Mayor with the advice and consent of the City Council. (Ord. 16-17)

2.41.030: ORGANIZATION AND MEETING REQUIREMENT:

The board shall select a chair and shall adopt rules for the selection of other officers; the time, place and manner of calling of meetings; and such other rules governing the conduct of the board's business as it deems necessary to fulfill its purposes as provided in this chapter. The board shall meet at least quarterly. (Ord. 16-17)

2.41.040: PURPOSE:

The purpose of the Murray City History Advisory Board is to advise the Mayor and the City Council regarding City history and historic preservation. The board will identify, document, preserve, and interpret the City's historic resources to promote awareness, understanding, appreciation, and preservation of the City's heritage and foster community identity and civic pride. To carry out this purpose, the board is empowered to:

- A. Advise officials of the City and other governmental entities regarding the identification and protection of local historic and archaeological resources.
- B. Encourage historic preservation by maintaining a local register and inventory of historic structures and preparing nominations to the national register.
- C. Oversee the City museum and its collections.
- D. Encourage the education of the public regarding historic preservation and City history by sponsoring heritage programming for the community, such as history fairs, walking tours, and publications. (Ord. 16-17)

2.41.050: MEMBERS TO SERVE WITHOUT COMPENSATION:

Members are not entitled to compensation for service on the board. (Ord. 16-17)

2.41.060: RELATIONSHIP TO STATE AND NATIONAL ENTITIES:

- A. The board shall review and comment to the State Historic Preservation Officer regarding all proposed national registry nominations of properties in the City. If the board considers a national register of historic places nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the board, the board shall seek expert advice in that subject area before making its final decision.
- B. The board shall encourage the enforcement of all state laws relating to historic preservation. These include, but are not limited to, Utah Code section 10-9a-503; Utah Code section 9-8-305 et seq., regarding the protection of Utah antiquities; and Utah Code section 9-8-404, regarding notification of the state historic preservation office of any known proposed action which will destroy or affect a site, building or object owned by the state, or which is included in or eligible for inclusion in the national or state register of historic places. (Ord. 16-17)

2.41.070: HISTORIC SITES INVENTORY AND REGISTER:

The purpose of the Murray City Historic Sites Inventory and Register is to increase public awareness and understanding of historic resources associated with the history of the City including buildings, structures, sites and districts and to promote the preservation and rehabilitation of those resources.

A. Definitions: As used in this section:

HISTORIC INTEGRITY: The retention of the significant character defining features of a site or structure as it existed in the historic period.

HISTORIC PERIOD: Fifty (50) years or older.

- B. Survey And Inventory Historic Resources: The board shall conduct or obtain a survey of the historic, architectural and archaeological resources in the City. The purpose of the inventory is to identify candidates for the register, document historic structures and sites, and inform the public of historic resources.

The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites, as adopted by the Division of State History, State of Utah. The survey and inventory documents shall be maintained by the City and shall be open to public inspection. The survey shall be updated at least every ten (10) years. This inventory shall include properties within the boundaries of the City that are from the historic period. Each site listed in the inventory will be classified as an A, B, or C site according to the following criteria:

1. Historic A sites: Any recognized historic district, building, structure, object, or site built within the historic period which maintains its historic integrity and which exhibits only minor alterations or additions; and which embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represents a significant and distinguishable entity whose components may lack individual distinction; or which is associated with events or the lives of persons significant to the broad patterns of the City's history as a community.
2. Historic B sites: Any recognized historic district, building, structure, object, or site built within the historic period which has had substantial alterations or additions yet its overall historic integrity is retained; or demonstrates some of the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represents a significant and distinguishable entity whose components may lack individual distinction;

or which is associated with minor events or the lives or persons associated with the broad patterns of the City's history as a community.

3. Historic C sites: Any recognized historic district, building, structure, object, or site built during the historic period which no longer retains its historic integrity because of major alterations or additions; and which has no known association with significant or minor events or the lives of persons associated with the broad patterns of the City's history as a community.

C. Historic Sites Register:

1. Established: The Murray City History Advisory Board shall compile a Historic Sites Register of significant buildings, objects, structures, sites, or districts. The purpose of the register is to educate the community about the City's past and its historic resources, encourage preservation of historic structures and sites, and recognize owners of historic properties for their contributions to protecting and preserving the community's heritage. Buildings within the Murray City Center District (MCCD), as defined in [title 17, chapter 17.170](#) of this Code may be recorded on the register but will be required to follow the MCCD design review process.

2. Nomination Process:

- a. Any person, organization, or government agency may nominate a historic site or district for inclusion in the Historic Sites Register. To qualify for the register, the site or district must be eligible for an A or B designation in the inventory and be of significant architectural or historical value.
- b. Any nomination must include a completed application provided by the board.
- c. The board shall review properly submitted nominations at its next scheduled meeting. The board shall notify the nominating party and owner of the site of the time and place of this meeting.
- d. Owners of nominated sites may choose not to be included on the register by submitting a notarized written objection to the board or by attending the scheduled meeting to review the nomination and raising the objection then.
- e. The board may designate sites or districts which qualify under the established criteria to the Murray City Historic Sites Inventory and Register.
- f. Owners of officially designated historic register sites may obtain a historic site certificate from the board.

D. Alterations And Demolitions:

1. Except for those buildings within the MCCD, applicants requesting land use approval, building permit, or a demolition permit for buildings or sites which qualify for the inventory or are listed on the Historic Sites Register must complete a form provided by the board which describes the proposed action including demolition or alterations of the following historical features of designated historic sites: exterior finish materials, window dimension and placement, rooflines, and additions or removals which change the existing building footprint.

Individuals must submit with their request written explanation of the project and documentation including exterior photographs of the site. For demolition requests involving buildings on the register, exterior and interior measurements of the structure are recommended if possible. Documentation for buildings on the register including photographs shall be catalogued and preserved by the City.

2. The board and City staff may suggest alternatives to demolition and may offer or provide information and advice regarding major exterior alterations.
- a. Historic Buildings Not Designated On Register: City staff shall review requests for buildings which are fifty (50) years or older which are not designated on the register within five (5) working days. City staff shall submit a completed form with recommended alternatives to alterations or demolition, if any, to the City's Engineering Services and Community and Economic Development Divisions verifying that City staff review is complete.
- b. Historic Buildings Designated On Register: The board shall review applications for buildings on the register within twenty five (25) working days. The board shall submit a completed form with recommended alternatives to alterations or demolition, if any, to the City Engineering Services and Community and Economic Development Divisions verifying that board review is complete. If the City staff or board fails to take any action after the review period has ended, City staff or board review will be deemed complete and the City shall proceed with the standard application process.
- E. Removal From Register: Historic site inventory classification may be reviewed and changed by the board upon changes which alter the present historical characteristics of the site. Sites which no longer meet the criteria for the register may be removed from the Historic Sites Inventory and Register after review and consideration by the board. An owner of a historic site listed on the register may have the site removed by filing with the board a written request for removal.
- F. Relationship Of Murray City Center District (MCCD) To Historic Sites Register: Buildings within the MCCD may be recorded on the register individually or as a district; but shall follow all policies as outlined in [title 17, chapter 17.170](#) of this Code regarding alterations and demolition.
- G. Violation And Penalty: It is unlawful for any person to intentionally demolish or make exterior alterations to sites designated on the local register without first obtaining a review from the advisory board. A violation of this section is a class C misdemeanor. (Ord. 16-17)

17.170.070: HISTORIC PRESERVATION:

The city has identified certain buildings of special historical significance that should be preserved. The following standards designate the buildings the city has identified as historically significant and the process for making alterations to historically significant buildings:

A. Designation Process: Significant historic buildings are identified based on meeting two (2) or more of the following criteria:

1. Has major historical significance associated with significant events, activities, or persons in the history and development of Murray;
2. Has major architectural significance by reflecting a particular architectural style or time period at least fifty (50) years or older and retains its character defining elements;
3. Any alterations that have compromised its character defining features can reasonably be reversed in whole or part.

The following properties are deemed historically significant and will be preserved and must meet the preservation requirements outlined below: 4836, 4838, 4842, 4844, 4841, 4859, 4861, 4863, 4871, 4873, 4877, 4881, 4883, 4889, 4901, 4959, 4961, 4963, 4973 South State Street; 166, 184, 186, 190, 192 East Vine Street; 4843, 4872, 4886 South Poplar; 120 East 4800 South; and 5000, 5002, 5004, 5006 South Jones Court.

B. Alterations: Alterations of significant historic structures shall be reviewed through the certificate of appropriateness process outlined above. Changes will be reviewed for general compliance with the MCCD design guidelines including the additional guidelines for significant historic properties found in this title and the design guidelines. Owners of historic buildings may request exemptions from design standards or guidelines of the MCCD which would alter the historic appearance of the building.

C. Relocation: Relocation of an existing significant historic building is allowed and is subject to approval of a certificate of appropriateness including review by the design review committee and approval by the planning commission. Details on the site for the relocation and technical reports will be required to ensure the building preserves its historical character.

D. Demolition: An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated significant historic building shall be discouraged. The planning commission shall not issue a certificate of appropriateness for demolition of a designated significant historic building within the MCCD except under at least one of the following circumstances:

1. The owner of the property would suffer extreme hardship or be permanently deprived of all economic use or return by virtue of the denial; or
2. The value of owner's property would be substantially diminished; or
3. A city building official has verified in writing that the building is an imminent hazard to public safety or health and repairs are impractical.

E. Exception Process: An exception may be considered by the planning commission to allow demolition of a significant building if a development proposal is presented meeting the following criteria:

1. Condition Of Building: The applicant has demonstrated to the planning commission that incorporation of the significant historic building in the proposed development is impractical based on the condition of the existing building, structural incompatibility or other similar constraints;
2. Adherence: A new proposal is presented that demonstrates adherence to the goals and objectives of the M CCD;
3. Compliance: The proposal must demonstrate compliance with ordinance standards and design guidelines;
4. Monument/Inscription: If demolition is granted, developer must implement a monument and narrative inscription describing the history of the building or a public arts project approved by the history advisory board;
5. Development Agreement: A development agreement must be executed between the city and property owner regarding the project. The development agreement shall be approved by the city council prior to the issuance of the certificate of appropriateness and shall include the following elements:
 - a. There must be immediacy of the project and a development time line must be submitted with a twenty four (24) month project completion period;
 - b. If demolition is approved, the applicant/property owner must be willing to provide a performance security and financial guarantee equal to one hundred twenty five percent (125%) of the estimated cost of the project to ensure project completion if demolition of the historic building is granted;
 - c. Demolition shall not be approved until a building permit has been issued for the proposed development and evidence of adequate financing has been submitted to the city;
 - d. Proposed projected value of the project must be at least five (5) times the current assessed valuation of the property;
 - e. Project must include all commercial or a mix of residential and commercial equal to square footage amounts of one hundred percent (100%) ground floor commercial and an additional twenty five percent (25%) commercial in upper level floors;
 - f. Demonstration of the proposed number of jobs created and quality of jobs (including wage and benefit projections) must be provided as part of the development proposal;
 - g. Public benefit must be substantiated.
6. Demolition Request Denial: The planning commission shall make a determination after all of these criteria have been addressed by the applicant and evaluated through the design review process. If the planning commission determines that any of the criteria are not met, they shall deny a requested demolition.

F. Land Use, Interior Arrangement, Maintenance, Emergency Repairs Not Considered:

1. Nothing herein shall be construed to prevent a property owner from making any use of his or her property not prohibited by other statutes, ordinances or regulations.
2. The committee and commission shall have no jurisdiction over interior arrangement and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of a historic structure.
3. The jurisdiction of the committee and commission shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned buildings designated as historically significant buildings.
4. The ordinary maintenance or repair of any exterior architectural feature of a building in areas which does not involve replacing the feature or a change in design, material, color or outer appearance thereof, shall not be prevented by the requirements of this chapter.
5. Nothing in this chapter shall be construed to prevent:
 - a. The maintenance; or
 - b. In the event of an emergency, the immediate restoration of any existing aboveground utility structure without approval by the commission.
6. The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the city building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition, shall not be prevented by the requirements of this chapter. (Ord. 11-09)



REDEVELOPMENT AGENCY OF MURRAY CITY

March 19, 2019

Downtown District Ordinance History

- Downtown Revitalization Program
 - *Late 80's – 90's*
- Downtown Historic Overlay District (DHOD)
 - *2005*
- Murray City Center District (MCCD)
 - *2011*
- Driven by philosophy of preserving historic structures

MCCD Zone Impediments

Historic Preservation

Lack of Unified Vision / Goals

Ground floor commercial requirement

Density / Height

Parking

State Street

Impacts of MCCD Ordinance

- Preserves historic buildings above all else
- Significantly limits
 - *What can be done with certain buildings*
 - *Investors to those who can front-fund projects*
 - *Interested parties*

March 8 Historic Building Discussion

SHPO 404 Process Applies

- *Federal funding is involved*
- *The City owns the building*
- *The City spends money on the building*

The only regulatory mechanism in place is the Historic Preservation section of the MCCD.

Historic Buildings on Registry

The only regulatory mechanism in place is the Historic Preservation section of the MCCD.

The following properties are deemed historically significant and will be preserved and must meet the preservation requirements outlined below: 4836, 4838, 4842, 4844, 4841, 4859, 4861, 4863, 4871, 4873, 4877, 4881, 4883, 4889, 4901, 4959, 4961, 4963, 4973 South State Street and 166, 184, 186, 190, 192 East Vine Street 4843, 4872, 4886 South Poplar, 120 East 4800 South, and 5000, 5002, 5004, 5006 South Jones Court.

Discussion Questions

Are you willing to wait for development to happen under the current restrictions?

Should we preserve these buildings above all else?

Are the currently listed buildings the ones you want to preserve?

Should we dictate which buildings are preserved?

What do you want to do with the buildings we currently own?

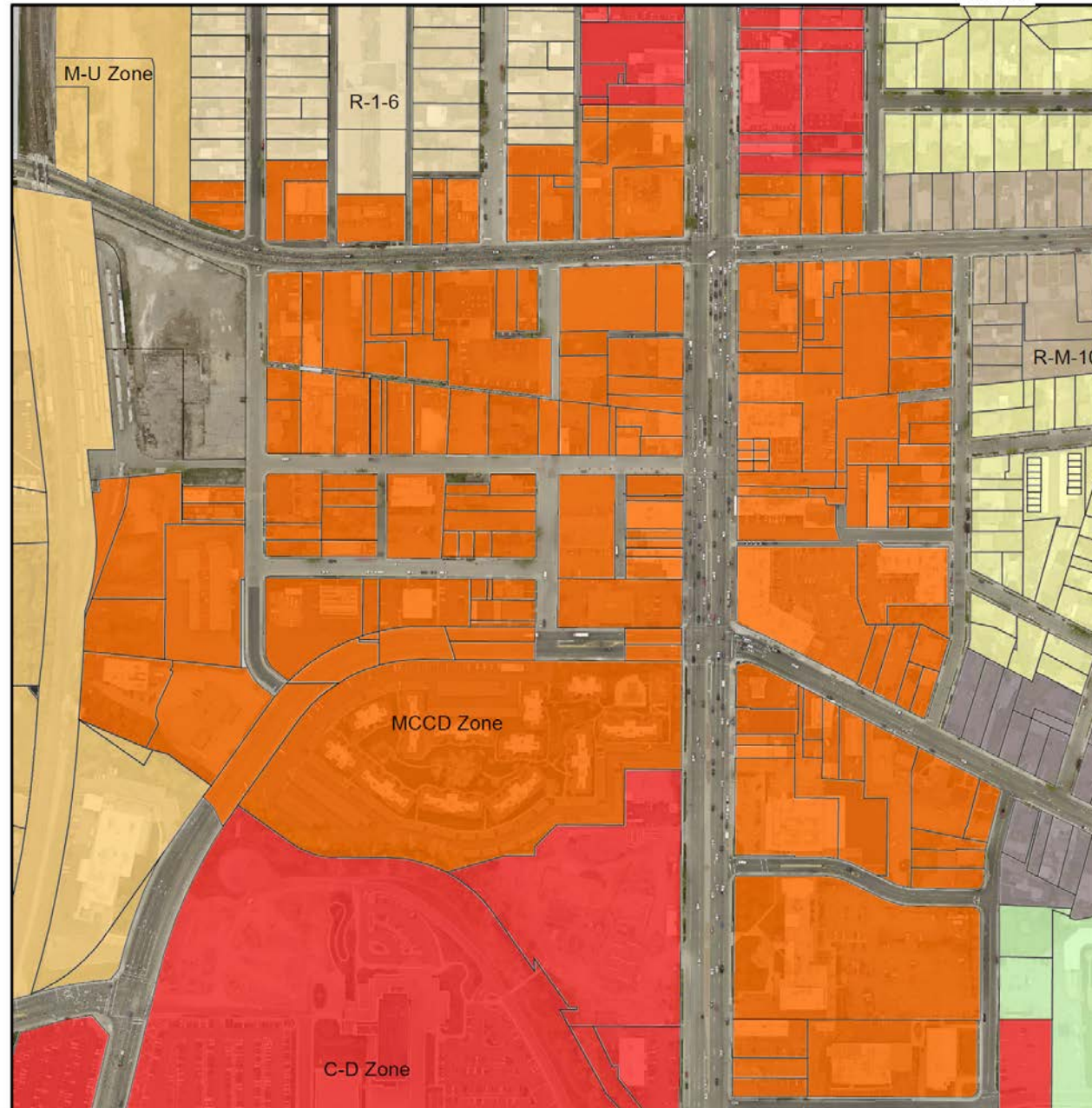
What is your definition of historic preservation?

Is preserving buildings the only way to preserve history?

Do you want to restrict private property rights?



MCCD Zone





TO: RDA Board

THROUGH: Mayor Blair Camp, RDA Executive Director

FROM: Melinda Greenwood, RDA Deputy Executive Director

DATE: March 18, 2019

RE: Summary of March 8, 2019 Historic Downtown Walk

On Friday, March 8, 2019, a meeting was held at the Community & Economic Development Offices where the topic of historic buildings and the downtown area was discussed. Initially planned as a walking meeting, the inclement weather didn't allow for an outdoor meeting.

Staff from the Planning Division, Cultural Arts and the Council's Office were present, as well as Council Members Jim Brass and Dale Cox. Representatives from Utah State Historic Preservation Office (SHPO), UDOT, Preservation Utah, Preserve Murray and Gloria Hayley Design were also present. An attendance list is provided at the conclusion of this memo.

A variety of topics were discussed, and Councilmember Brass provided a history of the downtown area, which included an update on the new fire station and city hall, as well as the need to get currently city-owned properties developed and back on the property tax roll register. It was also mentioned the city has been in informal conversations with a developer who is interested in the property commonly referred to as Block 1.

Representatives from SHPO advised the group of conditions for which a "404" process must be followed should a building on the national or local historic list be altered. This process can be initiated on-line and involves an assessment of the proposed changes to the building to determine if there would be an adverse effect to the history. This process can be done on-line. The Utah State Code which details the process is attached. If a building is on the national or local register, this process must be followed if:

- Federal monies are to be spent on a project impacting a historic building
- The City owns the building which will be impacted
- The City spends any public funding on a building which will be impacted

Should a building owned by a private owner be on a national or local registry list, the state does not require any regulations to be followed. As such, the only regulatory agency on historic buildings which are privately owned is Murray City. The City currently has an ordinance regulating these properties

(Historic Preservation Section 17.170.070). This ordinance has very onerous requirements which significantly limit options a property owner has to develop a site with a historic building.

There are historic districts listed within the city, however the district designation does not bring regulatory requirements about as an actual building does.

If a building is listed on a historic registry and is privately owned, tax credits may be available for the property owner.

Last, for a property to be listed on the historic registry, it must be over fifty years old and have historical significance with who owned it, historical events that happened at the location or some type of historical architectural meaning.

Attendees:

District 1 Councilmember Jim Brass (RDA Chair)
District 2 Councilmember Dale Cox (RDA Vice Chair)
Jan Lopez, Council Executive Director
Melinda Greenwood, Community & Economic Development Director
Jim McNulty, Development Services Manager
Jared Hall, Planning Division Manager
Susan Nixon, Assistant Planner
Mark Boren, Assistant Planner
Zac Smallwood, Associate Planner
Kim Sorensen, Parks & Recreation Director
Lori Edmuds, Cultural Arts Manager
Katie Lindquist, Cultural Arts Assistant
Dave Hansen, Sprocket Media
Janice Strobell, Preserve Murray
Brent Barnett, Preservation Murray
Gloria Kummer, Gloria Hayley Design
Jen Jen, Gloria Hayley Design
Grant Farnsworth, Region Two Planning Manager, UDOT
David Amott, Preservation Utah
Roger Roper, Historic Preservation Coordinator, Utah State Division of State History
Steve Cornell, Historic Architect, Utah State Division of State History

Attachments:

1. Utah State Code: 9-8-404 Agency responsibilities -- State historic preservation officer to comment on undertaking -- Public Lands Policy Coordinating Office may require joint analysis.

Effective 5/10/2016

9-8-404 Agency responsibilities -- State historic preservation officer to comment on undertaking -- Public Lands Policy Coordinating Office may require joint analysis.

- (1)
 - (a) Before expending any state funds or approving any undertaking, each agency shall:
 - (i) take into account the effect of the expenditure or undertaking on any historic property; and
 - (ii) unless exempted by agreement between the agency and the state historic preservation officer, provide the state historic preservation officer with a written evaluation of the expenditure's or undertaking's effect on the historic property.
 - (b) Once per month, the state historic preservation officer shall provide the Public Lands Policy Coordinating Office with a list of undertakings on which an agency or federal agency has requested the state historic preservation officer's or the Antiquities Section's advice or consultation.
 - (c) The Public Lands Policy Coordinating Office may request the joint analysis described in Subsections (2)(c) and (d) of any proposed undertaking on which the state historic preservation officer or Antiquities Section is providing advice or consultation.
- (2)
 - (a) If the state historic preservation officer does not concur with the agency's written evaluation required by Subsection (1)(a)(ii), the state historic preservation officer shall inform the Public Lands Policy Coordinating Office of any objections.
 - (b) The Public Lands Policy Coordinating Office shall review the state historic preservation officer's objections and determine whether or not to initiate the joint analysis established in Subsections (2)(c) and (d).
 - (c) If the Public Lands Policy Coordinating Office determines further analysis is necessary, the Public Lands Policy Coordinating Office shall, jointly with the agency and the state historic preservation officer, analyze:
 - (i) the cost of the undertaking, excluding costs attributable to the identification, potential recovery, or excavation of historic properties;
 - (ii) the ownership of the land involved;
 - (iii) the likelihood of the presence and the nature and type of historical properties that may be affected by the expenditure or undertaking; and
 - (iv) clear and distinct alternatives for the identification, recovery, or excavation of historic properties, including ways to maximize the amount of information recovered and report that information at current standards of scientific rigor.
 - (d) The Public Lands Policy Coordinating Office, the agency, and the state historic preservation officer shall also consider as part of the joint analysis:
 - (i) the estimated costs of the alternatives in Subsection (2)(c)(iv) in total and as a percentage of the total cost of the undertaking; and
 - (ii) at least one plan for the identification, recovery, or excavation of historic properties that does not substantially increase the cost of the proposed undertaking.
- (3)
 - (a)
 - (i) If the state historic preservation officer concurs with the agency's evaluation or if the Public Lands Policy Coordinating Office determines that the joint analysis is unnecessary, the state historic preservation officer shall, no later than 30 calendar days after receiving the agency's evaluation, provide formal comments on the agency's evaluation.

- (ii) If a joint analysis is conducted, the state historic preservation officer shall provide formal comments on the agency's evaluation no later than 30 calendar days after the conclusion of the joint analysis.
 - (b) The state historic preservation officer shall ensure that the comments include the results of any joint analysis conducted under Subsection (2).
 - (c) If a joint analysis is not conducted, the state historic preservation officer's comments may include advice about ways to maximize the amount of historic, scientific, archaeological, anthropological, and educational information recovered, in addition to the physical recovery of specimens and the reporting of archaeological information at current standards of scientific rigor.
- (4)
- (a) Once per month, the state historic preservation officer shall provide the Public Lands Policy Coordinating Office with a list of comments the state historic preservation officer intends to make or has made as required or authorized by the National Historic Preservation Act, 54 U.S.C. Sec. 300101 et seq.
 - (b) At the request of the Public Lands Policy Coordinating Office, the state historic preservation officer shall discuss the comments with the Public Lands Policy Coordinating Office.

Amended by Chapter 348, 2016 General Session

CHAPTER 17.170

MURRAY CITY CENTER DISTRICT MCCD**SECTION:**

- 17.170.010: Purpose
- 17.170.020: Boundaries
- 17.170.030: City Council Adoption Of City Center District Design Guidelines; Conformance
- 17.170.040: Definitions
- 17.170.050: Design Review Process
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17.170.010: PURPOSE:

The Murray City Center District (MCCD) is envisioned as the commercial, civic and cultural center for the community and is a new Mixed Use District intended to enhance physical, social and economic connections by redeveloping "downtown" Murray City resulting in a richer, more vibrant cultural environment. This district applies similar characteristics to those found in the Transit Oriented Development District (TOD -

chapter 17.168 of this title) by encouraging pedestrian oriented design, promoting development opportunities, and increasing residential and commercial densities. The anticipated development model promotes sustainable, compact, mixed use, transit oriented uses with neighborhood oriented commercial, restaurant, civic, cultural and residential spaces to promote street life and activity by regulating building orientation and design. The City's downtown general plan element notes that historic downtown is a valuable community asset. The City's historic downtown includes live theater, social dancing, music stores, photography, dance studios, and other contributing businesses. The City Hall, Murray Park amenities, Boys and Girls Club of South Valley, Ken Price Ballpark, and City Library are located in or border the historic downtown area. The downtown general plan element suggests "these uses can form the entertainment, cultural, and civic area".

The general plan suggests preserving historic buildings and character, urban design and appearance of the area including streetscape, compatibility of land uses and the need for buffers and transition areas, development of downtown economic niches, and new business opportunities, and parking.

The Historic Advisory Board has recommended inclusion of historic buildings into a designated area of the downtown. The designation of historic buildings was previously part of the Downtown Historic Overlay District (DHOD). Adoption of the MCCD eliminates the DHOD but will still maintain a historic preservation element.

Development goals and objectives for the area include:

- A. Enhance the integrity of Murray City;
Maintain the historic fabric;
Create a true downtown/civic center;

Create synergy with the hospital and transportation opportunities.
- B. Create a vibrant neighborhood;

Create a place to live, work and play;

Provide a mix of quality housing;

Provide neighborhood services and entertainment including smaller local restaurants, coffee shops and destination oriented entertainment.
- C. Provide attractive and compatible architecture and streetscape;

Focus on the pedestrian experience;

Buffer the parking;

Enhance green corridors and trail connections.
- D. Capitalize on transit opportunities;

Promote alternate modes of transportation including rail, bicycle, and walking;

Provide access and connections including TRAX, Frontrunner, Interstate 15, Interstate 215.
- E. Increase opportunities for growth;

Evolve over time;

Make the City center self-sufficient;

Keep people in Murray.

- F. Set a standard for sustainability;

Adopt standards that promote sustainability while maintaining affordability.

Design standards including required development processes, development goals and objectives, sustainability, neighborhood, site, and building standards are outlined in the Murray City Center District Design Guidelines. All development within the MCCD is facilitated by the standards and guidelines in this document. (Ord. 11-09)

17.170.020: **BOUNDARIES:**

The Murray City Center District comprises approximately ninety seven (97) acres of properties and right-of-way located generally between the TRAX rail lines to the west, Center Street and Jones Court on the east, 4800 South Street and several additional properties north of 4800 South, and Little Cottonwood Creek to the south as described in the legal description adopted with this chapter. (Ord. 11-09)

17.170.030: **CITY COUNCIL ADOPTION OF CITY CENTER DISTRICT DESIGN GUIDELINES; CONFORMANCE:**

The Murray City Council shall adopt the Murray City Center District (MCCD) Design Guidelines. Property located within the MCCD shall be developed in conformance with the provisions set forth in this chapter and with the MCCD Guidelines. (Ord. 11-09)

17.170.040: DEFINITIONS:

ADMINISTRATIVE STAFF: Representatives from the community and economic development staff.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the city's planning commission indicating its approval of plans for alteration, construction, removal, restoration, or demolition of a building or development of a site.

DESIGN GUIDELINES: The standards of appropriate development activity that adheres to the purposes and standards of the zoning ordinance.

DESIGN REVIEW COMMITTEE OR COMMITTEE: The committee established under title 2, chapter 2.68 of this code. This committee acts in an advisory capacity to the city planning commission and to the Murray City council and serves to facilitate the design review process.

DESIGN REVIEW PROCESS: The review of an application undertaken by the design review committee using standards defined by the city's design guidelines and, in the case of significant historic buildings, the secretary of the interior standards for rehabilitation of historic buildings. The process includes a conference between the design review committee and the applicant. The committee recommends approval or disapproval of the application and outlines its recommendation in a report that accompanies the referral of the application to the city planning commission.

LEED: Leadership in energy and environmental design. It is a rating system published by the U.S. Green Building Council that encourages and accelerates global adoption of sustainable green building and

development practices through the creation and implementation of universally understood and accepted tools, design criteria, and building and systems performance criteria. LEED certification requires third party review and verification of compliance with required criteria by an individual certified by the Green Building Certification Institute.

LEED-ND (Neighborhood Design): Sustainable standard published by the U.S. Green Building Council which recognizes development projects that successfully protect and enhance the overall health, natural environment, and quality of life. The rating system encourages best development practices, promoting the location and design of neighborhoods. It promotes more efficient energy and water use, especially important in urban areas.

MAJOR ALTERATION: A physical modification to a building that involves the entire building or has a substantial visual impact on the building or the surroundings. By way of illustration, major alteration includes, without limitation, overall building design, exterior facades, site landscape and parking.

MINOR ALTERATION: A physical modification that is limited in scope or has a minor visual impact in relation to the total building. By way of illustration, minor alteration includes, without limitation, lighting and other appurtenant fixtures, signs and awnings.

ORDINARY MAINTENANCE AND REPAIR: Work to repair or prevent deterioration of a building that does not constitute a minor or major alteration. Examples of ordinary maintenance and repair include repairing deteriorated masonry, replacing broken windows or damage caused by weather or

natural disaster, repainting a building in the same color as existing, replacing doors, etc. Maintenance and repair does not include major changes in color or building materials.

PLANNING AND ZONING COMMISSION OR COMMISSION: The city's planning and zoning commission.

SUSTAINABLE DESIGN: Includes methods and materials that conserve natural resources, promote adaptive reuse of materials, buildings and sites, and promote the health and welfare of residents and property owners. (Ord. 11-09)

17.170.050: DESIGN REVIEW PROCESS:

- A. Certificate Of Appropriateness: The purpose and intent of the certificate of appropriateness review within the MCCD is to secure the purposes of this chapter and the general plan and to ensure that the general appearance of buildings, signs, and the development of the lands shall not detract from the purposes and intent set forth in this chapter.
- B. Certificate Of Appropriateness Required: No exterior portion of any buildings or improvements on any properties shall be erected, altered, restored, moved or demolished within the MCCD, until after an application for a certificate of appropriateness has been submitted, reviewed, and approved. Application for certificate of appropriateness shall be made on forms furnished by the city's community and economic development department. The director shall determine if the application is a major or minor

alteration. The determination of the director may be appealed to the appeal authority.

1. Minor Alterations: Administrative staff shall review and approve applications for minor alterations, signs, awnings, and lighting. Minor alterations denied by the administrative staff may be appealed to the appeal authority. A certificate of appropriateness application, when determined to involve signs, awnings, lighting, or minor alterations may be reviewed and approved by administrative staff. A certificate of appropriateness for minor alterations must be approved or denied within thirty (30) days from receipt of a complete application.

2. Major Alterations And New Construction: A design review process consisting of the following:

a. Preapplication Conference: Application materials will be submitted to the community and economic development department and a time will be scheduled for a general concept review of the application. The applicant will receive input from staff on the process, design standards and other applicable elements prior to submittal of a final application.

b. Design Review: After the application for formal review is submitted, meetings will be scheduled for site plan review to gain city department input on the plans. A conference(s) between the MCCD design review committee and the applicant shall be required for all applications for major alterations and new construction to review the proposal in relation to this chapter and design

review guidelines. The application will then be forwarded to the planning commission for final action. The application shall be made on a form available from the community and economic development department and shall include minimum application submittal requirements as determined by the community and economic development department.

c. **Certificate Of Appropriateness Issuance:** A certificate of appropriateness shall be issued by the planning commission prior to the issuance of a building permit or other permit granted for purposes of major alterations including constructing, altering, moving or demolishing structures and buildings. A certificate of appropriateness shall be required whether or not a building permit is required. Therefore, a certificate of appropriateness is a prerequisite to the issuance of such a building permit or such other permits. The planning commission shall review the plans for conformance with the requirements of this title and the MCCD design guidelines that have been adopted by the Murray City council. The city shall determine the following before approval is given:

- (1) The project is in general conformance with the Murray City general plan.
- (2) The project is in general conformance with the specific area plan, if any, adopted for the area.
- (3) The project conforms to the requirements of the ap-

plicable sections of the land use ordinance.

(4) The project does not jeopardize the health, safety, or welfare of the public.

(5) The project conforms to the applicable standards outlined in the MCCD design review guidelines.

d. **Obtaining A Building Permit:** No person shall obtain a building permit for new construction or for renovation of existing buildings without first preparing and presenting the information required by this section, paying the applicable design review fees, and receiving design approval from the community and economic development department. Any building permits or such other permits not issued in conformity with this chapter shall be invalid.

e. **Public Utility Companies:** The state of Utah, the city, Salt Lake County, and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings.

f. **Design Elements Subject To Review To Determine Appropriateness:**

- (1) Overall building design including design character, alignment and setback, size, height, proportion, and scale of the building;

(2) Compatibility with adjacent significant historic buildings;

(3) Exterior facades including exterior walls and building materials, roof and parapet, storefronts including windows and doors, bulkheads, cornices, ornamental detail, color, and back entrances;

(4) Site landscape including pavement, steps, lighting, trees, and ground cover;

(5) Parking;

(6) Lighting and other appurtenant fixtures;

(7) Signs and awnings.

g. Exceptions: Even if all design guidelines are not met, a certificate of appropriateness may be issued after it is determined that compliance with the design guidelines or certain design guidelines would: 1) deprive owner of all viable economic use of the owner's property, or 2) result in substantial diminution in value of owner's property.

3. Demolitions Of Nonsignificant Historical Structures: A certificate of appropriateness application submitted for demolition of a nonsignificant building or structure is not required to be reviewed by the design review committee. The application shall be considered by the planning commission for final action.

C. Certificate Of Appropriateness Compliance:

1. All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate.

2. Upon receiving a written complaint alleging a violation or failure to comply with any requirement of a certificate of appropriateness, the community and economic development department shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the community and economic development department may place the complaint on the agenda of the regular meeting of the planning and zoning commission, provided that the certificate holder shall have at least fourteen (14) days' notice of the meeting.

3. Certificate holder shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the commission. The hearing shall be held in accordance with customary administrative hearing procedures.

4. The commission, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the certificate of appropriateness as it deems necessary, revoke the certificate of appropriateness, or take no action and dismiss the complaint.

5. Any certificate holder aggrieved by an order entered by the commission pursuant to this section may maintain

an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

6. All notices required herein shall be provided by personal service or by certified mail.

7. If the construction of building improvements has not commenced within eighteen (18) months of the design approval or if construction has ceased for a period of one year or longer, the certificate of appropriateness and any associated building permit shall expire. Certificates of appropriateness shall be issued for a period of eighteen (18) months and shall become void unless construction is commenced within eighteen (18) months of date of issuance. Applicants may request an extension of up to six (6) calendar months during the final month prior to expiration. After the expiration of a design approval, the applicant shall be required to resubmit the plans, pay all required fees, and obtain a certificate of appropriateness prior to the issuance of a building permit. (Ord. 14-10; Ord. 14-03; Ord. 11-09)

17.170.060: HEARING PROCEDURES:

A. Applications: The community and economic development department shall receive applications for certificates of appropriateness as required under section 17.170.050 of this chapter. The design review committee must provide a recommendation to the commission within sixty (60) days from the date of application. Members

of the design review committee and the planning commission may enter, solely in performance of their official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the committee or commission may enter any private building without express consent of the owner or occupant thereof.

- B. Public Hearing: Prior to issuance or denial of a certificate of appropriateness, the commission shall hold a public hearing concerning an application for a certificate of appropriateness for major alterations and new construction. The commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. A written notice of the proposal shall be sent at least ten (10) days prior to the hearing to the applicant and to owners of property (i.e., lots, parcels or tracts of land) within three hundred feet (300') of the property that is the subject of an application for a certificate of appropriateness.
- C. Final Action: Unless otherwise agreed to by the applicant, the commission shall hold the public hearing and take a final action on an application for a certificate of appropriateness within thirty (30) days from the date the commission receives a recommendation from the design review committee. The commission's final action on an application for a certificate of appropriateness for major alterations and new construction shall be by the

passage of a motion to take one of the following actions:

1. Grant the certificate of appropriateness as proposed;
2. Grant the certificate of appropriateness subject to specific conditions and/or modifications of the proposal presented in the application for a certificate of appropriateness;
3. Deny the certificate of appropriateness as proposed or modified.

D. Appeal:

1. Minor Alterations: Minor alterations denied by the administrative staff may be appealed to the appeal authority by filing written notice with the appeal authority within thirty (30) calendar days from issuance of the written decision by the administrative staff.

2. Major Alterations And New Construction: An appeal of the commission's action in granting or denying any certificate may be taken to the appeal authority by filing written notice to the appeal authority within thirty (30) calendar days from issuance of the written decision by the commission:

- a. By any aggrieved party; and
- b. Shall be taken within times prescribed by the commission; and
- c. Shall be a review of the record to determine whether the decision was so unreasonable as to be arbitrary and capricious. (Ord. 14-10: Ord. 11-09)

17.170.070: HISTORIC PRESERVATION:

The city has identified certain buildings of special historical significance that should be preserved. The following standards designate the buildings the city has identified as historically significant and the process for making alterations to historically significant buildings:

A. Designation Process: Significant historic buildings are identified based on meeting two (2) or more of the following criteria:

1. Has major historical significance associated with significant events, activities, or persons in the history and development of Murray;
2. Has major architectural significance by reflecting a particular architectural style or time period at least fifty (50) years or older and retains its character defining elements;
3. Any alterations that have compromised its character defining features can reasonably be reversed in whole or part.

The following properties are deemed historically significant and will be preserved and must meet the preservation requirements outlined below: 4836, 4838, 4842, 4844, 4841, 4859, 4861, 4863, 4871, 4873, 4877, 4881, 4883, 4889, 4901, 4959, 4961, 4963, 4973 South State Street; 166, 184, 186, 190, 192 East Vine Street; 4843, 4872, 4886 South Poplar; 120 East 4800 South; and 5000, 5002, 5004, 5006 South Jones Court.

B. Alterations: Alterations of significant historic structures shall be reviewed through the certificate of appropriateness process outlined above. Changes will be reviewed for general compliance with the MCCD design guidelines including the additional guidelines for significant historic properties found in this title and the design guidelines. Owners of historic buildings may request exemptions from design standards or guidelines of the MCCD which would alter the historic appearance of the building.

C. Relocation: Relocation of an existing significant historic building is allowed and is subject to approval of a certificate of appropriateness including review by the design review committee and approval by the planning commission. Details on the site for the relocation and technical reports will be required to ensure the building preserves its historical character.

D. Demolition: An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated significant historic building shall be discouraged. The planning commission shall not issue a certificate of appropriateness for demolition of a designated significant historic building within the MCCD except under at least one of the following circumstances:

1. The owner of the property would suffer extreme hardship or be permanently deprived of all economic use or return by virtue of the denial; or

2. The value of owner's property would be substantially diminished; or

3. A city building official has verified in writing that the building is an imminent hazard to public safety or health and repairs are impractical.

E. Exception Process: An exception may be considered by the planning commission to allow demolition of a significant building if a development proposal is presented meeting the following criteria:

1. Condition Of Building: The applicant has demonstrated to the planning commission that incorporation of the significant historic building in the proposed development is impractical based on the condition of the existing building, structural incompatibility or other similar constraints;

2. Adherence: A new proposal is presented that demonstrates adherence to the goals and objectives of the MCCD;

3. Compliance: The proposal must demonstrate compliance with ordinance standards and design guidelines;

4. Monument/Inscription: If demolition is granted, developer must implement a monument and narrative inscription describing the history of the building or a public arts project approved by the history advisory board;

5. Development Agreement: A development agreement must be executed between the city and property owner regarding the project. The development agreement shall be approved by the city council prior to the issuance of the certificate of appropriateness

and shall include the following elements:

a. There must be immediacy of the project and a development time line must be submitted with a twenty four (24) month project completion period;

b. If demolition is approved, the applicant/property owner must be willing to provide a performance security and financial guarantee equal to one hundred twenty five percent (125%) of the estimated cost of the project to ensure project completion if demolition of the historic building is granted;

c. Demolition shall not be approved until a building permit has been issued for the proposed development and evidence of adequate financing has been submitted to the city;

d. Proposed projected value of the project must be at least five (5) times the current assessed valuation of the property;

e. Project must include all commercial or a mix of residential and commercial equal to square footage amounts of one hundred percent (100%) ground floor commercial and an additional twenty five percent (25%) commercial in upper level floors;

f. Demonstration of the proposed number of jobs created and quality of jobs (including wage and benefit projections) must be provided as part of the development proposal;

g. Public benefit must be substantiated.

6. Demolition Request Denial: The planning commission shall make a determination after all of these criteria have been addressed by the applicant and evaluated through the design review process. If the planning commission determines that any of the criteria are not met, they shall deny a requested demolition.

F. Land Use, Interior Arrangement, Maintenance, Emergency Repairs Not Considered:

1. Nothing herein shall be construed to prevent a property owner from making any use of his or her property not prohibited by other statutes, ordinances or regulations.

2. The committee and commission shall have no jurisdiction over interior arrangement and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of a historic structure.

3. The jurisdiction of the committee and commission shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned buildings designated as historically significant buildings.

4. The ordinary maintenance or repair of any exterior architectural feature of a building in areas which does not involve replacing the feature or a

change in design, material, color or outer appearance thereof, shall not be prevented by the requirements of this chapter.

5. Nothing in this chapter shall be construed to prevent:

- a. The maintenance; or
- b. In the event of an emergency, the immediate restoration of any

existing aboveground utility structure without approval by the commission.

6. The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the city building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition, shall not be prevented by the requirements of this chapter. (Ord. 11-09)

17.170.080: **USES:**

- A. The inclusion of a major heading includes all subcategories listed under the major heading unless otherwise excepted. (For example, listing 6900 miscellaneous service organizations includes all categories and subcategories listed from 6910 through 6999.) Any use not specifically listed shall be prohibited.
- B. The following uses are permitted in the Murray City center district (MCCD):

<u>Use No.</u>	<u>Use Classification</u>
1120	Two-family dwelling (residential not permitted on ground floor).
1130	Multiple-family dwelling (residential not permitted on ground floor).
1150	Apartment high rise (residential not permitted on ground floor).
1511	Hotels.
2180	Beverages (only in conjunction with a restaurant, 5,000 square feet or smaller).
2300	Manufacture; apparel (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).
2510	Household furniture (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
2740	Commercial printing (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).
2760	Greeting cards (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).
3259	Pottery (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).

<u>Use No.</u>	<u>Use Classification</u>
3911	Jewelry (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).
3920	Musical instruments and parts (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).
3950	Costume jewelry (handwork trades only in no more than 5,000 square feet; deliveries and shipping only during normal business hours; no odors).
4210	Commercial parking lots and garages on a fee basis (except surface parking lots not associated with a permitted use).
5400	Food stores.
5600	Apparel and accessories.
5810	Eating places (except 5813; CUP required for drive-through sales).
5820	Drinking places; alcoholic beverages.
5910	Drug and proprietary.
5920	Liquor, package (state store).
5930	Antiques and secondhand merchandise (except 5935, 5938 and 5939 - construction materials).
5940	Books, stationery, art, and hobby supplies.
5950	Sporting goods, bicycles, and toys (except 5951).
5969	Garden supplies.
5970	Jewelry.
5990	Miscellaneous retail trade.
6100	Finance, insurance, and real estate services (except 6112, 6123, 6124, 6141 - surety bail bonding only).
6213	Dry cleaning (in no more than 7,500 square feet).
6216	Self-service laundries.
6220	Photographic services.
6230	Beauty and barber services.
6250	Apparel repair, alteration, and cleaning, shoe repair services (except 6256).
6290	Personal services (except 6293, 6294).
6310	Advertising services (office only; no billboards).
6330	Duplicating, mailing, stenographic, and office services.

<u>Use No.</u>	<u>Use Classification</u>
6340	Dwelling and building services (office only, except 6342, 6345).
6350	News syndicate services.
6360	Employment services.
6390	Business services (office only, except 6393, 6394 and 6397).
6493	Watch, clock, jewelry repair, engraving.
6494	Reupholstery and furniture repair (includes antiques, etc.).
6496	Locksmiths and key shops.
6499	Miscellaneous small item repair (maximum 5,000 square feet).
6500	Professional services (office only, except 6513 and 6516, 6518, 6518.1, 6550).
6600	General construction services (office only, no material storage or equipment service yards).
6700	Governmental services (except 6714, 6740, 6750, and 6770).
6800	Educational services.
6900	Miscellaneous service organizations.
7100	Cultural activities and nature exhibitions (except 7123, 7124, 7129).
7210	Entertainment assembly (except 7213).
7220	Sports assembly (except 7221, 7222, 7223, 7224).
7230	Public assembly.
7391	Penny arcades and other coin operated amusements.
7395	Card rooms.
7396	Dance halls, ballrooms (includes dance clubs).
7397	Billiard and pool halls.
7399	Bicycle rental, tourist guides only.
7410	Bowling alleys.
7420	Playgrounds and athletic areas.
7425	Athletic clubs, bodybuilding studios.
7432	Swimming pools and schools.
7451	Archery range (indoor only).
7492	Picnic areas.
7600	Parks (public and private).

<u>Use No.</u>	<u>Use Classification</u>
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7910	Other cultural, entertainment, recreational activities.
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8221	Veterinarian services (completely enclosed within a building; no overnight boarding).
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8224	Pet grooming (completely enclosed within a building; no overnight boarding).
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- C. A development parcel may have more than one main building.
- D. The following accessory structures and buildings, which are customarily used in conjunction with and are incidental to the principal uses and structures, are permitted:
1. Parking structures; and
 2. Other accessory buildings which do not in aggregate have a footprint greater than twenty five percent (25%) of the footprint of the main buildings on a development parcel.
- E. More than one permitted use may be located on a development parcel and within a building.
- F. The following uses and structures are permitted in the MCCD only after a conditional use permit has been approved by the planning commission and subject to the terms and conditions thereof:

<u>Use No.</u>	<u>Use Classification</u>
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1241	Retirement homes, independent living or congregate care (subject to meeting the area, height and yard requirements of the R-M-25 zone).
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3250	Pottery and related products (excepting 3251 and 3255; handwork trades only; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors).
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3500	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks (handwork trades only; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors).
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5813	Drive-through restaurant (parking and maneuvering areas must be located to the rear of building; drive-through windows and lanes may not be located between the street and building front).
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6111	Banking services, including drive-through services, members and nonmembers of Federal Reserve System. (Service windows and all related maneuvering lanes and any associated structures must be located to the rear or side of the building; drive-through windows and lanes may not be located between the street and building front. Includes national, state, commercial, mutual, private, trust companies.)
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<u>Use No.</u>	<u>Use Classification</u>
6513	Hospitals.
6516.1	Assisted living facilities.

G. The following are uses not permitted in the area:

<u>Use No.</u>	<u>Use Classification</u>
5510	Motor vehicle sales.
5530	Service stations.
5590	Automotive, marine crafts, aircrafts and accessories.
5960	Farm and garden supplies.
6379	Self-storage units.
6394	Equipment rental and leasing services.
6397	Automobile, truck and trailer services.
6410	Automobile repair and related services.
7213	Drive-in movies (outdoor theater).
7394	Go-cart tracks.
7398	Auto racing, miniature.

H. No outside storage will be allowed for any of the uses in the MCCD. (Ord. 16-41: Ord. 16-16: Ord. 15-30: Ord. 14-15: Ord. 14-03: Ord. 12-10: Ord. 11-09)

17.170.090: **SUSTAINABILITY STANDARDS¹:**

A. The Murray City Center District (MCCD) has adopted the goal of pursuing and achieving sustainable development practices that could lead to the eventual attainment of LEED-ND (neighborhood development) certification for the entire City Center District and encourages LEED certification for all individual buildings. The City may provide incentives for developers who pursue LEED certification for build-

ings. LEED-ND standards are defined in the MCCD Design Guidelines and are recommended as standards for the development of the area.

B. The City recognizes that, regardless of third party certification level, there are standards that are in the best interest of the health, safety, and general welfare of the residents of Murray. Standards to promote efficient and sustainable development have been included in the parking, landscaping and building and site design

1. Refer to chapter 1 of "MCCD Design Guidelines" for further information.

standards of the MCCD and are required whether or not an individual development attains LEED certification. In addition, the following sustainability standards apply:

1. All new public buildings and uses shall be LEED certified at the silver level;

2. All new developments shall provide for on site treatment of stormwater runoff from rooftops and hardscape areas. Each development shall be responsible for pretreating the runoff from their site through the use of bioswales or green roofs prior to allowing the water to enter the Little Cottonwood Creek watercourses, or the Murray City stormwater drainage system;

3. All new construction shall minimize site disturbance and include a stormwater pollution prevention plan (SWPPP) for the site and obtain a land disturbance permit from Murray City on sites greater than one acre in size;

4. WaterSense labeled plumbing fixtures are also required in the buildings for all new development and all new plumbing fixtures in existing buildings;

5. All new buildings must demonstrate an average ten percent (10%) improvement over ANSI/ASHRAE/IESNA standard 90.1-2007 (with errata but without addenda). Buildings undergoing major renovations must demonstrate an average five percent (5%) improvement over ANSI/ASHRAE/IESNA standard 90.1-2007. Documentation of energy efficiency will be in accordance with the standards out-

lined in appendix A of the adopted Design Guidelines for the MCCD. New multi-family residential buildings three (3) stories or fewer, ninety percent (90%) of buildings must meet Energy Star or equivalent criteria. Projects may demonstrate compliance with Energy Star criteria through the prescriptive requirements of a builder option package, the home energy rating system (HERS) index, or a combination of the two;

6. For nonresidential buildings, mixed use buildings, and multi-family residential buildings four (4) stories or more indoor water usage in new buildings and buildings undergoing major renovations must be an average of twenty percent (20%) less than in baseline buildings as defined in appendix A of the adopted Design Guidelines for the MCCD;

7. For new multi-unit residential buildings three (3) stories or fewer, ninety percent (90%) of buildings must use a combination of fixtures that would reduce water usage in accordance with appendix A of the adopted Design Guidelines for the MCCD. (Ord. 11-09)

17.170.100: AREA, WIDTH, FRONTAGE AND YARD REGULATIONS:

The main entry to a building should provide a strong connection to the street, one which is expressive, welcoming and easily located. The following standards for setbacks or facades and entries are intended to contribute to the vibrant, connected, active, pedestrian oriented streetscape that is envisioned for the district:

- A. All street facing building facades are to be designed so that fifty percent (50%) of the total linear feet of frontage is contiguous to the sidewalk (setback: 0 feet from front property line); or
- B. If setbacks are proposed:
 - 1. All street facing building facades are to be designed so that eighty percent (80%) of the total linear feet are within twenty five feet (25') from the back face of curb and gutter; and/or
 - 2. All street facing building facades are to be designed so that fifty percent (50%) of the total linear feet are within eighteen feet (18') from the back face of curb and gutter; and/or
 - 3. Municipal, public or quasi-public buildings may have a greater setback as determined through the design review process. The additional setback shall require the development of public plazas, parks or open spaces and comply with the design standards within this chapter. (Ord. 18-24)

17.170.110: BUILDING DESIGN, SCALING AND DENSITY:

- A. The primary entrance to buildings must be clearly identifiable.
- B. The primary entrance of a building must be oriented to face a street, plaza or pedestrianway. Functional entries must appear at least once every seventy five feet (75') on average.
- C. The functional entry of each new building must be oriented to face the public street, public square, park, or plaza, but not a parking lot.
- D. The primary entrance to a building shall have a pedestrian scaled facade.
- E. Building entries must be covered with canopies/awnings and/or recessed entries.
- F. Building entries must meet all local, State, and Americans With Disabilities Act accessibility requirements.
- G. For corner buildings, entries are required on both street facades.
- H. All front setback areas, if proposed, shall be landscaped in accordance with the MCCD Design Guidelines.
- I. Off street parking is not permitted in the front setback area and/or between the street and building. Parking shall be located to the side or rear of the building. However, parking associated with Municipal, public, or quasi-public buildings may be located between the street and the building provided that the parking serves multiple uses or planned multiple uses.
- J. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment and loading docks shall not be permitted in the front setback of any building. Single or ganged utility meters or other service equipment may be located in the front setback of any building; provided, there are site constraints which preclude their access in a location elsewhere on site, and they are screened and approved by the City.

- K. The side lot area between non-adjoining buildings and the property line shall be developed as parking, plaza, landscaped open space, or a landscaped walkway with access to the sidewalk.
- L. Encroachments may project into the public right-of-way provided that the encroachments are between nine feet (9') and seventeen feet (17') above the sidewalk height, subject to City and Utah Department of Transportation approval where applicable. They must not obstruct or prevent the placement of street trees or other improvements within the public right-of-way.
- M. Blank walls shall not occupy over fifty percent (50%) of a principal frontage. Nonresidential buildings and structures shall not have a section of blank wall exceeding thirty (30) linear feet without being interrupted by a window or glass entry door. All development shall provide ground floor windows on the building facade and adjacent to a public or private street, including private pedestrian only streets, parks, paths, or courts. Darkly tinted windows and mirrored windows which block visibility are prohibited as ground floor windows.
- N. All buildings must meet the ground with some form of base element or detailing to visually connect the building to the landscape. The base element may be smooth concrete (architectural grade), masonry, or stone.
- O. Ground level unit entries shall have a finished floor less or equal to twenty four inches (24") above sidewalk grade.

- P. Exceptions to these standards are allowed if buildings are located in designated open space area as identified in the design guidelines. Structures located or being relocated into these areas shall be allowed residential setback standards.
- Q. Residential uses are not permitted on the ground floor of multi-story residential buildings with the exception of a leasing office or lobby allowing access to the upper floors. Such uses shall not occupy more than fifteen percent (15%) of the ground floor or no more than one thousand (1,000) square feet, whichever is less.
- R. The maximum residential density for a project shall not exceed eighty (80) units per acre. (Ord. 18-24: Ord. 17-37: Ord. 11-09)

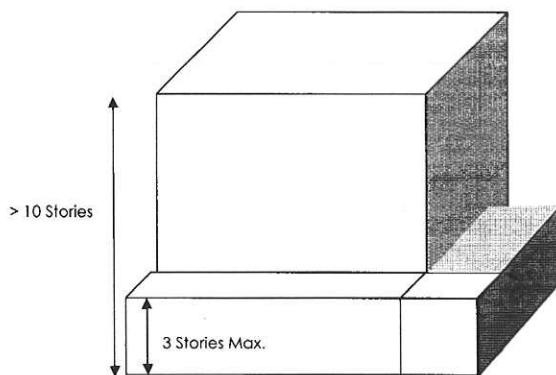
17.170.120: **HEIGHT REGULATIONS:**

There are no height restrictions in the district except as provided herein:

- A. For new buildings located west of State Street and south of 4800 South, a minimum height of forty feet (40') or four (4) stories, whichever is less, is required;
- B. The height of a structure located adjacent to a residential zoning district may not exceed fifty feet (50') within one hundred fifty feet (150') of a residential zoning district. On properties located north of Court Avenue that are adjacent to Center Street, buildings shall not be erected to a height greater than thirty five feet (35');

- C. Buildings shall not exceed ten (10) stories in height, or one hundred thirty five feet (135'), whichever is less. Buildings that are six (6) stories or greater must have a third floor podium which addresses the pedestrian nature of the street. A pedestrian scaled facade must be provided. The tower portion shall step back. The required podium stepback is a minimum of fifteen feet (15') and a maximum of twenty feet (20'). Location and extent of podium will be determined through the design review process;

FIGURE 17.170.120-1
PODIUM



- D. Buildings located east of State Street are exempt from the minimum height requirement;
- E. Public or quasi-public utility buildings and structures are exempt from the minimum height regulations above. This exemption does not include office buildings for public or quasi-public utility companies. (Ord. 18-24; Ord. 14-03; Ord. 11-09)

17.170.130: LIGHTING STANDARDS:

- A. Street and sidewalk lighting shall meet adopted City light design standards.
- B. Illumination levels shall not exceed IESNA recommended standards.
- C. Lighting shall be provided for pedestrian ways that is appropriately scaled to walking. Light standards shall not be taller than sixteen feet (16'). However, light standards adjacent to State Street or 4500 South (major arterial roadways), as well as Vine Street and 4800 South (major collector roadways) are allowed up to twenty three feet (23') in height. Light standard height will be reviewed on a case by case basis by City staff.
- D. Lighting shall be shielded and directed downward to prevent any off site glare.
- E. All site lighting luminaires will conform to IESNA "cutoff" or "sharp cutoff" classification. City staff will provide additional details as needed.
- F. An amber lamp color (3,000 Kelvin), or other color in consultation with the Power Department can be used for a project.
- G. For property owner installed private lighting, metal halide and induction lamp sources may be used subject to approval by the City Power Department and CED staff. Building facade lighting must be shielded and directed downward to avoid light trespass and illumination of the night sky.
- H. Banners may be attached to banner arms on light standards between six-

teen feet (16') and twenty three feet (23') in height. A top banner arm is required with a bottom eyelet, or eyebolt for a banner to be attached to a light standard (see chapter 17.48, "Sign Code", of this title). The bottom of a banner must be at least eight feet (8') above a walkway, surfaced area, or ground level below. (Ord. 18-22)

17.170.140: **PARKING REGULATIONS:**

This section establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, and standards for on site loading areas in the MCCD. Other titles of this Code and guidelines of the MCCD may regulate other aspects of parking and loading.

A. General Regulations:

1. General: The regulations of this chapter apply to all parking areas in the MCCD, whether required by this Code or constructed for the convenience of property owners or users. Parking areas include those that are accessory to a use, part of a commercial parking use, or for a park and ride facility in the community services use category.

2. Occupancy: All parking areas must be paved, striped and landscaped prior to occupancy of any structure unless a deferral agreement is completed with appropriate security as allowed in section 17.76.110 of this title.

3. Calculations Of Amounts Of Required And Allowed Parking:

a. When computing parking spaces based on floor area, areas inside of structures which are used for parking are not counted;

b. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection B3 of this section. When there are two (2) or more separate primary uses on a site, the required or allowed parking is the sum of the required or allowed parking for the individual primary uses;

c. For joint use parking, see subsection B3 of this section;

d. When more than twenty percent (20%) of the floor area on a site is in an accessory use, parking is calculated separately for the accessory use;

e. On street parking spaces immediately adjacent to the property may not be used to meet the parking requirements set forth herein.

4. Use Of Required Parking Spaces: Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required off street parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See subsection B3 of this section. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

5. Proximity Of Parking To Use: Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract or in public parking facilities. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas within five hundred feet (500') of the development site property boundary.

6. Stacked Parking:

a. The requirements for parking spaces and all parking area development standards continue to apply for stacked parking.

b. Stacked (individual mechanical lift), tandem, or valet parking is allowed for nonresidential sites if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee or affidavit must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

c. Tandem parking is allowed for residential sites if parking spaces (front and back stalls) are reserved or designated for a single unit. Each stall constitutes a separate stall as counted toward the total required number of parking stalls.

d. Stacked (multiple mechanical lift systems, or other automatic parking where individuals are not required to manually access and control the equipment) may be utilized for all uses without requiring an on site attendant.

e. Proper equipment safety labels, operational protocols, equipment maintenance and other fire, life and safety issues must be reviewed and approved by all applicable City departments and meet any International Building Code and any other applicable Plumbing, Electric, or Building Codes.

7. Buildings That Exceed Four Stories: For parking for buildings that exceed four (4) stories in height, at least fifty percent (50%) of the parking shall be located within the exterior walls of the building or in a parking structure that is within seven hundred fifty feet (750') of the main building.

8. Parking And Access Review And Approval: In addition to Community and Economic Development Department review, the Streets Division and Engineering Division shall review the layout of parking areas, curb cut and access restrictions as set forth in chapter 17.72, "Off Street Parking And Motor Vehicle Access Standards", of this title. Parking for projects located along State Street shall also require approval from the Utah Department of Transportation (UDOT) related to access locations, curb cuts, etc. On street overnight parking is prohibited in this area.

B. Required Parking Spaces:

1. Purpose: The purpose of required parking spaces is to provide enough on site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good

pedestrian facilities may need little or no off street parking. Transit supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of car pool parking, and locating it close

to the building entrance, will encourage car pool use.

2. Required Parking Spaces For The MCCD: Table A of this section outlines the required number of spaces for each specified use category. The standards of table A of this section apply to the entire MCCD unless specifically superseded by other portions of this Code.

TABLE A
REQUIRED PARKING¹

	Required	Maximum
Office	1 space/500 net usable sq. ft.	1 space/350 net usable sq. ft.
Medical/clinic	1 space/500 net usable sq. ft.	1 space/300 net usable sq. ft.
Retail	1 space/500 net usable sq. ft.	1 space/265 net usable sq. ft.
Restaurants	1 space/500 net usable sq. ft.	1 space/265 net usable sq. ft.
Residential (multi-family dwellings)	1 space/unit	1.25 spaces/unit (2 bedrooms or less) 1.4 spaces/unit (more than 2 bedrooms)
Disabled/accessible	See section 17.72.070 of this title. Other requirements as provided by the Americans With Disabilities Act	
Uses not listed	As determined by the Planning Commission based on the nearest comparable use standards	
Parking in excess of maximum	Parking in excess of the maximums outlined above may be approved by the Planning Commission if provided in parking structures or within the envelope of the building	

Note:

1. This is limited to the boundaries in section 17.170.020 of this chapter.

3. Joint Use Parking: Joint use of required parking spaces may occur where two (2) or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the City Planning Commission as part of a building or zoning permit application or land use review:

a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;

b. The location and number of parking spaces that are being shared;

c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

4. Limit On Size: A single parking area shall not exceed two (2) acres in size. If the total parking area of a project exceeds an acre, it shall be divided into a series of separate lots.

5. Car Pool Spaces: For new commercial and nonresidential portions of mixed use buildings, the number of car pooling parking spaces equivalent to ten percent (10%) of the total automobile parking for each nonresidential and mixed use building on the site. Signage indicating car pool parking

spots must be provided. Car pool parking must be within two hundred feet (200') of entrances to buildings served.

6. Compact Stalls: Compact stalls may be used within the MCCD and shall not constitute more than fifteen percent (15%) of the total provided spaces for a use or development. In the case of parking structures, compact spaces shall be limited to fifteen percent (15%) of the total spaces in the structure. Minimum dimension for compact spaces shall be eight feet by sixteen feet (8' x 16').

7. Bicycle Parking: Bicycle parking may be substituted for up to ten percent (10%) of required parking. For every five (5) nonrequired bicycle parking spaces that meet the short or long term bicycle parking standards, the motor vehicle parking requirement may be reduced by one space. Parking existing prior to the effective date hereof may be converted in accordance with this provision. Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. Bicycle racks shall be placed on every development as follows:

a. The minimum number of bicycle parking spaces for any use shall be five percent (5%) of the vehicular parking spaces required for

such use, up to a maximum of twelve (12) spaces;

b. At least two feet by six feet (2' x 6') per bicycle;

c. Designed to have sufficient space, to be a minimum of twenty four inches (24"), beside each parked bicycle to allow access. This access may be shared by adjacent bicycles. Racks shall be installed a minimum of twenty four inches (24") from any wall or other obstruction;

d. Located to prevent damage to bicycles by vehicles, etc.;

e. In a convenient, visible, lighted area;

f. Located so as not to interfere with pedestrian movements;

g. Located to provide safe access to and from the street;

h. Designed to allow each bicycle to be supported by its frame;

i. Designed to allow the frame and wheels of each bicycle to be secured against theft;

j. Anchored to resist rust or corrosion, or removal by vandalism;

k. Designed to accommodate a range of bicycle shapes and sizes and facilitate easy locking without interfering with adjacent bicycles;

l. Bike lockers designed for long term storage may be substituted for up to half the required bicycle parking spaces;

m. Except for bike lockers, bicycle parking must be located within fifty feet (50') of a building's primary entrance. (Ord. 18-24: Ord. 14-12: Ord. 11-09)

17.170.150: **LOADING AND SERVICE AREAS:**

Utilities, mechanical equipment placement and screening and service entries shall be considered early on in a project to minimize the impact both visually and acoustically and to address safety concerns. The visual impacts of utilities and mechanical equipment and any service area canopy shall be minimized using the following techniques:

A. Service entrances, waste disposal areas and other similar uses shall be located to the side or rear of buildings and shall be oriented toward service lanes and away from major streets;

B. Service areas shall be positioned to minimize conflicts with other abutting uses;

C. Screening walls/landscaping shall be provided to minimize visual impact of service and utility areas, using materials consistent with building design to integrate service and utility areas into design;

D. Screen height shall be sufficient to conceal view from right-of-way and public areas of site;

E. Screening shall be required for both ground level mounted and rooftop mounted mechanical equipment and utilities;

- F. Height of screening around outdoor/ rooftop equipment shall be limited to the minimum height necessary to screen equipment from public view including adjacent properties' circulation routes;
- G. Mechanical equipment, satellite dishes, vents, flues, and associated penetrations shall not be located on a roof slope that faces the public right-of-way;
- H. Mechanical equipment may be screened by extension of the roof parapet if no rooftop equipment is visible from any public right-of-way within five hundred feet (500');
- I. Ground screening materials shall be of the same or complementary material/detailing as that of the main structure. (Ord. 11-09)

17.170.160: OPEN SPACE/LANDSCAPING:

- A. Each development shall have a system of pedestrian walkways and sidewalks that provide easy connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space and public trails. Sustainable landscaping including xeriscape species and innovative water recycling or irrigation systems is encouraged. All landscape plans must be approved by the City.
- B. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material or appropriate xeriscape for the purpose of buffering, screening and beautifying the site,

and shall comply with applicable landscape requirements found in chapter 17.68 of this title, except lawn shall not be required as stated in subsection 17.68.040A1a of this title. At plant maturity the landscaping shall represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.

- C. All existing trees located at least fifteen feet (15') outside of the building footprint shall be preserved unless otherwise approved by the City Forester. All proposed tree removals must also be approved by the City.
- D. Trees shall be spaced in order to provide shade for fifty percent (50%) of sidewalk length within five (5) years of planting when combined with shade provided by approved structures.
- E. Where new plant materials are to be used, employ indigenous species into the plant palette. A minimum of seventy percent (70%) of ground cover and shrub plantings shall be indigenous species. A minimum of fifty percent (50%) of the trees planted shall be native species. No more than fifty percent (50%) of the landscaping areas shall be turf. If turf is specified, an eco-lawn mix shall be used.
- F. A one hundred foot (100') minimum setback shall be provided from top of bank of Little Cottonwood Creek to any structure. Top of bank shall be located by a licensed surveyor or engineer.
- G. Public spaces that are adjacent to wetlands or watercourse setbacks

must have a native planting transition zone that blends into sensitive habitat areas.

- H. Fifteen percent (15%) of the area of each project shall be developed as landscaped setbacks, public plazas, parks open spaces, or walkways. In addition, each project shall have a system of pedestrian walkways and sidewalks that provide connections between building entrances, neighboring building entrances, sidewalks, parking areas, open spaces and walkways. (Ord. 18-24; Ord. 11-09)

17.170.170: ACCESS IMPROVEMENTS AND STREET CHARACTER:

- A. Construction of new buildings or renovations of existing buildings where the cost of improvements or renovations to a property or site exceeds fifty percent (50%) of the assessed value of the buildings on the property shall include construction and installation of the adjacent sidewalks, park strips and other landscaping, curbs, gutters, lighting, and street furniture as required in this chapter and as further described in the Design Guidelines.
- B. The improvements within the rights-of-way for public streets shall include, but not be limited to, the following standards:
 - 1. The right-of-way widths within the Murray City Center District vary from one hundred forty feet (140') to seventy feet (70') and respond to the site conditions and traffic volume. There are five (5) primary public streets that run through the Murray City center

including State Street, 5th Avenue, Box Elder Street, Poplar Street, and Vine Street;

- 2. Within the right-of-way, the drive lanes vary from ten feet (10') to twelve feet (12') with most streets having seven (7) to eight foot (8') on street parallel parking areas. A minimum twelve foot (12') pedestrian sidewalk is included within the right-of-way that includes an eight foot (8') pedestrian zone along with a four foot (4') furnishing or landscape strip between the sidewalk and edge of curb.
- C. Benches shall be provided and spaced as approved by the City through the design review process.
- D. All streets and sidewalks shall be available for general public use and access and not gated.
- E. District standard street furniture shall be used for public walks, seating areas, courtyards, plazas, recreation areas, and trails.
- F. Within the public right-of-way and also on privately owned and maintained plazas/open spaces, a palette of site furnishings has been chosen for the area to provide visual continuity. Site furnishings shall comply with the standards outlined in the Design Guidelines. In areas that are adjacent to commercial or mixed use areas, the furnishing zone may be treated as space that is actively used for seating, tables and other site furnishings. The surface material shall be a permeable paver or equivalent approved by the City through the design review process. (Ord. 11-09)

17.170.180: SIGN REGULATIONS:

- A. Signage in the MCCD shall be governed by the standards of the City Sign Code found in chapter 17.48 of this title unless modified by the standards below. In calculating allowed sign area for attached signs the standards of section 17.48.160 of this title related to signs in commercial and manufacturing zones shall apply. Residential buildings shall be limited to signage indicating the name and address of the project and required informational and regulatory signs such as lobby hours or parking garage wayfinding.
- B. Signs shall be designed in accordance with the MCCD Design Guidelines in relation to materials, color and sign type. New signs in the MCCD shall require the approval of a certificate of appropriateness and shall be considered a minor alteration requiring administrative review.
- C. New developments shall develop a master sign plan for the entire property which shall be used to guide individual sign design decisions. The master sign plan shall be submitted with a certificate of appropriateness for a major alteration. The master sign plan will contain information related to size, materials, colors and once the master sign plan is approved by the commission, signage which complies with the overall design and materials of the master sign plan shall not be required to obtain an additional certificate of appropriateness. Approval of the master sign plan does not eliminate the requirement for a building permit for new signs where a permit is required.
- D. Existing properties and developments may submit a master sign plan for an entire site. The master sign plan shall be reviewed as a major alteration and shall require review by the Design Review Committee and approval by the Planning Commission. Once the master sign plan is approved by the commission, signage which complies with the overall design and materials of the master sign plan shall not be required to obtain an additional certificate of appropriateness. Approval of the master sign plan does not eliminate the requirement for a building permit for new signs where a permit is required.
- E. Sign removal from a building shall include restoration of the building face to the original condition and design.
- F. The following signs are exempt from the requirements of the MCCD:
1. Signs/messages painted on the inside or outside of windows provided the signage covers no more than fifty percent (50%) of the window;
 2. Government signs such as street signs;
 3. Directional signs less than four (4) square feet in size containing no commercial message.
- G. The following signs are prohibited within the MCCD:
1. Internally illuminated sign cabinets, or "box/can" signs with acrylic, panaflex, or similar illuminated sheet material faces (Note: This is in contrast to the allowance in chapter 17.48

of this title for internally ["directly"] illuminated signs.);

2. Vacuum formed acrylic sign faces, letters, or cabinets;

3. Internally illuminated awnings;

4. Signage shall not be permitted on the exterior facades of buildings or lease space that is not occupied by the business being promoted by the signage;

5. Pole mounted signs (except public street signage), unless approved by the Planning Commission as part of a master sign plan;

6. Letters or logos applied or sewn onto externally illuminated opaque awnings;

7. Internally illuminated pan channel letters with exposed neon unless approved by the Planning Commission;

8. Any other sign type specifically prohibited by chapter 17.48 of this title. (Ord. 11-09)

17.170.190: VIOLATION AND PENALTY:

Any person, firm or corporation whether acting as owner or occupant of the premises involved, or contractor or otherwise, who violates or refuses to comply with any of the provisions of this chapter, shall be guilty of a Class C misdemeanor and, upon conviction, punished as provided by law. A separate offense shall be deemed to be committed on each day an offense occurs or continues. (Ord. 11-09)