

MURRAY  
CITY COUNCIL

# Public Hearing #2

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 1<sup>st</sup> day of October, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the General Plan from Commercial and General Office to Professional Office for the property located at 5920 South Fashion Boulevard, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the General Plan as described above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: September 20, 2019



**MURRAY**

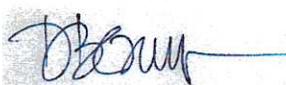
**Council Action Request**

# **Community and Economic Development**

## **Consider Amendment for General Plan at 5920 S. Fashion Blvd.**

**Council Meeting**

Meeting Date: October 1, 2019

<b>Department Director</b> Melinda Greenwood	<b>Purpose of Proposal</b>  To consider passage of an ordinance amending the General Plan from C-D and G-O to P-O for the property at 5920 S. Fashion Blvd.
<b>Phone #</b> 801-270-2428	<b>Action Requested</b>  Actionable - request consideration of proposed ordinance
<b>Presenters</b> Melinda Greenwood	<b>Attachments</b>  Planning Commission packet, proposed ordinance, and public hearing notice
<b>Budget Impact</b>  None	<b>Description of this Item</b>  On September 3, 2019, the Council approved a zone map amendment for the property located at 5920 S. Fashion Blvd. Although a general plan amendment was also intended, it was not included in the public notice or on the agenda. The Council approved the zone map amendment but did not approve a general plan amendment.  Because the zone map amendment is site specific, the zone map amendment takes precedence over the general plan, and the developer may move forward under the zone map amendment without delay.
<b>Mayor's Approval</b>    <b>Date</b> September 11, 2019	Although the Council deemed the general plan advisory by ordinance, this does not mean a general plan amendment can be disregarded or that it is not important. There must be substantial objective reasons to deviate from the general plan.

**Continued from Page 1:**

The general plan is the "vision" or guiding document for city zoning policy. In order to preserve the effectiveness of the general plan, zoning amendments must be consistent with the expressed goals found within the general plan. The Council determines whether a zoning change is consistent through the consideration of general plan amendments. It has been the practice of the City to ensure that the general plan is consistent with the zone map amendment. Accordingly, this proposed ordinance is being submitted to make the General Plan consistent with the recently passed zone map amendment for this location.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO LAND USE; AMENDS THE GENERAL PLAN FROM COMMERCIAL DEVELOPMENT AND GENERAL OFFICE TO PROFESSIONAL OFFICE FOR THE PROPERTY LOCATED AT 5920 SOUTH FASHION BOULEVARD, MURRAY CITY, UTAH. (Roderick Enterprises)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at 5920 South Fashion Boulevard, Murray, Utah, has requested a proposed amendment to the General Plan to designate the property in a P-O (Professional Office) zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of the City and the inhabitants thereof that the proposed amendment of the General Plan be approved.

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the General Plan be amended to show a Professional Office projected use for the following described property located at 5920 South Fashion Boulevard, Murray, Salt Lake County, Utah:

Parcel 1:

A Parcel of land situate in the Southwest Quarter of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing North 02°15'30" East 1,162.43 feet and East 1,383.50 feet from the Street Monument at the intersection of 6100 South Street and State Street, said Monument being South 00°05'54" West 58.15 feet and South 89°50'41" East 601.17 feet from the Southwest Corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 87°30'00" East 302.71 feet;  
thence South 00°18'00" East 129.54 feet;  
thence South 89°59'05" East 6.78 feet;  
thence South 144.00 feet;  
thence West 250.48 feet;  
thence South 02°32'00" West 144.32 feet;  
thence South 01°26'00" West 21.27 feet to the Northerly Right-of-Way of Fashion

Square Drive;

thence Southwesterly 24.38 feet along the arc of a 163.30 feet radius curve to the left (center bears South 34°18'42" East and the chord bears South 51°24'41" West 24.36 feet with a central angle of 08°33'13") along said Northerly Right-of-Way;

thence North 79°53'30" West 31.53 feet;

thence North 00°18'00" West 461.85 feet to the point of beginning.

Contains 95,053 square feet or 2.182 acres.

Parcel 2:

A parcel of land situate in the Southwest Quarter of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing North 02°15'30" East 1,165.56 feet and East 1,311.81 feet from the Street Monument at the intersection of 6100 South Street and State Street, said Monument being South 00°05'54" West 58.15 feet and South 89°50'41" East 601.17 feet from the Southwest Corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence North 00°18'00" West 294.10 feet;

thence South 81°00'00" East 231.38 feet;

thence South 00°18'00" East 267.88 feet to and along the Westerly Right-of-Way of Fashion Boulevard;

thence North 87°30'00" West 228.61 feet to the point of beginning.

Contains 64,161 square feet or 1.473 acres.

*Section 2.* This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY MUNICIPAL COUNCIL

ATTEST:

---

Dave Nicponski, Chair

---

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

---

D. Blair Camp, Mayor

---

Jennifer Kennedy, City Recorder

#### CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_\_  
day of \_\_\_\_\_, 2019.

---

Jennifer Kennedy, City Recorder

Approved September 3, 2019  
Diane moved; Jim second;  
Passed 3 – 0  
Dave & Brett excused

## Murray City Corporation

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 3<sup>rd</sup> day of September, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to amending the Zoning Map from the C-D (Commercial Development) and G-O (General Office) zoning districts to the P-O (Professional Office) zoning district for the property located at 5920 South Fashion Boulevard, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Zoning Map as described above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: August 23, 2019

ORDINANCE NO. \_\_\_\_\_

Approved September 3, 2019  
Diane moved; Jim second;  
Passed 3 – 0  
Dave & Brett excused

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR THE PROPERTY LOCATED AT 5920 SOUTH FASHION BOULEVARD, MURRAY CITY, UTAH FROM THE C-D (COMMERCIAL DEVELOPMENT) AND G-O (GENERAL OFFICE) ZONING DISTRICTS TO THE P-O (PROFESSIONAL OFFICE) ZONING DISTRICT. (Roderick Enterprises)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at 5920 South Fashion Boulevard, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in an P-O (Professional Office) zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of the City and the inhabitants thereof that the proposed amendment of the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Zoning Map and the zone district designation be amended for the following described property located at 5920 South Fashion Boulevard, Murray, Salt Lake County, Utah from C-D (Commercial) and G-O (General Office) to P-O (Professional Office):

*[Legal description follows on page 2]*

Parcel 1:

A parcel of land situate in the Southwest Quarter of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing North 02°15'30" East 1,162.43 feet and East 1,383.50 feet from the Street Monument at the intersection of 6100 South Street and State Street, said Monument being South 00°05'54" West 58.15 feet and South 89°50'41" East 601.17 feet from the Southwest Corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 87°30'00" East 302.71 feet;  
thence South 00°18'00" East 129.54 feet;  
thence South 89°59'05" East 6.78 feet;  
thence South 144.00 feet;  
thence West 250.48 feet;  
thence South 02°32'00" West 144.32 feet;  
thence South 01°26'00" West 21.27 feet to the Northerly Right-of-Way of Fashion Square Drive;  
thence Southwesterly 24.38 feet along the arc of a 163.30 feet radius curve to the left (center bears South 34°18'42" East and the chord bears South 51°24'41" West 24.36 feet with a central angle of 08°33'13") along said Northerly Right-of-Way;  
thence North 79°53'30" West 31.53 feet;  
thence North 00°18'00" West 461.85 feet to the point of beginning.

Contains 95,053 square feet or 2.182 acres.

Parcel 2:

A parcel of land situate in the Southwest Quarter of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing North 02°15'30" East 1,165.56 feet and East 1,311.81 feet from the Street Monument at the intersection of 6100 South Street and State Street, said Monument being South 00°05'54" West 58.15 feet and South 89°50'41" East 601.17 feet from the Southwest Corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence North 00°18'00" West 294.10 feet;  
thence South 81°00'00" East 231.38 feet;  
thence South 00°18'00" East 267.88 feet to and along the Westerly Right-of-Way of Fashion Boulevard;  
thence North 87°30'00" West 228.61 feet to the point of beginning.

Contains 64,161 square feet or 1.473 acres.

**Section 2.** This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 3<sup>rd</sup> day of September, 2019.

MURRAY CITY MUNICIPAL COUNCIL

---

Dave Nicponski, Chair

ATTEST:

---

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

D. Blair Camp, Mayor

ATTEST:

---

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Jennifer Kennedy, City Recorder

4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.
6. The applicant will obtain Murray City Building Permits for any new work needed in conjunction with the ADU.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU and will include general inspection of the items mentioned in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
11. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
12. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

A Maren Patterson  
A Lisa Milkavich  
A Scot Woodbury  
A Phil Markham  
A Travis Nay

Motion passed 5-0

RODERICK ENTERPRISES- 5920 South Fashion Blvd. – Project # 19-077 & 19-078

Michael Roderick was the applicant present to represent this request. Zac Smallwood reviewed the location and request for the Future Land Use Map amendment change from a designation of Office to Professional Office. The requested Zoning Map amendments are from C-D, Commercial Development and G-O, General Office designations to P-O, Professional Office. Mr. Smallwood explained that the subject property has two different zones. The north portion is zoned G-O and the south portion is C-D. Sometime between October 2018, and January 2019, the 7 parcels that encompassed this area were combined by a lot consolidation that did not pass through the City process, and then they were recorded as combined property with the Salt

Lake County Recorder. The unofficial combination of the subject parcels has resulted in two different zones on one piece of property and will be addressed in tonight's meeting. Currently the General Plan indicates this area is designated as Office, and the proposed change is to Professional Office. Staff has determined it to be a natural progression of the existing nearby P-O Zone, which would allow primarily office uses with some Conditional Uses for restaurants, schools, and entertainment. A building in this zone could be a maximum height of 35' if located within 100' of residential zoning, and 50' maximum if setback from residential zoning >100'. The subject property has abutting homes to the west and if the property were to be developed by P-O Zone standards then a 10 ft. buffer and a 6 ft. masonry fence would be required between the two uses. Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Future Land Use Map and the Zoning Map designations.

Michael Roderick, 1214 East Vine Street, stated his changes are necessary because he wants to be consistent with whatever IHC and the University of Utah are doing in the area because the subject property is located in the middle of both. Mr. Roderick further explained that the initial plan was to build a corporate office for himself but there was interest from the medical community and the plan changed.

The meeting was opened for public comment.

Kim Kimball, 6998 Gillen Lane, stated that last year a proposal was heard by the Planning Commission to build a dental office in this area and they were told no, due to the increase in traffic. Mr. Kimball expressed concern that allowing the P-O Zoning would allow buildings with increased heights which would also increase traffic impacts around McMillian Elementary School nearby. Mr. Kimball asked where the parking lot of the future buildings will be located. Mr. Nay stated that specific details about the location of any potential development can't be speculated on because there are no formal development plans before us.

Janet Hill, 5970 South Afton Avenue, stated she went to the Murray City website and it stated, "that the purpose of zoning is to provide adequate open space for light and air and to prevent overcrowding of land". Ms. Hill stated that she also referenced the Future Land Use Map on the Murray City website and that it designates this area as Office Space, and she believes this zoning was thought out well. Ms. Hill added that she believes a two-story building is more consistent with other buildings in the area, with the exception of the three-story buildings towards the mall and she wishes to keep a zone more consistent with two story buildings. Ms. Hill also expressed her dislike for the way the Public Notice was announced because she did not receive a notice and believes she lives within the distance to be part of the mailing list for this agenda item. Ms. Hill also stated that the notice says the applicant shall be responsible for posting notification signage on the subject property in advance of the scheduled meeting, which she does not believe was done.

Shirlene Lundskog, 5951 South 200 East, stated her son also has a property on Gillen Lane and that this proposed zone change is abutting both of the properties. Ms. Lundskog stated that she and her son are concerned that there will be a rise in property tax as well as the height of the building.

The public comment portion for this agenda item was closed.

Mr. Nay asked if Mr. Smallwood could add clarity to the public comment about an application for a Dental Office that was denied for rezone by the City. Mr. Smallwood answered that the application for a dental office was not for this property, instead it was much further down Fashion Blvd. and that it was proposed on a residentially zoned property. Mr. Nay also recalled that traffic was not the reason for denial of the rezone. Mr. McNulty added that the application was

for Smith Family Dental and the City Council chose not to grant the rezoning because of the impact to the neighborhood that was all around it and to protect and stabilize the existing R-1-8 Zone. Mr. McNulty stated that the P-O Zone was adopted by City Council in July of 2018. Ms. Milkavich asked if there were multiple discussions about the Smith Family Dental application. Mr. McNulty replied yes, and one group of people was in favor of the proposal and one group was opposed to the proposal. Minutes for both meetings are posted on the internet for public reference. Ms. Patterson asked if the Smith Family Dental application was proposed for the same property in tonight's application. Mr. McNulty replied no, they are completely different properties and different zones.

Mr. Smallwood addressed public comments and stated that he speculates if a building were to be built on this property that it may be situated closer to McMillian Elementary rather than a parking lot. Mr. Smallwood also stated that the current zones and the proposed zone have many similarities and allowances, but the P-O Zone has the capability to give more control over what can be developed on this property than the current zones do. Mr. Smallwood stated that he recalls there being several three or four-story buildings located in the Tosh area as well as on the U of U's new campus to the south. Staff believes that this use would be consistent with those buildings. Mr. Smallwood stated that in addition to mailing Public Notices to residents within a 300 ft. radius, the City also posts notices on the Utah State Public noticing website. Mr. Nay commented that the resident who expressed concerns about not receiving a notice was present at tonight's Public Hearing and was somehow notified. Mr. Smallwood stated that he conducted a site visit to the property but did not recall if the sign was posted and that the City requires the sign to be posted 10 days prior to the Public Hearing and it is the applicant's responsibility to do so. Mr. McNulty added that City Staff gave the sign to the applicant with instruction to post it and that the noticing in which the City uses is effective, as can be seen because we have a full chamber of residents in attendance. Mr. McNulty added that the City also posts notices in public places in City Hall, on the Murray City website as well as the State website so that we meet all State Code Statues on noticing requirements.

Mr. Smallwood addressed the concern about raising taxes of the surrounding properties and stated that if property tax rates change that they would only affect the single property owner of the subject property and not a neighboring property. Ms. Milkavich pointed out that the City does not have any control over property taxes because taxing is governed by the County Tax Assessors. Ms. Patterson stated that she is aware that the P-O Zone was only recently created therefore, it was not incorporated into the General Plan when it was adopted and wondered if the P-O Zone was in existence when the General Plan was adopted, is it possible that this area would have been zoned P-O. Mr. Smallwood stated that the P-O Zone was created by the City and it was based off the designation of the General Office Land Use Designation. Looking over the past couple of years, the U of U building built nearby supports the thought that this area is a good fit for the P-O Zone. Mr. McNulty stated that the General Plan adoption took two years and that the City tried to look at each area and make a recommendation. The P-O Zone makes sense here because it abuts an existing Professional Office Zone on the General Plan Land Use Map.

Mr. Nay asked Mr. Roderick where he posted the notice. Mr. Roderick stated that he originally, he posted the notice on 300 East, but it was torn down a few times, so it was moved to the south part of the property by Fashion Blvd. that abuts the property and believes the sign is still there. Mr. Roderick added that his company has been located in Murray since the 1950's and he loves Murray City dearly and hopes to keep his company headquarters here. Mr. Roderick added that his company was involved in the original development of the Fashion Place Mall and more recently the Fashion Plaza Shopping Center to the South and the adjacent office park where the University of Utah is now located. He stated that Roderick enterprises is involved in building long-term, quality projects that benefit the community.

Planning Commission Meeting  
July 18, 2019  
Page 6

Phil Markham made a motion to forward a recommendation of approval to the City Council for the requested amendment to the General Plan of the property located at 5920 South Fashion Boulevard from Office to Professional Office.

Seconded by Scot Woodbury.

Call vote recorded by Mr. Smallwood.

A Phil Markham  
A Scot Woodbury  
A Maren Patterson  
A Lisa Milkavich  
A Travis Nay

Motion passed 5-0

Maren Patterson made a motion to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the property located at 5920 South Fashion Boulevard from C-D, Commercial Development and G-O, General Office to P-O, Professional Office.

Seconded by Phil Markham.

Call vote recorded by Mr. Smallwood.

A Maren Patterson  
A Phil Markham  
A Scot Woodbury  
A Lisa Milkavich  
A Travis Nay

Motion passed 5-0

Mr. Nay added for the benefit of those in attendance that if an application is submitted to the City for the development of the site it will also be brought before the Planning Commission in a public meeting and there will be an opportunity for future thoughts and concerns to be heard. Mr. Woodbury added that this agenda item will be forwarded to the City Council for Public Hearing and that there will be an opportunity to speak at that time as well. This is only the first part of the process, and the City Council is the second part. Any potential future projects will come to Planning Commission in a public meeting.

KIMBALL ASSOCIATES – 4670 South 900 East – Project #19-086 & 19-087

David Kimball was the applicant present to represent this request. Jared Hall reviewed the location and request for amendments to the Future Land Use Map from a designation of General Commercial to a designation of Mixed Use. The applicant proposes to amend the General Plan and Zoning Map in preparation to apply for a new Mixed-Use development on the property which would include multi-family housing units and horizontal commercial development along 900 East. The requested Zoning Map amendment is from a designation of C-D, Commercial Development, to M-U, Mixed Use for the subject property generally known as the old K-Mart site. This area is an arm of the City, the east, west, and most of the north property's border Millcreek City. The site is 10.5 acres within the C-D Zone and borders the Ivy Place Shopping Center to the south and Cube Smart building to the north. Most of the site is a parking lot with



**TO:** Murray City Planning Commission

**FROM:** Murray City Community & Economic Development Staff

**DATE OF REPORT:** July 12, 2019

**DATE OF HEARING:** July 18, 2019

**PROJECT NAME:** Roderick Enterprises

**PROJECT NUMBER:** 19-077 & 19-078

**PROJECT TYPE:** General Plan Amendment, Zoning Map Amendment

**APPLICANT:** Ben Wheat, Roderick Enterprises

**PROPERTY ADDRESS:** 5920 South Fashion Boulevard

**SIDWELL #:** 22-18-377-062

**EXISTING ZONE:** C-D, Commercial Development and G-O, General Office

**PROPOSED ZONE:** P-O, Professional Office

**EXISTING FUTURE LAND USE DESIGNATION:** Office

**PROPOSED FUTURE LAND USE DESIGNATION:** Professional Office

**PROPERTY SIZE:** 3.61 acres

**I. REQUEST:**

The applicant is requesting approval for amendments to the Murray City Future Land Use Map and Zoning Map for the subject property. The requested Future Land Use Map amendment is from a designation of Office to Professional Office. The requested Zoning Map amendments are from C-D, Commercial Development and G-O, General Office designations to P-O, Professional Office.

**II. BACKGROUND AND REVIEW**

**Background**

The subject property is located on the southwest corner of 5900 South and Fashion Boulevard. The subject property consisted of seven (7) individual

parcels as of Fall of 2018. In early 2019, the properties were combined into one lot through an unapproved lot consolidation. This resulted in a single property having two (2) distinct zoning districts: The three (3) northmost properties were zoned G-O (General Office), and the remaining four (4) parcels were zoned C-D (Commercial Development). Roderick Enterprises purchased the properties and combined the lots with the intent on developing the properties as a single parcel.

Roderick Enterprises are a development group with offices in Murray. They would like to build a new office on the subject property. After a review of the allowed heights and setbacks of the G-O and C-D zones the Applicant would like to request to change the Future Land Use and Zoning Maps to change to Professional Office. This would allow for additional height in the location, while still maintaining a buffer from the nearby R-1-8 Zoning on the east and west sides of the property.

#### Surrounding Land Uses & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Office	G-O
South	Office	C-D
East	Office	G-O
West	Single-Family Residential	R-1-8

#### Zoning Districts & Allowed Land Uses

- Existing: The existing G-O, General Office and C-D, Commercial Development zones allow professional, business services and office uses that are compatible with nearby and surrounding commercial and residential uses. Examples include dentists, family doctors, optometrists, travel agencies, real estate agencies, retail/restaurant establishments, insurance agencies, architects, and law offices. Entertainment, contractors' services, and vehicle sales and repair are allowed as conditional uses.
- Proposed: The proposed P-O, Professional Office zone allows primarily office uses with some Conditional Uses for restaurants, schools, and entertainment. The P-O zone would limit the uses more than the existing C-D, Commercial Development zone. Notable exclusions from the P-O zone are contractors, and vehicle sales and repair.

#### Regulations

A brief summary comparing some of the requirements from the C-D and G-O to P-O zoning is contained in the table below.

	G-O (existing)	C-D (existing)	P-O (proposed)
Front Setback	20'	20'	20' can be reduced to 10'
Rear Setback	20' (where adjacent to residential)	none	20'
Side Setback	20' on corner sides, 20' where adjacent to residential zoning	none	20'
Lot Width	90'	none	None
Building Height	30' max if located within 100' of residential zoning.  1' of additional height per 4' of additional setback from residential	35' max if located within 100' of residential zoning.  1' of additional height per 4' of additional setback from residential zoning	35' max if located within 100' of residential zoning.  50' max if setback from residential zoning >100'
Landscape & Buffering	15% site requirement  10' buffer adjacent to residential zoning  6' masonry fence adjacent to residential	10% site requirement  10' buffer adjacent to residential zoning  6' masonry fence adjacent to residential	10% site requirement  6' masonry fence adjacent to residential

#### General Plan & Future Land Use Designations

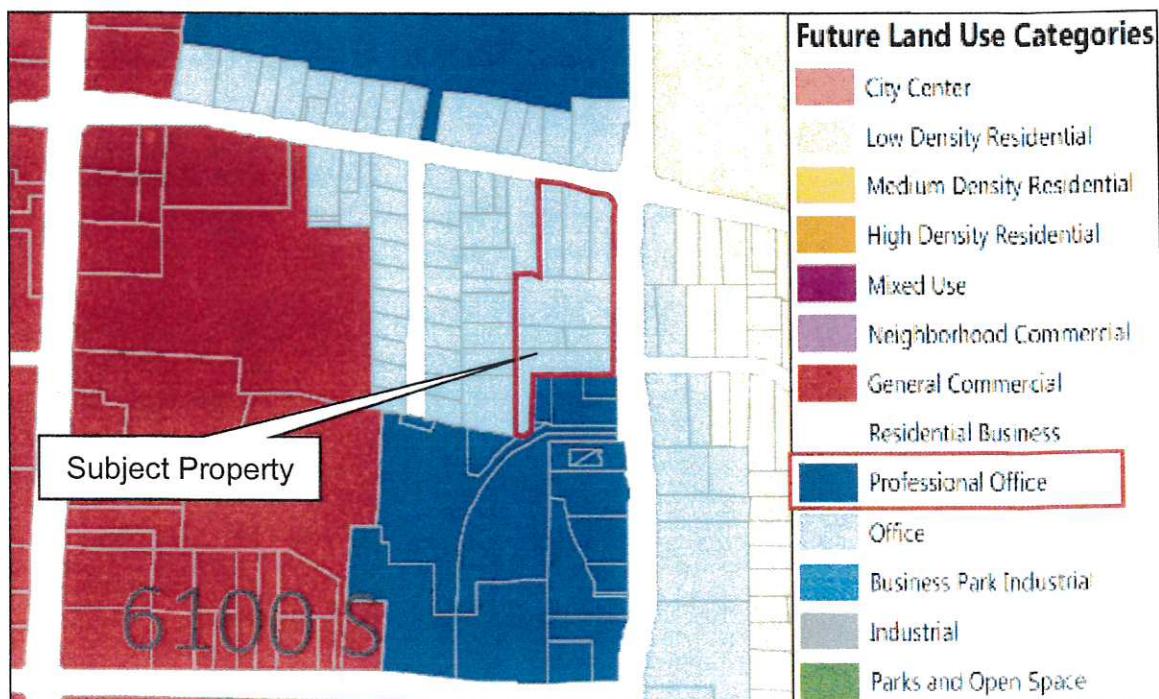
Map 5.7 of the Murray City General Plan (the Future Land Use Map) identifies future land use designations for all properties in Murray City. The designation of a property is tied to corresponding purpose statements and zones. These "Future Land Use Designations" are intended to help guide decisions about the zoning of properties.

- Existing: The subject properties are currently designated as "Office". The Office designation allows for a wide range of office uses in an environment that is compatible with adjacent residential neighborhoods. Development patterns should enhance the livability of surrounding residential neighborhoods while contributing to the success of nearby business areas. Development will generally be individual buildings or small clusters that are scaled similarly to adjacent residential areas. The corresponding zoning designations are G-O, General Office and R-N-B, Residential Neighborhood Business. This designation was applied to the subject properties along with other properties along 5900 South and Fashion Boulevard in the General Plan adopted in 2017. Most of the parcels had the Office designation in the previous General Plan.

- Proposed: The applicants have proposed amending the Future Land Use Map designation of the properties to “Professional Office”. The Professional Office designation allows for a full-range of commercial and employment uses. This designation is intended to provide for mixed-use areas where urban public services are available or planned, including access to high-capacity transit or BRT/Streetcar service. The intensity of development will be higher than in other employment designations and urban in character. Development patterns should enhance the livability of surrounding residential neighborhoods while contributing to the success of nearby business areas. Developments may be individual buildings or developed as an urban mixed-use campus.

#### Compatibility

The subject property is located on the south side of 5900 South and west side of Fashion Boulevard near the University of Utah Healthcare’s new medical building and The Orthopedic Specialty Hospital (TOSH). The land uses and zoning designations in the surrounding area are a mix of commercial and office with some limited residential uses along 200 East. The 2017 General Plan designates the properties in the area from 6100 South to 5900 South between Fashion Boulevard and State Street as Office. The emerging development pattern of the area is for office use, and an expansion of the Professional Office designation would be consistent with this pattern. The Professional Office designation has been applied on properties to the north (TOSH) and south.



### **III. CITY DEPARTMENT REVIEW**

A Planning Review Meeting was held on Monday, July 1, 2019 where the proposed amendments were considered by City Staff from various departments. There were no comments from City Departments to be forwarded to the Planning Commission at this time.

### **IV. PUBLIC INPUT**

Notices were sent to all property owners within 500 feet of the subject property. There have been approximately four (4) calls for clarification about the existing residential along 200 East. The residents were concerned that their property was changing without their knowledge. Staff explained the General Plan designations and that at this time they are considered recommendations and that the City will not rezone without an application that would need to include a property owner's affidavit that gives consent to proceed with the change.

### **V. ANALYSIS & CONCLUSIONS**

#### **A. Is there need for change in the Zoning at the subject location for the neighborhood or community?**

The subject property is located near the Fashion Place Mall in an area that is trending towards office uses. The applicant believes that to get the highest and best use of the property, the Professional Office Zone would be needed. This allows for a reduction in setbacks on the street, and additional height when appropriately separated from residential zoning.

#### **B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?**

The range of uses in the G-O, C-D and P-O Zones are similar enough that there will not be incompatible uses in the area. The area has been trending towards medical and professional office uses for several years. The change to the P-O, Professional Office Zone would allow for a higher quality development with more design review than the G-O or C-D Zones.

#### **C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?**

Staff would expect no adverse impacts to services as a result of the proposed change. The C-D and G-O Zones allow for office developments currently. The main difference is the calculation of height in the P-O Zone that would allow for additional height. Staff does not anticipate any negative impact to services in the proposed location.

## **VI. FINDINGS**

1. Re-designation of the Future Land Use Map and Zoning Map for the subject property as requested would be consistent with the development pattern for the area and will allow for development of the property to the highest and best uses available.
2. The requested amendments have been carefully considered based on the characteristics of the site and surrounding area and the policies and objectives of the 2017 Murray City General Plan and have been found to be in harmony with the goals of the Plan.
3. The proposed amendment of the Zoning Map from G-O and C-D to P-O is in harmony with goals and objectives of the Murray City General Plan.

## **VII. STAFF RECOMMENDATION**

The requests have been reviewed together in the Staff Report and the findings and conclusions apply to both recommendations from Staff; however, the Planning Commission must take actions on each request individually. Two separate recommendations are provided below:

### **A. REQUEST TO AMEND THE MURRAY CITY GENERAL PLAN**

Based on the background, analysis, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested amendment to the General Plan Future Land Use Map designation of the property located at 5920 South Fashion Boulevard from Office to Professional Office.

### **B. REQUEST TO AMEND THE MURRAY CITY ZONING MAP**

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the requested amendment to the Zoning Map designations of the property located at 5920 South Fashion Boulevard from C-D, Commercial Development and G-O, General Office to P-O, Professional Office.

Zachary Smallwood, Associate Planner  
Community and Economic Development  
801-270-2407  
zsmallwood@murray.utah.gov

# **Site Information**



# 5920 South Fashion Boulevard





## MURRAY CITY CORPORATION

Community &  
Economic Development

Building Division 801-270-2400  
Planning Division 801-270-2420

July 5, 2019

### NOTICE OF PUBLIC MEETING

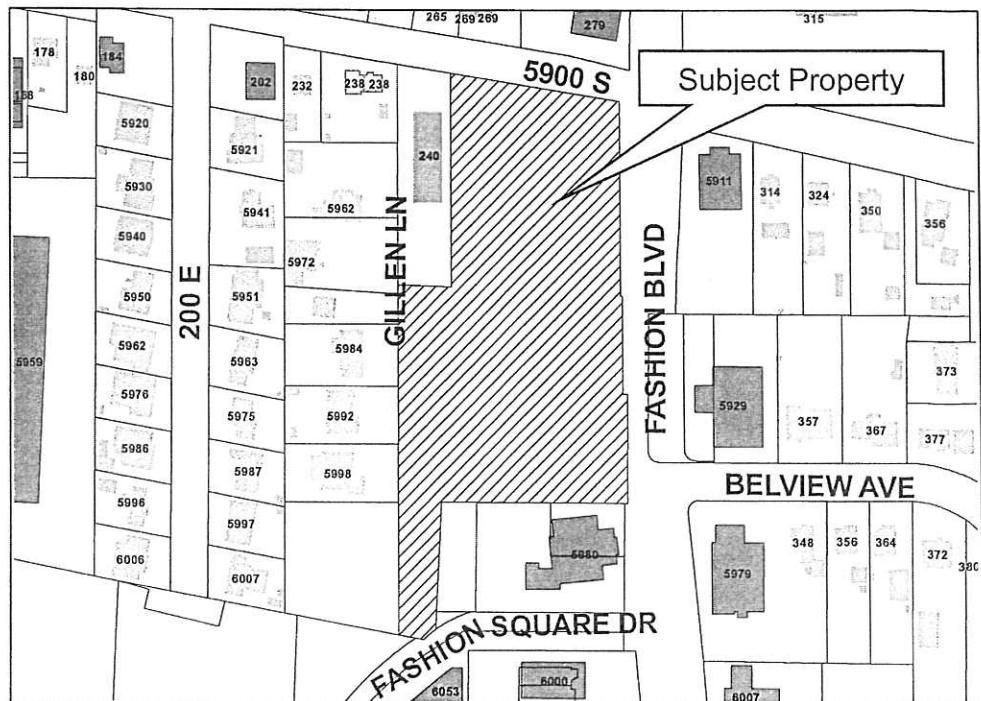
This notice is to inform you of a Planning Commission meeting scheduled for Thursday, July 18, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, located at 5025 S. State Street.

Representatives of Roderick Enterprises are requesting a General Plan Amendment to change the Future Land Use Map designation from Office to Professional Office and a Zone Map Amendment from C-D (Commercial development) and G-O (General Office) Zone to P-O (Professional Office) Zone for the property located at 5920 South Fashion Boulevard. Please see the attached map segments.

This notice is being sent to you because you own property within the near vicinity. If you have questions or comments concerning this proposal, please call Zachary Smallwood, with the Murray City Community Development Division at 801-270-2420, or e-mail to [zsmallwood@murray.utah.gov](mailto:zsmallwood@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

#### 5920 South Fashion Boulevard



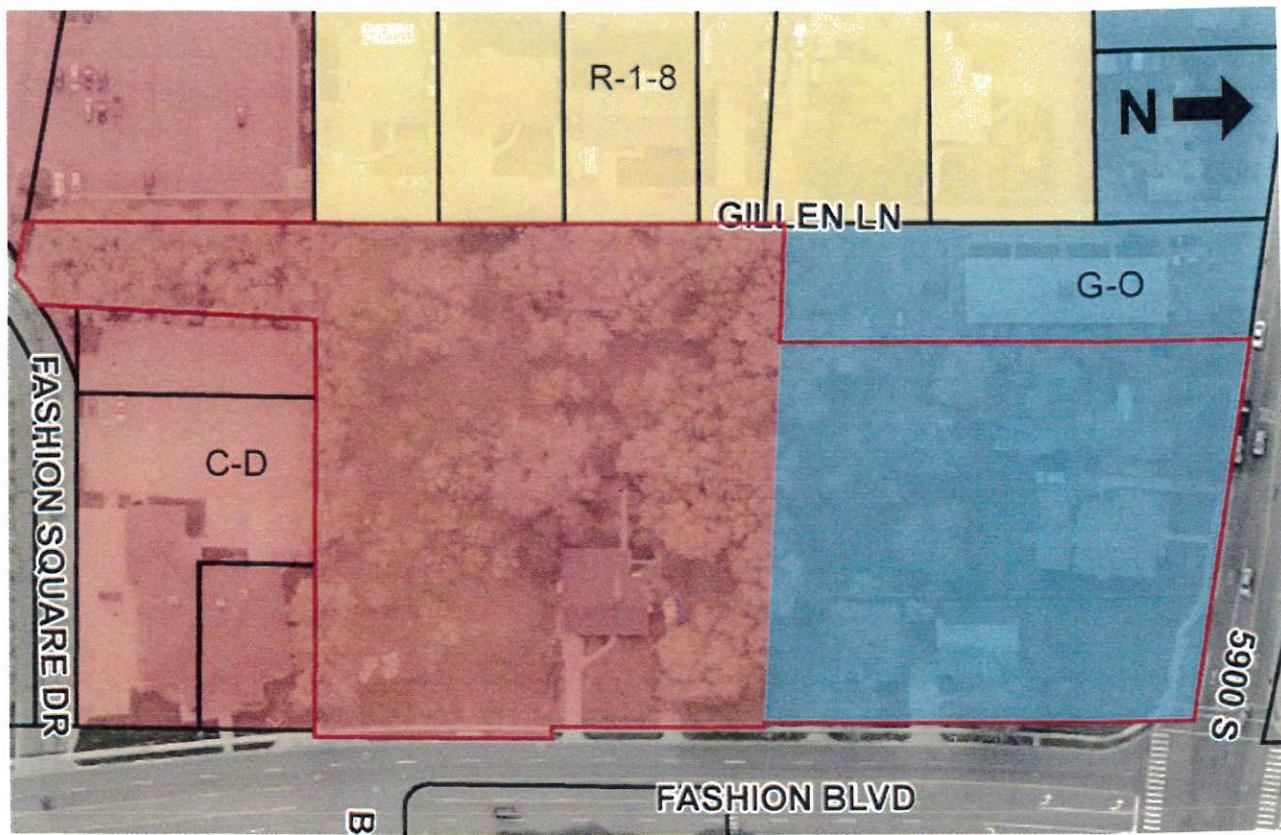


Figure 1: Zoning Map Segment

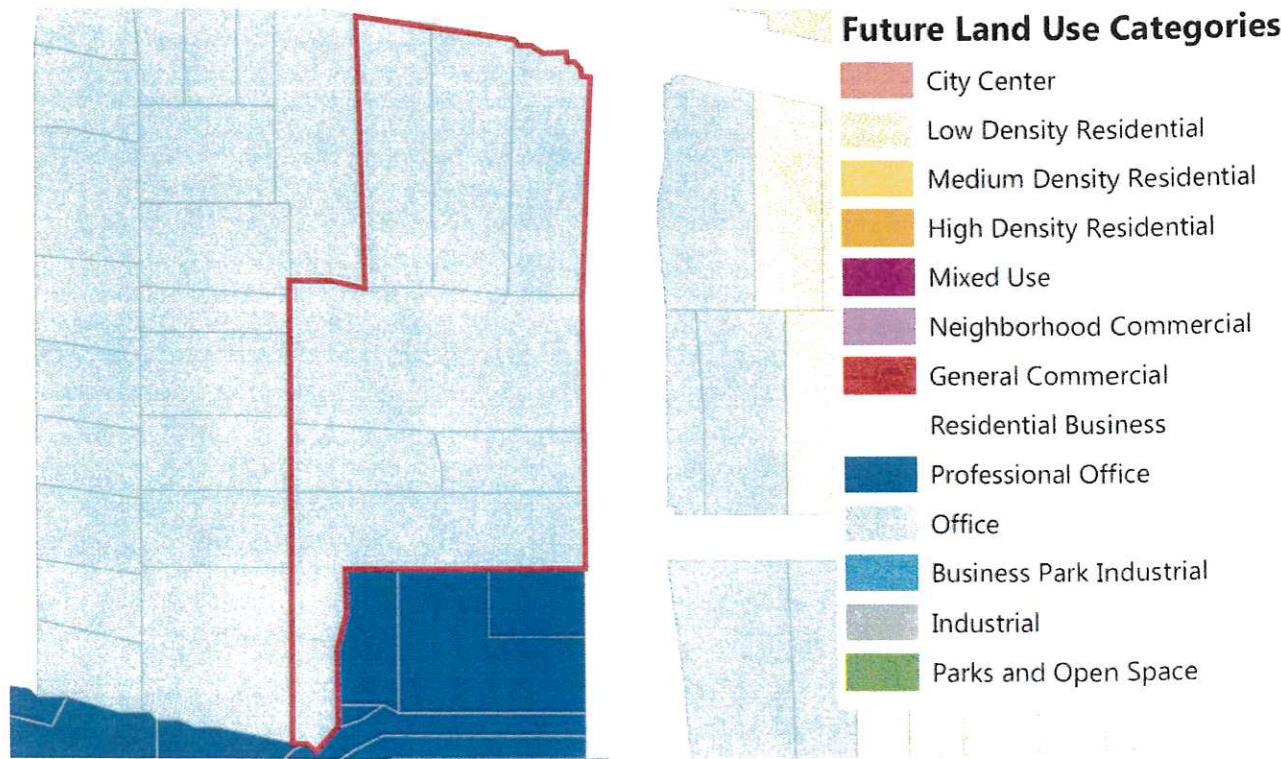


Figure 2: General Plan Segment

4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News

Utah  
Media  
Group

The Salt Lake Tribune

FILE COPY

**PROOF OF PUBLICATION      CUSTOMER'S COPY**

CUSTOMER NAME AND ADDRESS

MURRAY CITY RECORDER,

5025 S STATE, ROOM 113

MURRAY, UT 84107

ACCOUNT NUMBER

9001341938

DATE

7/8/2019

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001260179 /

PUBLICATION SCHEDULE

START 07/07/2019      END 07/07/2019

CUSTOMER REFERENCE NUMBER

Roderick Ent GP & Zone Map

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY G

SIZE

38 LINES      1 COLUMN(S)

TIMES

TOTAL COST

3

68.84

MURRAY CITY  
CORPORATION  
NOTICE OF  
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 18th day of July, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to General Plan Amendment from Office to Professional Office and a Zone Map Amendment from G-O (General Office) and C-D (Commercial Development) to P-O (Professional Office) for the properties located at approximately: 244 & 262 East 5900 South, 5912, 5918, 5920, 5926 & 5936 South Fashion Boulevard (300 East), Murray City, Salt Lake County, State of Utah.

Jared Hall, Supervisor  
Community & Economic Development  
1260179      UPAKLP

Roderick GPT  
Zone change

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 18th day of July, 2019, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 07/07/2019      End 07/07/2019

DATE 7/8/2019

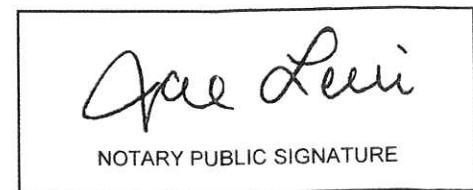
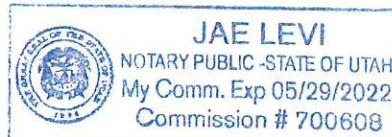
SIGNATURE



STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 7TH DAY OF JULY IN THE YEAR 2019  
BY LORAINNE GUDMUNDSON.



# **Application Materials**

## GENERAL PLAN AMENDMENT APPLICATION

**Type of Application (check all that apply):**

Text Amendment  
 Map Amendment

Subject Property Address: 5920 South Fashion Boulevard

Parcel Identification (Sidwell) Number: 22-18377-062

Parcel Area: 3.61 acres Current Use: vacant land

Land Use Designation: GO Proposed Designation: PO

Applicant Name: Roderick Enterprises (Ben Wheat)

Mailing Address: 1214 E Vine Street

City, State, ZIP: Murray, Utah 84121

Daytime Phone #: 801-506-5005 Fax #: \_\_\_\_\_

Email Address: benw@roderickrealty.com

Business Name (If applicable): Roderick Enterprises

Property Owner's Name (If different): same

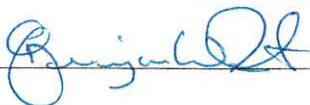
Property Owner's Mailing Address: same

City, State, Zip: same

Daytime Phone #: same Fax #: \_\_\_\_\_

Describe your request in detail (use additional page if necessary): We are requesting to change the general plan from GO to PO.

---

Authorized Signature:  Date: 6/11/2019

## ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Zoning Map Amendment  
 Text Amendment  
 Complies with General Plan  
 Yes  No

Subject Property Address: 5920 South Fashion Boulevard

Parcel Identification (Sidwell) Number: 22-18-377-062

Parcel Area: 3.61 Acres Current Use: vacant land

Existing Zone: CD / GO Proposed Zone: PO

Applicant Name: Roderick Enterprises

Mailing Address: 1214 E Vine St

City, State, ZIP: Murray, Utah 84121

Daytime Phone #: 801-506-5005 Fax #: \_\_\_\_\_

Email address: benw@roderickrealty.com

Business Name (If applicable): same

Property Owner's Name (If different): same

Property Owner's Mailing Address: same

City, State, Zip: same

Daytime Phone #: same Fax #: \_\_\_\_\_

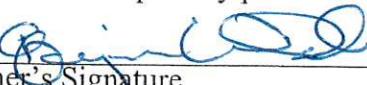
Describe your reasons for a zone change (use additional page if necessary):

The south portion of this ground is zoned CD and the north portion is zoned GO. We are requesting a zone change to PO for the entire parcel

Authorized Signature: Roderick Date: 6/11/2019

## Property Owners Affidavit

I (we) Benjamin Wheat, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

  
Owner's Signature

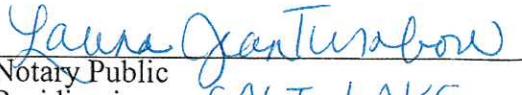
Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §

Subscribed and sworn to before me this 12<sup>th</sup> day of JUNE, 20 19.



  
Launa Jean Turnbow  
Notary Public  
Residing in SALT LAKE  
My commission expires: 5/23/2020

### Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

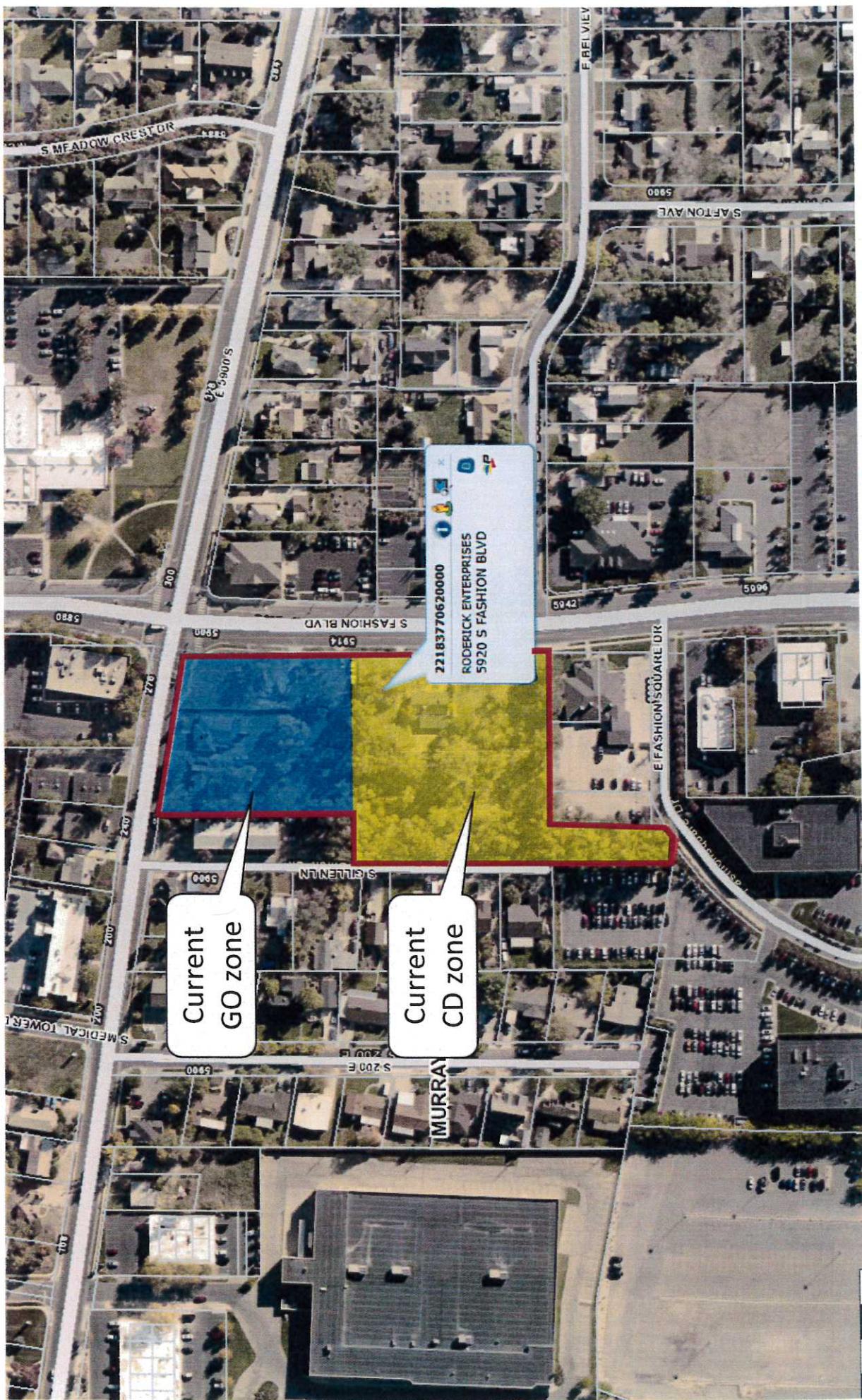
State of Utah

County of Salt Lake §

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

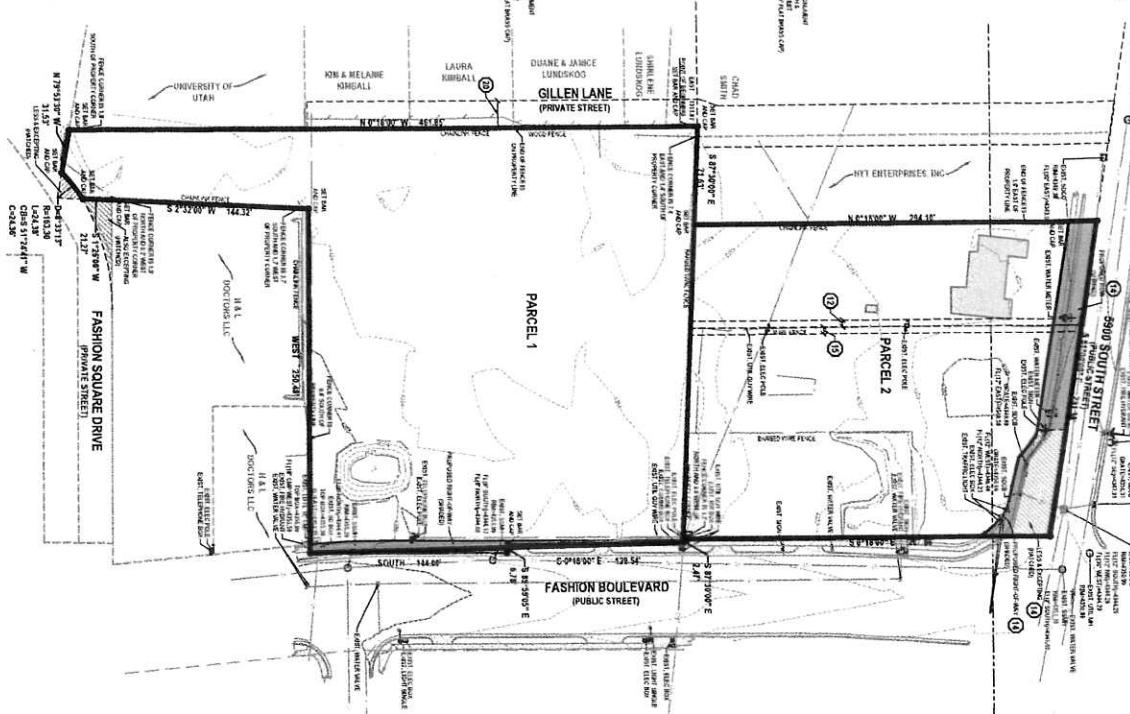
Notary public  
Residing in \_\_\_\_\_  
My commission expires: \_\_\_\_\_



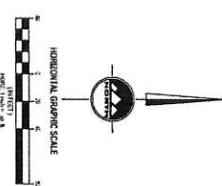




VICINITY MAP  
Not to Scale



LOCATED IN THE SOUTHWEST QUARTER  
TOWNSHIP OF SOUTH RANGE EAST  
SALT LAKE BASE AND MERRION  
MURRAY, SALT LAKE COUNTY, UTAH



1 OF 1

**RODERICK OVERALL PROPERTY  
EXHIBIT MAP**  
5920 SOUTH FASHION BOULEVARD  
MURRAY, UTAH



[www.ansigning.com](http://www.ansigning.com)



BENCHMARK

**SALT LAKE CITY**  
100 S. 100 E., Suite 300  
Salt Lake City, UT 84111  
Phone: 801.255.0529  
**LAYTON**  
Phone: 801.547.1100  
**TOOLE**  
Phone: 801.543.5560  
**CEDAR CITY**  
Phone: 251.805.1453  
**RICHFIELD**  
Phone: 435.696.2863

ANSIGNING.COM  
ANSIGNING.COM  
ANSIGNING.COM  
ANSIGNING.COM  
ANSIGNING.COM  
ANSIGNING.COM

Parcel 1:

A parcel of land situate in the Southwest Quarter of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing North 02°15'30" East 1,162.43 feet and East 1,383.50 feet from the Street Monument at the intersection of 6100 South Street and State Street, said Monument being South 00°05'54" West 58.15 feet and South 89°50'41" East 601.17 feet from the Southwest Corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence South 87°30'00" East 302.71 feet;  
thence South 00°18'00" East 129.54 feet;  
thence South 89°59'05" East 6.78 feet;  
thence South 144.00 feet;  
thence West 250.48 feet;  
thence South 02°32'00" West 144.32 feet;  
thence South 01°26'00" West 21.27 feet to the Northerly Right-of-Way of Fashion Square Drive;  
thence Southwesterly 24.38 feet along the arc of a 163.30 feet radius curve to the left (center bears South 34°18'42" East and the chord bears South 51°24'41" West 24.36 feet with a central angle of 08°33'13") along said Northerly Right-of-Way;  
thence North 79°53'30" West 31.53 feet;  
thence North 00°18'00" West 461.85 feet to the point of beginning.

Contains 95,053 square feet or 2.182 acres.

Parcel 2:

A parcel of land situate in the Southwest Quarter of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing North 02°15'30" East 1,165.56 feet and East 1,311.81 feet from the Street Monument at the intersection of 6100 South Street and State Street, said Monument being South 00°05'54" West 58.15 feet and South 89°50'41" East 601.17 feet from the Southwest Corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running;

thence North 00°18'00" West 294.10 feet;  
thence South 81°00'00" East 231.38 feet;  
thence South 00°18'00" East 267.88 feet to and along the Westerly Right-of-Way of Fashion Boulevard;  
thence North 87°30'00" West 228.61 feet to the point of beginning.

Contains 64,161 square feet or 1.473 acres.



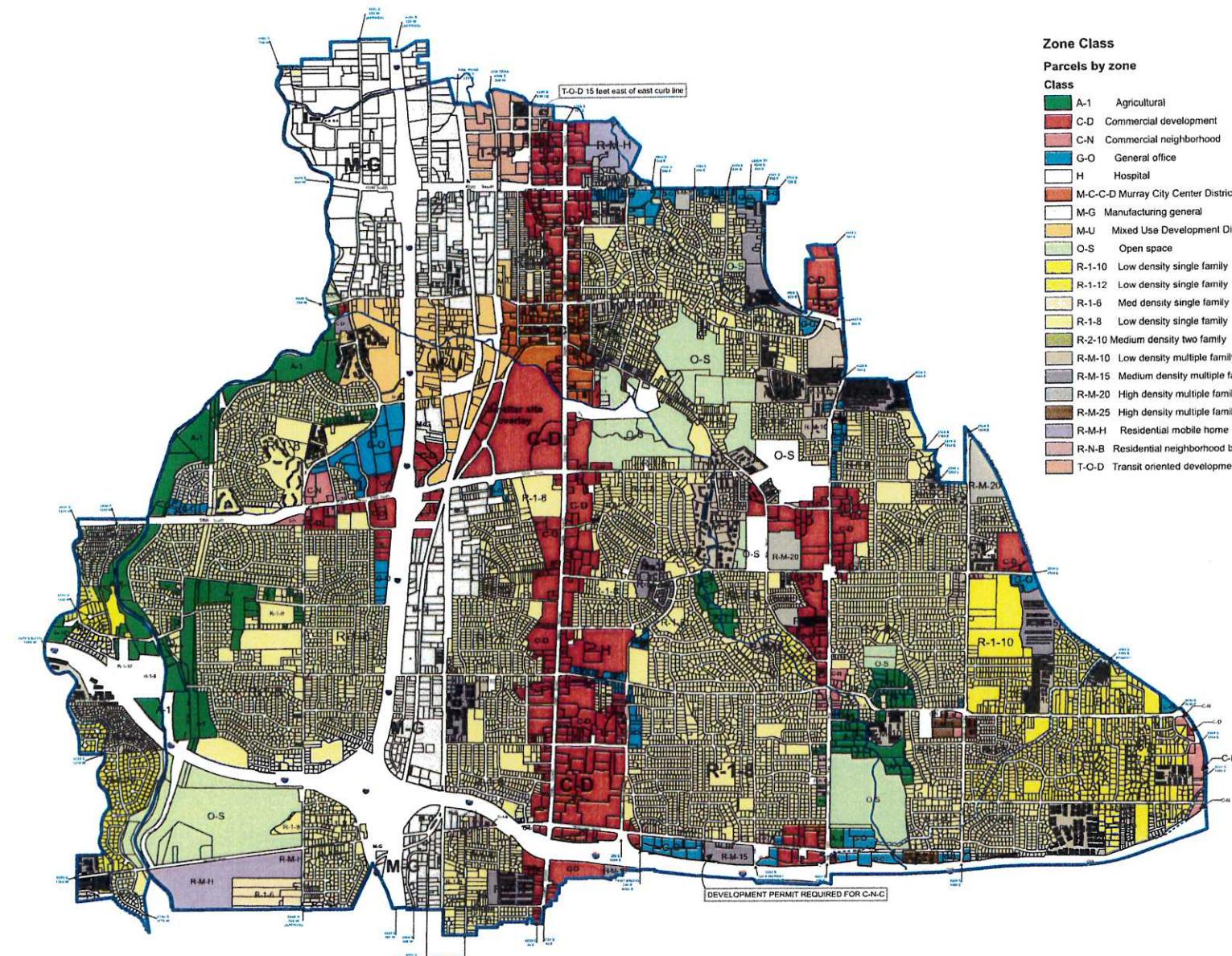
## MURRAY

Murray City  
201 S Division  
4440 South 100 West  
Murray, Utah 84123  
www.murray.utah.gov  
(801) 268-2274

Copyright 2018, Murray City

<http://www.murray.utah.gov/120/development-information>  
<http://www.murray.utah.gov/121/development-permit-application>

# Murray City Zoning



**RODERICK ENTERPRISES**  
P/C 7/18/19  
Project #19-077 & 19-078  
400' radius + affected entities

Allen Financial Properties, Llc  
202 E 5900 S  
Murray UT 84107

Hyt Enterprises, Inc  
6520 S Canyon Crest Dr  
Holladay UT 84121

Interline Partnership; Mri Investment  
1000 S Main St  
Salt Lake City UT 84101

Millennium Falcon Holdings, Llc  
350 E 5900 S  
Murray UT 84107

Napa Group, Llc  
12087 S Tuscany Creek Wy  
Draper UT 84020

Napa Group, Llc  
12087 S Tuscany Creek Wy  
Draper UT 84020

Olympus View, Llc  
5911 S Fashion Blvd  
Murray UT 84107

Amy Mcphie  
373 E Belview Ave  
Murray UT 84107

Andrew Chapman  
5975 S 200 E  
Murray UT 84107

Andrew J Iii. Joyce  
364 E Belview Ave  
Murray UT 84107

Apap Llc  
6339 S Murray Bluffs Dr  
Murray UT 84123

Board Of Education Of Murray City  
School District  
5102 S Commerce Dr  
Murray UT 84107

Capital Assests Condominium  
Owners Association  
6000 S Fashion Blvd  
Murray UT 84107

Chad Smith  
5972 S Gillen Ln  
Murray UT 84107

Cottonwood Medical Plaza  
Condominium Owners Association  
5872 S 900 E # 100  
Murray UT 84121

Cottonwood Medical Plaza Lc  
448 E Winchester St # 310  
Murray UT 84107

Craig V Henriksen;  
Marcia W Henriksen (Jt)  
5976 S 200 E  
Murray UT 84107

David & Martha Mark Trust  
10/11/2017  
357 E Belview Ave  
Murray UT 84107

Dplt  
5986 S 200 E  
Murray UT 84107

Duane E Lundskog; Janice L  
Lundskog (Jt)  
5984 S Gillen Ln  
Murray UT 84107

Edward D Primosic  
Po Box 17258  
Salt Lake City UT 84117

Eowt  
5963 S 200 E  
Murray UT 84107

Fashion Place Llc  
Po Box 3487  
Chicago IL 60654

Francis G. Green; Lovella J. Green  
239 E 5900 S  
Murray UT 84107

Glen E Knight; Denise N Knight (Jt)  
356 E Belview Ave  
Murray UT 84107

Goldenwest Federal Credit Union  
6007 S Fashion Blvd  
Murray UT 84107

H & L Doctors Llc  
5980 S Fashion Blvd  
Murray UT 84107

H & L Doctors Llc  
5980 S Fashion Blvd  
Murray UT 84107

H & L Doctors Llc  
5980 S Fashion Blvd  
Murray UT 84107

Ihc Health Services Inc  
36 S State St  
Salt Lake City UT 84111

Intermountain Donor Services  
230 S 500 E  
Salt Lake City UT 84102

K & Ss Liv Trust  
5987 S 200 E  
Murray UT 84107

Kathryn M Webb  
5950 S 200 E  
Murray UT 84107

Kerrie Thometz  
238 E 5900 S # A  
Murray UT 84107

Kim S Kimball;  
Melanie L Kimball (Jt)  
5998 S Gillen Ln  
Murray UT 84107

Kimball Family Trust 04/09/2007  
5998 S Gillen Ln  
Murray UT 84107

Kimball Family Trust 04/09/2017  
5998 S Gillen Ln  
Murray UT 84107

Kong Lim; Syhuong Lim (Jt)  
5962 S 200 E  
Murray UT 84107

Lavell B Hardy  
5940 S 200 E  
Murray UT 84107

Lc Murray Real Estate  
6000 S Fashion Blvd  
Murray UT 84107

Lc Murray Real Estate  
6000 S Fashion Blvd  
Murray UT 84107

LDS Church Employees Credit  
Union  
2480 S 3850 W # C  
West Valley UT 84120  
\*\*returned in mail\*\*

Loren Mitchell;  
Melissa Mitchell (Tc)  
356 E 5900 S  
Murray UT 84107

Lynn T Ostrander;  
Connie K Ostrander (Tc)  
367 E Belview Ave  
Murray UT 84107

Mark Conlon  
377 E Belview Ave  
Murray UT 84107

Matt J London  
5997 S 200 E  
Murray UT 84107

Michelle Duckett;  
Taylor M Duckett (Jt)  
324 E 5900 S  
Murray UT 84107

Mt Liv Trust  
5962 S Gillen Ln  
Murray UT 84107

Murray City  
5025 S State St  
Murray UT 84107

Palace Group Two Llc  
Po Box 577  
Brigham City UT 84302

Paul R & Christine J Schocker  
Revocable Living Trust Dated  
372 E Belview Ave  
Murray UT 84107

Physician Properties Llc  
5979 S Fashion Blvd  
Murray UT 84107

Robyn Mccloy  
878 W Timpie  
Tooele UT 84074

Robyn Mccloy  
878 Timpie Rd  
Tooele UT 84074

Roderick Enterprises  
1214 E Vine St  
Salt Lake City UT 84121

Saunders Holdings Llc  
Po Box 3418  
Park City UT 84060

Saunders Holdings Llc  
Po Box 3418  
Park City UT 84060

Shapiro Trust 12/21/1998  
5242 S College Dr  
Murray UT 84123  
\*\*returned in mail\*\*

SI Trust  
5951 S 200 E  
Murray UT 84107

Trust Not Identified  
Po Box 712041  
Salt Lake City UT 84171

William R Bankhead (Tc)  
6006 S 200 E  
Murray UT 84107

University Of Utah  
505 S Wakara Wy # 210  
Salt Lake City UT 84108

Trust Not Identified  
2202 E 5340 S  
Holladay UT 84117

Alejandro Montoya; De Montoya,  
Martha Montoya (Jt)  
10260 S Countrywood Dr  
Sandy UT 84092

William S Keller; Marsha Z Keller  
(Jt)  
314 E 5900 S  
Murray UT 84107

WHH Tr  
6186 S Mt Vernon Dr  
Murray UT 84107

WASATCH FRONT REG CNCL  
PLANNING DEPT  
41 North Rio Grande Str, Suite 103  
SLC UT 84101

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WNC Investments LLC  
5872 S 900 E # 100  
Murray UT 84121

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

MURRAY SCHOOL DIST  
ATTN: ROCK BOYER  
5102 S Commerce Drive  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
2277 E Bengal Blvd  
Cottonwood Heights, UT 84121

DOMINION ENERGY  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

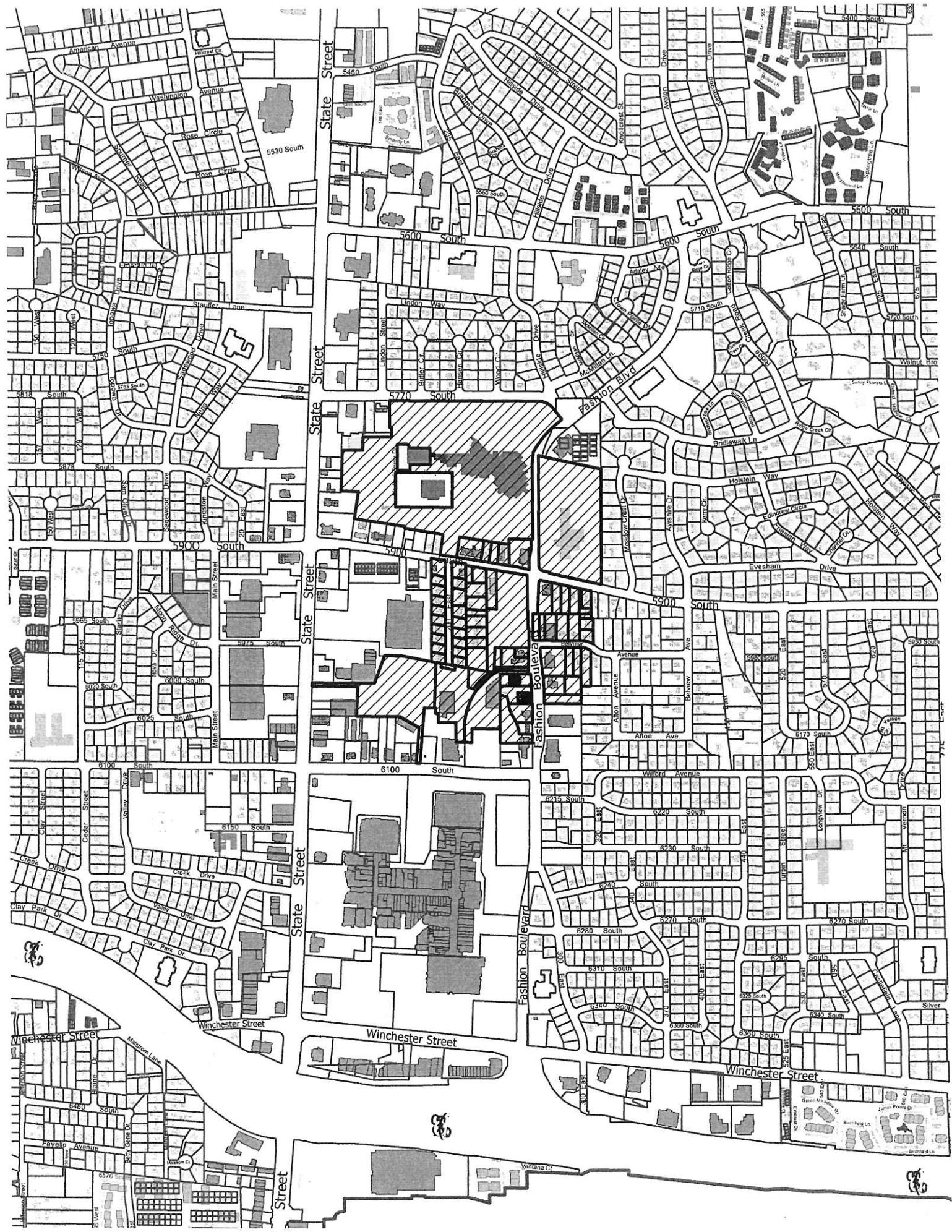
UTOPIA  
Attn: JAMIE BROTHERTON  
5858 So 900 E  
MURRAY UT 84121

COMCAST  
ATTN: GREG MILLER  
1350 MILLER AVE  
SLC UT 84106

CENTRAL UTAH WATER DIST  
1426 East 750 North, Suite 400,  
Orem, Utah 84097

MILLCREEK  
Attn: Planning & Zoning  
3330 South 1300 East  
Millcreek, UT 84106

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKwy  
SANDY UT 84070





MURRAY  
CITY COUNCIL

# Public Hearing #3

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 1<sup>st</sup> day of October, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider land use code text amendments to sections 17.146.020, 17.146.030, 17.146.040, 17.146.050, 17.146.080, 17.146.090, 17.146.110 and 17.146.120 of the Murray City Municipal Code relating to the Mixed Use zoning district.

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: September 20, 2019

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 17.146.020, 17.146.030,  
17.146.040, 17.146.050, 17.146.080, 17.146.090, 17.146.110 AND  
17.146.120 OF THE MURRAY CITY MUNICIPAL CODE RELATED TO  
THE MIXED-USE ZONING DISTRICT

NOW, THEREFORE, BE IT ORDAINED by the Murray City Municipal Council as follows:

*Section 1. Purpose.* The purpose of this Ordinance is to amend sections 17.146.020, 17.146.030, 17.146.040, 17.146.050, 17.146.080, 17.146.090, 17.146.110 and 17.146.120 of the Murray City Municipal Code relating to the Mixed-Use zoning district.

*Section 2. Amendment.* Sections 17.146.020, 17.146.030, 17.146.040, 17.146.050, 17.146.080, 17.146.090, 17.146.110 and 17.146.120 of the Murray City Municipal Code relating to the Mixed-Use zoning district are hereby amended to read as follows:

**17.146.020: DEFINITIONS:**

**FLOOR AREA RATIO (FAR):** Shall be calculated as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

**HORIZONTAL MIXED USE:** A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan.

**PRINCIPAL STREET:** The street with higher traffic volume.

**TRANSIT STATION:** Refers to one of the three rail stations located in Murray City's boundaries; the Murray North Station, Murray Central Station, and Fashion Place West Station.

**VERTICAL MIXED USE:** A mixed-use project in which the commercial components are provided within the same buildings with the residential components.

**XERISCAPING:** An attractive, sustainable landscape based on sound horticultural practices, which shows evidence of care. This method is beneficial especially for arid and semiarid climates and utilizes water conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation). (Ord. 10-04 § 2)

### 17.146.030: PERMITTED USES:

A. A use not specifically designated is prohibited. The inclusion of a major heading includes all subcategories listed under the major heading unless otherwise excepted.

B. The following uses are permitted in the district (where square foot limits are specified, they shall apply to individually operating businesses, not to the entire property):

<u>Use No.</u>	<u>Use Classification</u>
1100	Household units (except 1110, 1112, 1114, 1115, 1116, 1121, 1122; no density limit; condominiums by conditional use permit only). <u>Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.</u>
...	...

### 17.146.040: CONDITIONAL USES:

The following uses and structures are permitted in the district 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>
1140	Condominium, low rise or garden type (no density limit). <u>Projects located within one-quarter mile of transit stations are allowed residential densities</u>

	<p>up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one-mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.</p>
1150	<p>Condominium, high rise (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.</p>
1210	<p>Rooming and boarding houses (no density limit) Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.</p>
1515	<p>Transient apartments rented by day or week (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.</p>
...	...

## 17.146.050: AREA, WIDTH, FRONTAGE AND YARD REGULATIONS:

A. All main buildings shall front a public street. For developments with multiple buildings on one parcel, the main building shall front on the public street with secondary buildings fronting on private driveways.

B.A. The front setback for main buildings facing public or private streets, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. Buildings with setbacks between fifteen feet (15') and eighteen feet (18') must utilize recessed entrances. Up to fifty percent (50%) of the front setback may be greater than twenty five feet (25') if the additional front setback is developed as a courtyard or plaza. Main buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza. (insert figure a., illustration of public and private setbacks)

C.B. The courtyard or plaza area shall be deemed to be a part of the front setback of the building.

D.C. Buildings located on a corner lot shall front on both streets.

E.D. All front setback areas shall be landscaped in accordance with applicable sections of this title.

F.E. Parking and/or driveways are not permitted in the front setback area of any building. Drive-thru lanes and other accesses may be approved in front setback areas as part of a Master Site Plan if the Planning Commission finds that the purposes and other requirements of the M-U Zone are met.

F. When located within one-half mile of a transit station, commercial uses shall occupy a minimum of 75% of the width of the ground floor of a building facing a public street. When located more than one-half mile from a transit station, commercial uses shall occupy a minimum of 50% of the width of the ground floor of a building facing a public street. When located on the ground floor of the same building, the commercial uses must extend forty feet (40') in depth. The balance of the ground floor may be occupied by residential uses, including parking.  
Residential use on the ground floor is limited to twenty five percent (25%) of the ground floor square footage in the project. The balance of the ground floor square footage must be used by the commercial or light industrial uses allowed in this

zoning district. Horizontal Mixed Use projects shall provide a minimum commercial square footage component equal to an area calculated as 75% of the project frontage on the public street and forty feet (40') in depth. For projects which comprise multiple parcels, square footage shall be calculated based on total project frontage on the public street. square footage.

G. A Master Site Plan approved by the Planning Commission is required for Horizontal Mixed Use Developments and Mixed Use developments located on a parcel or combination of parcels greater than five (5) acres. In addition to the requirements of this zone, the Planning Commission shall address the following when considering the Master Site Plan:

1. Building Orientation. Commercial and residential buildings in the same project should primarily be oriented to face public and private streets and accesses, and not parking lots. The orientation of commercial buildings in mixed use projects should consider the residential components of the project and facilitate convenient access to them.
2. Central Feature. A prominent, centrally located feature such as a park, plaza, or other gathering place should be provided to unify the residential and commercial uses of the project. This location should include features and amenities to encourage public use and activity, with convenient access from both residential and commercial components of the development.
3. Outdoor Spaces. To the extent possible, buildings should be designed to form outdoor spaces such as courtyards, plazas, and terraces that can integrate the components of the development. Pedestrian walkways linking the components of the development with these outdoor spaces and the public streets should be developed. Where possible, the potential linkages to existing and future adjacent developments should be considered.

G. 4. Memorandum of Understanding. Mixed Use developments that require a Master Site Plan shall be approved in conjunction with a Memorandum of Understanding (MOU) between Murray City and the developer. The MOU shall govern requirements for the timing of the installation of improvements, performance on construction of critical development components, and shall further memorialize the requirements for development of the several buildings and parcels as contained in the Master Site Plan and other project approvals.

H. 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.

I. The side lot area between non-adjacent buildings and the property line shall be

developed as parking, plaza, landscaped open space, or a landscaped walkway with access to the sidewalk. Where parking is located in the side lot area adjacent to a property boundary a five foot (5') wide landscaping area will be required along all property lines not occupied by drive accesses.

- J. A parking structure fronting on a street shall have a front setback of between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. The parking structure front setback shall not be less than the setback of the main building. The face of the structure abutting the street shall have building materials compatible with the main buildings on the same or adjoining property. The area between the sidewalk and the parking structure shall have a minimum of ten feet (10') of landscaping or shall provide window treatment consistent with subsection 17.146.070B of this chapter.
- K. Surface parking lots shall have a minimum setback of between fifteen feet (15') and twenty five feet (25') from the curb. Surface parking shall be located to the side or behind the building. The area between the sidewalk and the parking lot shall have a minimum of ten feet (10') of landscaping. The remainder of the area between the required landscaping and parking shall be a combination of plazas, artwork, fountains, and pedestrian ways. In no case shall the parking be set back from the street less than the building.
- L. There shall be a minimum fifty foot (50') setback from the top of the bank of Little Cottonwood Creek, Big Cottonwood Creek and the Jordan River.
- M. ~~Parking structures shall be included in the floor area ratio (FAR) calculation. (Ord. 10-04 § 2)~~

## **17.146.080: PARKING REGULATIONS:**

- A. For buildings that exceed four (4) stories in height, at least ~~seventy five fifty~~ percent (7550%) 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. For the purposes of this chapter, building height is determined by measuring the vertical distance from the average of the finished ground level adjoining the building at the exterior wall to a flat roof deck or, for sloped roofs, to the average height of the highest roof surface. Pursuant to section 17.76.080 of this title, the height limitations shall not apply to architectural screening for mechanical equipment, church spires, and decorative tower elements.
- B. If more than twenty five percent (25%) of the off street parking is provided in

surface parking lots, the **minimum** parking shall be:

1. For residential units with two (2) bedrooms or fewer, 1.5 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.85 stalls per unit.
3. ~~When the office uses or net usable square footage is unknown, off street parking will be calculated at three one parking stalls for each two hundred sixty five (265) one thousand (1,000) square feet of net usable office area or retail floor area.~~
4. ~~All medical, dental and related office uses will require one off street parking stall for each two hundred sixty five (265) square feet of net usable office area.~~
5. ~~All other office uses will be calculated at the ratio of three (3) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.~~
6. ~~Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty five (265) square feet of net usable floor area.~~

C. If seventy five percent (75%) or more of the off street parking is provided within the main buildings or within parking structures with two (2) or more floors, the minimum parking shall be:

1. For residential units with two (2) bedrooms or fewer, 1.125 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.4 stalls per unit.
3. When the office uses or net usable square footage is unknown, off street parking will be calculated at one parking stall for each three hundred fifty (350) square feet of net usable office area or retail floor area.
4. All medical, dental and related office uses will require one off street parking stall for each three hundred fifty (350) square feet of net usable office area.
5. All other office uses will be calculated at the ratio of two and one-fourth (2.25) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.
6. Retail use parking shall be calculated at the rate of one parking space for each three hundred fifty (350) square feet of net floor area.
7. On street parking adjacent to the development parcel shall not count toward the minimum parking required by this chapter.

D. Parking in excess of one hundred ~~ten~~twenty-five percent (110125%) of the

minimums outlined above may only be provided in parking structures or within the envelope of the building.

- E. Off street parking will not be permitted in any fire lane, aisle space or front yard setback areas except as allowed by this chapter.
- F. Comply with off street parking dimensional standards as found in chapter 17.72 of this title.
- G. Shared parking is permitted and encouraged in the mixed use zone.  
Parking spaces shall be located within one thousand feet (1,000') of the property served by the spaces.
- H. For properties within one-fourth ( $\frac{1}{4}$ ) mile of an existing transit stop, minimum required parking shall be reduced by ten percent (10%). (Ord. 14-12: Ord. 10-04 § 2)

#### **17.146.090: LANDSCAPING REGULATIONS:**

- A. 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 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 should represent, as a minimum standard, compatibility with surrounding developed properties and uses and must be permanently maintained by the owner or occupants.
- B. Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10') in width from the boundary line on the nonresidential side of the property excluding the fence, and curb wall if located adjacent to off street parking.
- C. Parking lots abutting a property line shall be screened by a minimum ~~ten-five~~ foot (~~5'~~10') wide landscape area as outlined in subsection 17.146.050I of this chapter.
- D. Sustainable landscaping including xeriscape species and innovative water recycling or irrigation systems is encouraged. All landscape plans must be approved by the city's urban forester. (Ord. 10-04 § 2)

### **17.146.110: OPEN SPACE:**

- A. Fifteen percent (15%) of the land area of each development shall be developed as landscaping, courtyards, plazas, or walkways, except any areas used for drainage retention with a slope greater than three to one (3:1) will not qualify as open space. Amenity areas provided in conjunction with multi-family uses will qualify as open space.
- B. 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. (Ord. 10-04 § 2)

### **17.146.120: ACCESS IMPROVEMENTS:**

- A. Construction of new buildings or renovations of existing buildings 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.
- B. For developments that do not include a commercial use on the ground floor, improvements within the rights of way for public streets shall include, but not be limited to, the following:
  1. Seven foot (7') wide paved sidewalks with an eight foot (8') landscaped park strip adjacent to the curb and gutter or fifteen foot (15') paved sidewalk with five foot (5') tree wells adjacent to the curb as approved by the city engineer and the planning commission.
  2. Street trees shall be spaced between thirty feet (30') and forty feet (40') on center as approved by the City. Landscaping and tree grates to be approved by the City.
  3. Street lighting shall be spaced between ninety feet (90') and one hundred ten feet (110') as approved by the City.
- C. For developments that include a commercial use on the ground floor, or unless otherwise approved by the City, improvements within the rights of way for public streets shall include, but not be limited to, the following:

1. Seven foot (7') wide paved sidewalks with nine foot (9') wide adjacent on street parallel parking (including gutters). Forty foot (40') landscape planters shall be installed between every two (2) to three (3) parallel parking spaces and shall include the following:
  - a. The forty foot (40') wide landscaping planters shall have one streetlight, two (2) trees, and shrubs to provide a minimum ground coverage of fifty percent (50%) at time of planting;
  - b. Landscape planter trees shall have branching beginning no less than six feet (6') above the ground and shrubs not exceeding a height of three feet (3');
  - c. Streetlights shall be placed at the center of every landscaping planter with the nearest shrubs being located a minimum of four feet (4') from every light pole;
  - d. Street trees shall be located fourteen feet (14') from center street lighting;
  - e. Street planters shall be flared at a minimum forty five degree (45°) angle in order to facilitate ease of access for the adjacent parallel parking spaces;
  - f. Additional ground cover shall be provided as necessary in order for landscape planters to have a minimum of fifty percent (50%) ground cover at time of planting.

...

**Section 3. *Effective date.*** This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this day of , 2019.

MURRAY CITY MUNICIPAL COUNCIL

---

Dave Nicponski, Chair

ATTEST:

---

City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of  
\_\_\_\_\_, 2019.

MAYOR'S ACTION: Approved.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

---

D. Blair Camp, Mayor

ATTEST:

---

City Recorder

6. Required egress door shall open directly to the exterior without going through garage, applicant shall work with both Community Development and the Building Department to ensure compliance.
7. The applicant will obtain Murray City Building Permits for any new work needed in conjunction with the ADU.
8. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU, and will include general inspection of the items mentioned in the Staff Report.
9. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
10. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
11. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall

A Phil Markham  
A Lisa Milkavich  
A Sue Wilson  
A Travis Nay  
A Scot Woodbury  
A Ned Hacker

Motion passed 6-0

LAND USE ORDINANCE TEXT AMENDMENT - Section 17.146 – M U Zone (Mixed Use)  
Text Amendments Project – #19-106

Mr. Hall presented the proposed Text Amendment to Section 17.146 of the Land Use Ordinance for the Mixed Use Zone and explained that Murray City has three zones that are considered Mixed Use; Murray City Center District (MCCD), Transit Oriented Development (TOD) and the Mixed Use Zone (M-U). "Mixed Use" can be applied to any zoning that allows both commercial and residential uses. Mr. Hall explained that we are proposing several changes to accommodate the difficulties that we have encountered in several projects over

the years with regulations in the Mixed Use Zone. The proposed amendments create the need for three new definitions, the first definition is; Transit Station, which refers to any of the three transit stations located in Murray City which are Fashion Place West, Murray Central and the Murray North. The second added definition is; Horizontal Mixed Use, which is a single property in which any component of that property has a separate building that is commercial and other buildings that are residential, and all are arranged horizontally. The third definition is; Vertical Mixed Use which is a project where commercial components are provided within the same building with the residential components. Mr. Hall explained that a Density Gradient was also added. Currently multi-family condos and apartments are allowed without any density limits which was applied to accommodate the needs of locations directly related to the Transit Station. Because a recent zone change was approved to expand the M-U Zone further from the transit station it creates a need to add a density limit. Without easy access to public transit further from a transit station it is harder to justify those kinds of unlimited density that could have the potential to seriously impact to community, traffic and parking. Staff's recommendations for the proposed limited density are; up to 80 units per acre when within one-half mile away from a transit station, up to 50 units per acre when further than one-half mile away from a transit station and up to 40 units per acre if it's when further than one mile from a transit station. In a Mixed Use project, a higher density is allowed because the people that are living in those zones have more access to services that otherwise they would travel to. Those densities increase the closer to a transit station the project is located. Ms. Milkavich asked if these changes will be applied to the TOD and MCCD zones. Mr. Hall Explained that our General Plan designates a Mixed Use land use designation and within that designation there are three corresponding zones; TOD, MCCD and Mixed Use. The proposed changes will only affect the Mixed Use Zone at this time.

Mr. Hall explained the way that the proposed changes will require commercial components within Mixed Use projects and stated that a Mixed Use Zone is not a Multi-Family High Density Zone, it's a Mixed Use Zone that requires both commercial and residential uses. For a Vertical Mixed Use project within one-half mile of a transit station it is recommended that commercial development must occupy 75% of the ground floor footprint of residential buildings that face public streets. Ms. Milkavich wondered if the changes are being proposed because it's difficult for potential developers to provide the required commercial component within the allowances of the code. Mr. Hall explained yes, it can be especially difficult for a project with buildings that are designed to sit deep on a property because there is less street frontage. The current code inhibits the potential redevelopment that we need, and our current code requirements are not very common among other cities. In a Horizontal Mixed Use, we recommend that the commercial component be provided in separate buildings or on contiguous parcels as well as build a commercial square foot development that is equal to an area that is 75% of the frontage measured 40 feet deep. In addition, if there are multiple properties involved or sites larger than 5-acres we are proposing a Master Site Plan requirement. There are 4 components to the Master Site Plan which are; building orientation, central feature, open spaces, and memorandum of understanding. Mr. Hall explained the four components of the Master Site Plan requirements and stated that the first component is; Building Orientation, which states that wherever possible all residential and commercial buildings should orient toward public streets. The second component is; Central features which are important in horizontal projects and projects larger than 5-acres. The central feature ties the project together, force developers to look at how the buildings are related and provide ways for the site to interact as a whole. The third component is; Outdoor Space which provides a link from the residential to the commercial aspects of a development as well as provides outdoor spaces that make it easier for project residents and other pedestrians to access the commercial areas. The last component is the Memorandum of Understanding

which can be likened to a Development Agreement which ensures the Master Site Plan is followed, and commercial components are built creating a true Mixed Use development. Mr. Hall explained the proposed changes to the parking requirements and stated that we will disregard the current parking requirement of 1 space per 265 square feet of useable office or retail space and instead use the proposed requirement of 3 spaces per 1,000 square feet of net usable floor area for all office and retail uses. The proposed change aligns with industry standards and makes more sense to developers who are familiar with the proposed calculation. In addition to that change we are also proposing to disregard the current requirement that if parking exceeds 110% of the minimums it can only be provided in parking structures. Instead we propose to increase the allowance for extra parking up to 125% of the minimum. The current parking codes have the possibility to impose unreasonable parking standards on smaller business uses such as smaller scale restaurants and could require them to install expensive structured parking. The proposed increase will make it easier for smaller infill projects to be able to meet the parking standards of the M-U Zone. Mr. Hall explained the changes to building setbacks and stated that frontage measurements are taken from the back of the curb and gutter. These measurement requirements are different in this zone than any other zone in Murray. The code now includes an illustrated graphic to help define this set back, and help people understand the code. Mr. Nay added that on street parking has recently been added to code to utilize the front setback space and it works well with this proposed change. Mr. Hall stated that Staff is open to suggestions if the Planning Commission has any additional ideas, changes, or additions.

Mr. Hall concluded by stating that the proposed amendments and objectives are in keeping with the Murray City General Plan. One of the objectives of the General plan is to encourage a form-based development pattern at smaller commercial nodes and to support multiple nodes of access and mobility. The strategies applied to meet this objective are to create a neighborhood Mixed Use Zone designation and support it with form-based development and design guidelines.

Mr. Smallwood used the Home 2 Suites building as an example to demonstrate the new proposed calculations and how to determine the required retail space in a Mixed Use project and stated if a building just like this were to be built under the standards of Section 17.146 it would require 16,726 sq. ft. of retail space on the bottom floor. However, under the newly proposed ordinance it would require only 10,500 feet. When developers initially meet with Staff to propose a new development and they are informed how much retail space they are required to have by code, they are skeptical whether or not they will be able to find retailers to fill so much space, and some have chosen not to pursue development in Murray.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Ms. Wilson asked if we could also apply a density limit for classifications 1210 and 1515 pertaining to Rooming and Boarding Houses, and Transient Apartments rented by the Day or week. Mr. Hall replied that it may be appropriate to do so, and Staff will work on updating these uses as well. Mr. Woodbury asked if Tiny Houses would pertain to this type of density. Mr. Hall replied that they do not fall into these categories and they are actually classified as Single-Family detached homes.

Mr. Nay asked, in Staff's opinion, what the difference is between an apartment and Condominium and why densities would matter more or less in one or the other. Mr. Hall explained that they matter exactly the same. There is no difference in density. Under Utah aw

Planning Commission Meeting  
August 15, 2019  
Page 12

one can be owned by the occupant and the other can't. Mr. Nay asked if an owner-occupied unit versus a transient use has any physical impact on Zone. Mr. Hall replied that he does not believe that the ownership style effects those outcomes as much as the unit size. For example, around Transit Stations we mostly see one and two-bedroom units being built. In a Mixed Use Development outside of one mile of a transit station you might see as high as three and four-bedroom units.

Ms. Milkavich inquired about the restriction for darkly tinted windows, and mirrored windows which block two-way visibility are prohibited as ground floor window coverings and stated that she has seen wraps and mural type stickers as window covering and wondered if our code should also prohibit these as well. Mr. Hall stated that shade devices are permitted, and we do allow up to 50% of windows that are in retail business to be covered by signs. What the code is trying to prohibit is reflective, uninviting architecture like spandrel glass that does not improve the activity on the street.

Mr. Nay directed the discussion to walkability, area width, frontage and yard regulation and stated he noticed that the drive-thru use has been added into the Horizontal-Mixed Use Zone. Mr. Hall replied yes, that it could be possible to permit a drive-thru in that zone but would require the submittal of a Master Site Plan to determine if it would be appropriate and meet the codes of the M-U Zone. Mr. Nay asked where on a development site we would like to see them located. Mr. Hall stated that we would rather see them in the 20 foot of frontage on a busier street and not located in a place separating them from the use. Mr. Nay stated that in his opinion it is not appealing to see drive-thru's from the State Street frontage. Also, if a pedestrian is going to walk down State Street to go to one of our restaurants they would need to cross through a drive-thru blocked que of cars to access the building because it is in the street frontage. Mr. Hall stated that he would rather not prohibit the possibility of allowing a drive through in those areas and instead leave it up to the design of a specific site. If the drive-thru needs to be located in the street frontage, I would rather look at the Master Site Plan and see if it would work rather than disallowing them all together. Mr. Nay replied that he would like to caution Staff with allowing this type of change in the MCCD because this type of development should not be allowed there. Mr. Hall agreed that it may be less appropriate in the Down-Town Zone. This is the first of many zone changes for this area and it is something we need to consider when writing updated codes in the future. Mr. Nay asked if Staff has any thoughts about putting a parking cap on a project so it will only go up to 125% on a four acre development. On a 20 acres property the 125% maximum could allow a large amount of the site to be developed into a vast parking area. Mr. Hall stated that might be best applied to the off-street code, and that Staff will look into it further because it also raises a concern about parking on a smaller development. Mr. Nay commented that he thinks Staff did a good on and he likes the changes.

Ms. Wilson made a motion to send a recommendation of approval to the City Council for the proposed amendments to Murray City Land Use Ordinance section 17.146, mixed Use, M-U Zoning.

Seconded by Mr. Nay.

Call vote recorded by Mr. Hall

A Sue Wilson  
A Travis Nay  
A Scot Woodbury

Planning Commission Meeting  
August 15, 2019  
Page 13

A Phil Markham  
A Lisa Milkavich  
A Ned Hacker

Motion passed 6-0

Mr. Hall added that Staff will look over the suggested changes and apprise the Planning Commission aware of the changes as it goes forward to City Council.

OTHER BUSINESS

Mr. Woodbury made a motion to adjourn. Seconded by Ms. Milkavich.

A Sue Wilson  
A Travis Nay  
A Scot Woodbury  
A Phil Markham  
A Lisa Milkavich  
A Ned Hacker

Motion passed 6-0

The meeting was adjourned at 8:07 p.m.



Jared Hall,  
Planning Division Manager



**TO:** Murray City Planning Commission

**FROM:** Jared Hall, CED Supervisor

**DATE OF REPORT:** August 8, 2019

**DATE OF MEETING:** August 15, 2019

**PROJECT NAME:** Amendments to Section 17.146, Mixed-Use Zone

**PROJECT NUMBER:** 19-106

**PROJECT TYPE:** Land Use Ordinance Text Amendment

**APPLICANT:** Murray City Community & Economic Development

**I. REQUEST:**

The Murray City Community & Economic Development Department is proposing amendments to Section 17.146 of the Land Use Ordinance, the Mixed-Use Zone. The proposed amendments address issues related to parking, the scale of required ground-floor commercial, residential density in mixed use projects, and differentiate between vertical and horizontal mixed use development as well as those developments located near a transit station and those located in other areas of the City.

**II. STAFF REVIEW AND ANALYSIS**

Background

The Murray City Land Use Ordinance contains three zones that can be considered "Mixed Use" designations: The Transit Oriented Development, TOD Zone, the Murray City Center District, MCCD Zone, and the Mixed Use, M-U Zone. The TOD Zone has been applied to properties around the Murray North TRAX Station in the Fireclay area. The MCCD Zone has been applied to 100 acres of the City's downtown and was created and implemented to focus redevelopment efforts there. The M-U Zone has been applied to the area around the Murray Central Station, and west of I-15 between Vine Street and 4800 South.

The Murray City General Plan adopted in 2017 recognizes that new commercial development may often contain a high-density, multi-family component. Staff

and the Planning Commission relied on statements from the General Plan when considering and supporting a change of zoning from C-D, Commercial to M-U, Mixed-Use in a recent application. The statement was taken from Section 5-16 of the General Plan identifying the "General Commercial" future land use category.

#### GENERAL COMMERCIAL

While this designation is primarily for larger retail destinations, including regional shopping centers and stand-alone big box, it may also include mixed-use developments that are mainly commercial in nature and use. High density, multi-family residential complexes will only be considered as part of a larger master-planned mixed-use development. Smaller-scale medium density residential projects may be considered for neighborhood or community node areas.



Corresponding zone(s):

- C-D, Commercial development

One objective of the General Plan listed on page 5-19 calls for the City to encourage form based development patterns at the commercial nodes (like the subject of the rezone application) and lists a specific strategy of creating a "neighborhood mixed-use zone".

#### OBJECTIVE 3: ENCOURAGE A FORM-BASED DEVELOPMENT PATTERN AT SMALLER COMMERCIAL NODES TO SUPPORT MULTIPLE MODES OF ACCESS AND MOBILITY.

**Strategy:** Create a neighborhood mixed-use zone designation and support it with form-based development and design guidelines.

The subject property of the recent re-zoning application (on 900 East) is located at a commercial node approximately 1.5 miles from the nearest transit station. Staff has been considering amendments to the mixed use zones in the ordinance for some time. The statements in the General Plan cited above to support the rezoning and the anticipation of mixed use development in other areas of the City heighten the importance of addressing some deficiencies of the current ordinance. The proposed amendments are intended to address some of those deficiencies and act on the objectives of the General Plan by taking initial steps toward making mixed use zoning more broadly applicable in the City.

## Review

The proposed amendments to the M-U Zone can be broadly placed into five categories which will be briefly reviewed in this section. They include:

- Added definitions
- Density gradients
- Vertical vs Horizontal Mixed Uses and commercial requirements.
- Master Site Plans
- Parking

**Definitions:** The proposed amendments create the need for three new definitions. Horizontal Mixed Use, Vertical Mixed Use, and Transit Station. They are included below.

**HORIZONTAL MIXED USE:** A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan..

**TRANSIT STATION:** Refers to one of the three rail stations located in Murray City's boundaries; the Murray North Station, Murray Central Station, and Fashion Place West Station.

**VERTICAL MIXED USE:** A mixed-use project in which the commercial components are provided within the same buildings with the residential components.

**Density Gradient:** The current Mixed Use Zone does not limit the density of multi-family residential development. Staff is proposing that unlimited densities further from the transit stations could have potentially negative impacts on traffic, parking, and the livability of both the surrounding community and the project itself. Staff proposes that the allowed density decrease with distance from the transit stations from 100 units per acre within one-quarter mile to 40 units per acre when further than one mile. The density gradient language has been included in the permitted and conditional use lists where density has been defined previously. The same language is included in the three categories of housing, Land Use numbers 1100, 1140, and 1150.

1150	Condominium, high rise ( <u>no density limit</u> ). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.
------	--

**Vertical & Horizontal Mixed Use:** The proposed amendments identify vertical and horizontal mixed uses and re-define how the commercial components are required for each.

- **Vertical Mixed Use.** The current ordinance requires that 75% of the ground floor of all residential buildings be developed as non-residential, and not related to the residential uses above. This 75% requirement includes the entire building footprint of all buildings in the project. There are challenges to this approach. For example, when development projects are large enough that not all buildings have frontage on public streets, it becomes very difficult to create viable commercial space on the ground floors.

Staff has proposed that within one-half mile of a transit station, commercial development occupy 75% of the ground floor of residential buildings that face public streets, with a minimum depth of 40 feet. This achieves the goal of true mixed use development while maintaining a developer's ability to utilize the additional depth of a building or property for parking or more residential use where commercial is less viable.

Outside one-half mile, the commercial development must occupy 50% of the ground floor facing the street with a minimum depth of 40 feet.

- **Horizontal Mixed Use.** Horizontal mixed uses face similar challenges to vertical mixed uses. Staff has proposed that horizontal mixed use projects provide commercial square footage equal to an area which is measured as 75% of the public frontage of the project area, at a depth of 40 feet. Please note that unlike vertical mixed use, the required commercial component for horizontal mixed use is not proposed to decrease to 50% when further than one-half mile from a transit station.

**Master Site Plan:** Staff proposes that larger projects (greater than 5 acres) and any project intended as horizontal mixed use be required to submit a Master Site Plan for Planning Commission approval. In addition to assuring compliance with the general requirements of the M-U Zone, the Commission would review other aspects shown below.

1. Building Orientation. Commercial and residential buildings in the same project should primarily be oriented to face public and private streets and accesses, and not parking lots. The orientation of commercial buildings in mixed use projects should consider the residential components of the project and facilitate convenient access to them.

2. Central Feature. A prominent, centrally located feature such as a park, plaza, or other gathering place should be provided to unify the residential and commercial uses of the project. This location should include features and amenities to encourage public use and activity, with convenient access from both residential and commercial components of the development.

3. Outdoor Spaces. To the extent possible, buildings should be designed to form outdoor spaces such as courtyards, plazas, and terraces that can integrate the components of the development. Pedestrian walkways linking the components of the development with these outdoor spaces and the public streets should be developed. Where possible, the potential linkages to existing and future adjacent developments should be considered.

G. 4. Memorandum of Understanding. Mixed Use developments that require a Master Site Plan shall be approved in conjunction with a Memorandum of Understanding (MOU) between Murray City and the developer. The MOU shall govern requirements for the timing of the installation of improvements, performance on construction of critical development components, and shall further memorialize the requirements for development of the several buildings and parcels as contained in the Master Site Plan and other project approvals.

The Memorandum of Understanding is important in larger developments that may be built in phases, and in horizontal mixed use developments that may involve subdivisions.

Parking: Several small changes are proposed to the existing parking requirements. All residential and commercial parking in the Mixed Use Zone is regulated in two categories: Projects where more than 25% of the off street parking is in surface lots, and projects where 75% or more of the parking is provided within the main buildings or in parking structures. The changes proposed relate only to the former, and only to commercial parking requirements. Essentially, staff has proposed combining the several requirements into a single requirement of 3 spaces per 1,000 square feet of net usable floor area for all office and retail uses. Parking requirements in the Mixed-Use Zone are minimums. Currently, if a project is proposed with parking that exceeds 110% of the minimums, it can only be provided in parking structures. Staff has proposed increasing that allowance for extra parking to 125% of the minimum.

Other: There are other small changes to clarify issues or clean up language, and Community Development staff is preparing tables and illustrations to better relate the building setbacks and access improvement standards to those reading and using the ordinance. Staff will demonstrate those illustrations and go over all other minor changes at the public hearing.

### **III. FINDINGS AND CONCLUSION**

- i. The proposed amendments are in keeping with the objectives of the Murray City General Plan.
- ii. The proposed amendments are necessary to help facilitate quality mixed use development and to assure that proposed developments are appropriate for the areas of the city in which they occur.

#### IV. STAFF RECOMMENDATION

Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed amendments to the Murray City Land Use Ordinance Section 17.146, Mixed Use, M-U Zoning.



MURRAY CITY CORPORATION  
COMMUNITY & ECONOMIC DEVELOPMENT

Melinda Greenwood, Director  
Building Division 801-270-2400  
Planning Division 801-270-2420

---

August 1, 2019

**NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, August 15, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of the Murray City Community & Economic Development Department are proposing changes to the Murray City Land Use Ordinance, Chapter 17.146, Mixed-Use (M-U) Zoning District. A copy of the current ordinance may be found on the website at [murray.utah.gov](http://murray.utah.gov).

Input and comments will be received at the meeting and will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. If you have questions or comments concerning this proposal, please call Jared Hall, with the Murray City Community Development Division at 801-270-2420, or e-mail to [jhall@murray.utah.gov](mailto:jhall@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

4770 S. 5600 W.  
WEST VALLEY CITY, UTAH 84118  
FED.TAX I.D.# 87-0217663  
801-204-6910

Deseret News

Utah  
Media  
Group

The Salt Lake Tribune

FILE COPY

PROOF OF PUBLICATION      CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

MURRAY CITY RECORDER,

5025 S STATE, ROOM 113

MURRAY, UT 84107

ACCOUNT NUMBER

9001341938

DATE

8/5/2019

ACCOUNT NAME

MURRAY CITY RECORDER,

TELEPHONE

8012642660

ORDER # / INVOICE NUMBER

0001262505 /

PUBLICATION SCHEDULE

START 08/04/2019      END 08/04/2019

CUSTOMER REFERENCE NUMBER

PUBLIC HEARING NOTICE

CAPTION

MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN

SIZE

27 LINES      1 COLUMN(S)

TIMES

TOTAL COST

3

50.36

Project #19-106

Mixed Use

Amendments

MURRAY CITY  
CORPORATION  
NOTICE OF  
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 15th day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on an application pertaining to a Land Use Ordinance Text Amendment to Section 17.146, Mixed-Use (M-U) Zoning District.

Jared Hall, Supervisor  
Community & Economic  
Development  
1262505      UPAXLP

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 15th day of August, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on an application pertaining to a Land Use Ordinance Text Amendment to Section 17.146, Mixed-Use (M-U) Zoning District.

PUBLISHED ON Start 08/04/2019      End 08/04/2019

DATE 8/5/2019

SIGNATURE



STATE OF UTAH )

COUNTY OF SALT LAKE )

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 4TH DAY OF AUGUST IN THE YEAR 2019

BY LORAINNE GUDMUNDSON.



JAE LEVI  
NOTARY PUBLIC - STATE OF UTAH  
My Comm. Exp 05/29/2022  
Commission # 700608

  
NOTARY PUBLIC SIGNATURE

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 6/2019

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

DOMINION ENERGY  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

CENTRAL UTAH WATER DIST  
1426 East 750 North, Suite 400,  
Orem, Utah 84097

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKwy  
SANDY UT 84070

MILLCREEK  
Attn: Planning & Zoning  
3330 South 1300 East  
Millcreek, UT 84106

**GENERAL PLAN MAILINGS:**

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

MURRAY SCHOOL DIST  
ATTN: ROCK BOYER  
5102 S Commerce Drive  
MURRAY UT 84107

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

UTOPIA  
Attn: JAMIE BROTHERTON  
5858 So 900 E  
MURRAY UT 84121

OLYMPUS SEWER  
3932 500 E,  
Millcreek, UT 84107

WASATCH FRONT REG CNCL  
PLANNING DEPT  
41 North Rio Grande Str, Suite 103  
SLC UT 84101

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
2277 E Bengal Blvd  
Cottonwood Heights, UT 84121  
COMCAST  
ATTN: GREG MILLER  
1350 MILLER AVE  
SLC UT 84106

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

## Chapter 17.146

### MIXED USE DEVELOPMENT DISTRICT M-U

#### 17.146.010: PURPOSE:

The purpose of a Mixed Use Development District is to encourage pedestrian oriented design, promote development and protect the public health, safety and welfare. The district encourages compact, mixed use development. Carefully planned mixed uses, including neighborhood oriented commercial and restaurant space, provide increased opportunities for pedestrian activity. It is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities. The district is facilitated by site and community design standards that:

- A. Encourage high quality, compact development and increase the number of residents and workers within walking distance of transit opportunities;
- B. Encourage a mix of high quality residential, office, commercial, live-work, open space, entertainment, recreation, public and institutional land uses;
- C. Revitalize areas proximate to transit stations;
- D. Improve the urban design in the area;
- E. Encourage active community life within a framework of attractive and welcoming buildings and usable open spaces;
- F. Coordinate the urban design and streetscape elements in order to create a distinct visual quality for the area;
- G. Manage parking and access in a manner that enhances pedestrian safety, pedestrian mobility and quality urban design;
- H. Encourage structured parking, new roads and public open spaces to enhance the design and function of the built environment;
- I. Encourage a safe, attractive and comfortable environment for the pedestrian and bicyclist by providing public open spaces, public pedestrian walkways, wide sidewalks, bike lanes, street furniture, pedestrian scale lighting, street trees and other appropriate amenities;
- J. Encourage conservation of resources and optimal use of public infrastructure toward a sustainable community;

K. Require property owners, developers, architects, and contractors to use a mix of high quality, durable, low maintenance building materials for projects in this zoning district. (Ord. 10-04 § 2)

#### 17.146.020: DEFINITIONS:

**FLOOR AREA RATIO (FAR):** Shall be calculated as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

**HORIZONTAL MIXED USE:** A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan.

**PRINCIPAL STREET:** The street with higher traffic volume.

**TRANSIT STATION:** Refers to one of the three rail stations located in Murray City's boundaries; the Murray North Station, Murray Central Station, and Fashion Place West Station.

**VERTICAL MIXED USE:** A mixed-use project in which the commercial components are provided within the same buildings with the residential components.

**XERISCAPING:** An attractive, sustainable landscape based on sound horticultural practices, which shows evidence of care. This method is beneficial especially for arid and semiarid climates and utilizes water conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation). (Ord. 10-04 § 2)

Formatted: Indent: Left: 0.08", Right: 0.34", Line spacing: Multiple 0.98 li

#### 17.146.030: PERMITTED USES:

A. A use not specifically designated is prohibited. The inclusion of a major heading includes all subcategories listed under the major heading unless otherwise excepted.

B. The following uses are permitted in the district (where square foot limits are specified, they shall apply to individually operating businesses, not to the entire property):

<u>Use No.</u>	<u>Use Classification</u>
1100	Household units (except 1110, 1112, 1114, 1115, 1116, 1121, 1122; <u>no density limit; condominiums by conditional use permit only</u> ). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.

1210	Residential facility for disabled persons.
1210	Residential facility for elderly persons (see <u>chapter 17.32</u> of this title).
1241	Retirement homes, independent living or congregate care.
1300	Residential hotels and apartment hotels.
1511	Hotels.
4100	Railroad, rapid rail transit, and street railway transportation.
4601	No fee parking lots and garages (except surface parking lots not associated with a permitted use).

4602	Commercial parking lots and garages on a fee basis (except surface parking lots not associated with a permitted use).
4710	Telephone communications (except 4712).
4730	Radio communications.
4740	Television communications.
4750	Radio and television communications, combined.
4760	Recording and sound studios.
4800	Utilities (offices, lines and right of way only; except 4812, 4813, 4822, 4823, 4832, 4842, 4843, 4845, 4850, 4861, and 4874).
4920	Transportation services and arrangements (with no more than 5 employees in no more than 2,500 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage).
5210	Building materials, tile (no outside storage; not to exceed 12,000 square feet).
5220	Heating and plumbing equipment (no outside storage; not to exceed 12,000 square feet).
5230	Paint, glass, and wallpaper (no outside storage; not to exceed 12,000 square feet).
5240	Electrical supplies (no outside storage; not to exceed 12,000 square feet).
5251	Hardware (no outside storage; not to exceed 12,000 square feet).
5254	Janitorial supplies (no outside storage; not to exceed 12,000 square feet).
5255	Building maintenance materials (no outside storage; not to exceed 12,000 square feet).
5256	Swimming pool supplies (no outside storage; not to exceed 12,000 square feet).
5310	Department stores (not to exceed 40,000 square feet unless floor area ratio (FAR) of 1.0 is met).
5320	Mail order houses (deliveries and shipping only during normal business hours; not to exceed 12,000 square feet).
5330	Variety stores (not to exceed 40,000 square feet unless FAR of 1.0 is met).

5350	Direct selling organizations (deliveries and shipping only during normal business hours; no outside storage; not to exceed 20,000 square feet).
5390	General merchandise (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5400	Food stores (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5600	Apparel and accessories (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5700	Furniture, home furnishings, and equipment (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5810	Eating places (drive-through sales to be allowed by conditional use permit; not to exceed 20,000 square feet).
5910	Drug and proprietary (not to exceed 12,000 square feet).
5920	Liquor, package (state store).
5930	Antiques and secondhand merchandise (except 5935, 5938 and construction materials; not to exceed 20,000 square feet).
5940	Books, stationery, art, and hobby supplies (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5950	Sporting goods, bicycles, and toys supplies (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5969	Garden supplies (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5970	Jewelry (not to exceed 12,000 square feet).
5990	Miscellaneous retail trade (not to exceed 12,000 square feet).
6100	Finance, insurance, and real estate (except 6112, payday loan services, 6123, 6124, and 6141 surety bail bonding) (not to exceed 40,000 square feet unless FAR of 1.0 is met).
6213	Dry cleaning (in no more than 7,500 square feet; no outside storage).
6216	Self-service laundries.
6218	Rug cleaning and repair (in no more than 7,500 square feet; no outside storage).
6220	Photographic services.

6230	Beauty and barber services.
6241	Funeral home.
6250	Apparel repair, alteration, and cleaning, shoe repair services (except 6256).
6290	Personal services (except 6293, 6294).
6310	Advertising services (office only; no outside storage).
6320	Consumer credit reporting services.
6330	Duplicating, mailing, stenographic, and office services.
6340	Dwelling and building services (office only, except 6342, 6345).
6350	News syndicate services (office only).
6360	Employment services.
6390	Business services (office only, except 6394 and 6397).
6420	Electrical appliance repair and service (except 6421 and 6426; in no more than 12,000 square feet; no outside storage).
6493	Watch, clock, jewelry repair, engraving.
6496	Locksmiths and key shops.
6498	Saw, knife, lawn mower and tool sharpening (in no more than 5,000 square feet; no outside storage).
6499	Miscellaneous small item repair (in no more than 5,000 square feet; no outside storage).
6500	Professional services (office only, except 6513 and 6516).
6600	Contract construction services (office and indoor storage only; no outside storage; not to exceed 12,000 square feet).
6700	Governmental services (except 6714, 6740, 6750, and 6770).
6800	Educational services.

6900	Miscellaneous service organizations.
7100	Cultural activities and nature exhibitions (except 7124).
7210	Entertainment assembly (except 7213).
7220	Sports assembly (except 7223 and 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	Other amusements (office only).
7413	Tennis courts.
7414	Ice skating.
7417	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).

8221	Veterinarian services (completely enclosed within a building).
8224	Pet grooming (completely enclosed within a building).

(Ord. 16-41: Ord. 10-04 § 2)

#### 17.146.040: CONDITIONAL USES:

The following uses and structures are permitted in the district 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>
1140	Condominium, low rise or garden type (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one-mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.
1150	Condominium, high rise (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.
1210	Rooming and boarding houses (no density limit).
1515	Transient apartments rented by day or week (no density limit).
2000	Manufacturing industries (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3220	Glass and glassware (pressed or blown; in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3250	Pottery and related products (except 3251 and 3255; trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3500	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).

3900	Miscellaneous manufacturing (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
5100	Wholesale trade (except 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198, 5199 firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
5813	Short order eating places with no product specialty, auto oriented (drive-in or drive-through establishments, etc.).
5820	Drinking places alcoholic beverages.
6516	Skilled nursing, convalescent and rest home facilities. (Does not include asylums.)

6516.1 Assisted living facilities.

(Ord. 16-41: Ord. 10-04 § 2)

#### 17.146.050: AREA, WIDTH, FRONTAGE AND YARD REGULATIONS:

A. All main buildings shall front a public street. For developments with multiple buildings on one parcel, the main building shall front on the public street with secondary buildings fronting on private driveways.

B.A. The front setback for main buildings facing public or private streets, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. Buildings with setbacks between fifteen feet (15') and eighteen feet (18') must utilize recessed entrances. Up to fifty percent (50%) of the front setback may be greater than twenty five feet (25') if the additional front setback is developed as a courtyard or plaza. Main buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza. (insert figure a., illustration of public and private setbacks)

Formatted: Font: Bold

C.B. The courtyard or plaza area shall be deemed to be a part of the front setback of the building.

D.C. Buildings located on a corner lot shall front on both streets.

E.D. All front setback areas shall be landscaped in accordance with applicable sections of this title.

F.E. Parking and/or driveways are not permitted in the front setback area of any building. Drive-thru lanes and other accesses may be approved in front setback areas as part of a Master Site Plan if the Planning Commission finds that the purposes and other requirements of the M-U Zone are met.

F. When located within one-half mile of a transit station, commercial uses shall occupy a minimum of 75% of the width of the ground floor of a building facing a public street. When located more than one-half mile from a transit station, commercial uses shall occupy a minimum of 50% of the width of the ground floor of a building facing a public street. When located on the ground floor of the same building, the commercial uses must extend forty feet (40') in depth. The balance of the ground floor may be occupied by residential uses, including parking. Residential use on the ground floor is limited to twenty-five percent (25%) of the ground floor square footage in the project. The balance of the ground floor square footage must be used by the commercial or light industrial uses allowed in this zoning district. Horizontal Mixed Use projects shall provide a minimum commercial square footage component equal to an area calculated as 75% of the project frontage on the public street and forty feet (40') in depth. For projects which comprise multiple parcels, square footage shall be calculated based on total project frontage on the public street. -square footage.

G. A Master Site Plan approved by the Planning Commission is required for Horizontal Mixed Use Developments and Mixed Use developments located on a parcel or combination of parcels.

greater than five (5) acres. In addition to the requirements of this zone, the Planning Commission shall address the following when considering the Master Site Plan:

1. Building Orientation. Commercial and residential buildings in the same project should primarily be oriented to face public and private streets and accesses, and not parking lots. The orientation of commercial buildings in mixed use projects should consider the residential components of the project and facilitate convenient access to them.

← Formatted: Indent: Left: 0.33", No bullets or numbering

2. Central Feature. A prominent, centrally located feature such as a park, plaza, or other gathering place should be provided to unify the residential and commercial uses of the project. This location should include features and amenities to encourage public use and activity, with convenient access from both residential and commercial components of the development.

3. Outdoor Spaces. To the extent possible, buildings should be designed to form outdoor spaces such as courtyards, plazas, and terraces that can integrate the components of the development. Pedestrian walkways linking the components of the development with these outdoor spaces and the public streets should be developed. Where possible, the potential linkages to existing and future adjacent developments should be considered.

G. 4. Memorandum of Understanding. Mixed Use developments that require a Master Site Plan shall be approved in conjunction with a Memorandum of Understanding (MOU) between Murray City and the developer. The MOU shall govern requirements for the timing of the installation of improvements, performance on construction of critical development components, and shall further memorialize the requirements for development of the several buildings and parcels as contained in the Master Site Plan and other project approvals.

H. 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.

I. The side lot area between non-adjacent buildings and the property line shall be developed as parking, plaza, landscaped open space, or a landscaped walkway with access to the sidewalk. Where parking is located in the side lot area adjacent to a property boundary a five foot (5') wide landscaping area will be required along all property lines not occupied by drive accesses.

J. A parking structure fronting on a street shall have a front setback of between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. The parking structure front setback shall not

be less than the setback of the main building. The face of the structure abutting the street shall have building materials compatible with the main buildings on the same or adjoining property. The area between the sidewalk and the parking structure shall have a minimum of ten feet (10') of landscaping or shall provide window treatment consistent with subsection [17.146.070B](#) of this chapter.

- K. Surface parking lots shall have a minimum setback of between fifteen feet (15') and twenty five feet (25') from the curb. Surface parking shall be located to the side or behind the building. The area between the sidewalk and the parking lot shall have a minimum of ten feet (10') of landscaping. The remainder of the area between the required landscaping and parking shall be a combination of plazas, artwork, fountains, and pedestrian ways. In no case shall the parking be set back from the street less than the building.
- L. There shall be a minimum fifty foot (50') setback from the top of the bank of Little Cottonwood Creek, Big Cottonwood Creek and the Jordan River.
- M. ~~Parking structures shall be included in the floor area ratio (FAR) calculation. (Ord. 10-04 § 2)~~

Formatted: Font: 12 pt

Formatted: Normal, No bullets or numbering

## 17.146.060: HEIGHT REGULATIONS:

A. Height Restrictions: There are no height restrictions in the district except as provided herein. The height of a structure located within one hundred feet (100') of the nearest boundary of a residential zone district may not exceed fifty feet (50'). Beyond one hundred feet (100'), the building height may increase one foot (1') of height for each additional one foot (1') of setback from the residential zone district.

### B. Measurement Of Distances:

1. For purposes of this section, the width of public or private roadways shall be included in computing setback distances. For example, if a roadway is located on the boundary of a residential zoning district, the measurements required under this section shall be made from the property line of that roadway which is nearest the residential use or zone. Otherwise, the measurement shall be made from the residential zoning district boundary.
2. Setback distances to structures located pursuant to this section shall be measured from the nearest residential zoning district boundary, except as otherwise provided in this section, to the nearest exterior wall of the structure.
3. Where residential zoning is separated from the mixed use zone by a federal interstate highway the height restrictions of this chapter shall not apply.

C. Authority: Nothing in this section shall be construed to limit the authority of the planning commission or community and economic development staff to review building materials, design elements and other aesthetic considerations as it deems proper to mitigate or modify the visual impact of the height of buildings upon surrounding land uses. (Ord. 10-04 § 2)

## 17.146.070: BUILDING REQUIREMENTS:

- A. Walls, partitions and floor/ceiling assemblies separating dwelling units from each other or from public or service areas shall have a sound transmission class (STC) of not less than fifty (50) for airborne noise.
- B. 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, entry, pilaster, or similar element. 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 two-way visibility are prohibited as ground floor windows.
- C. All buildings fronting on a street shall have at least one public entrance per use or business which fronts on the street.
- D. All buildings and structures shall be maintained in good condition.
- E. Water conserving plumbing fixtures shall be used. Such fixtures shall include, but are not limited to, dual flush toilets and low volume showers and lavatories which cannot be adjusted or modified.  
(Ord. 10-04 § 2)

#### 17.146.080: PARKING REGULATIONS:

- A. For buildings that exceed four (4) stories in height, at least ~~seventy-five-fifty~~ percent (~~7550%~~) 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. For the purposes of this chapter, building height is determined by measuring the vertical distance from the average of the finished ground level adjoining the building at the exterior wall to a flat roof deck or, for sloped roofs, to the average height of the highest roof surface. Pursuant to section 17.76.080 of this title, the height limitations shall not apply to architectural screening for mechanical equipment, church spires, and decorative tower elements.
- B. If more than twenty five percent (25%) of the off street parking is provided in surface parking lots, the ~~minimum~~ parking shall be:
  - 1. For residential units with two (2) bedrooms or fewer, 1.5 stalls per unit.
  - 2. For residential units with more than two (2) bedrooms, 1.85 stalls per unit.
  - 3. ~~When the e~~For all office and retail usesuses or net usable square footage is unknown, off street parking will be calculated at ~~threene~~ parking stalls for each ~~two hundred sixty-five~~ (~~265~~)~~one thousand (1,000)~~ square feet of net usable office area or retail floor area.
  - 4. ~~All medical, dental and related office uses will require one off street parking stall for each two hundred sixty-five (265) square feet of net usable office area.~~
  - 5. ~~All other office uses will be calculated at the ratio of three (3) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.~~

Formatted: Font: Bold

6. Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty-five (265) square feet of net usable floor area.

C. If seventy five percent (75%) or more of the off street parking is provided within the main buildings or within parking structures with two (2) or more floors, the minimum parking shall be:

1. For residential units with two (2) bedrooms or fewer, 1.125 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.4 stalls per unit.
3. When the office uses or net usable square footage is unknown, off street parking will be calculated at one parking stall for each three hundred fifty (350) square feet of net usable office area or retail floor area.
4. All medical, dental and related office uses will require one off street parking stall for each three hundred fifty (350) square feet of net usable office area.
5. All other office uses will be calculated at the ratio of two and one-fourth (2.25) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.
6. Retail use parking shall be calculated at the rate of one parking space for each three hundred fifty (350) square feet of net floor area.
7. On street parking adjacent to the development parcel shall not count toward the minimum parking required by this chapter.

D. Parking in excess of one hundred ~~ten-twenty-five~~ percent (~~110.125%~~) of the minimums outlined above may only be provided in parking structures or within the envelope of the building.

E. Off street parking will not be permitted in any fire lane, aisle space or front yard setback areas except as allowed by this chapter.

F. Comply with off street parking dimensional standards as found in [chapter 17.72](#) of this title.

G. Shared parking is permitted and encouraged in the mixed use zone. Parking spaces shall be located within one thousand feet (1,000') of the property served by the spaces.

H. For properties within one-fourth ( $\frac{1}{4}$ ) mile of an existing transit stop, minimum required parking shall be reduced by ten percent (10%). (Ord. 14-12: Ord. 10-04 § 2)

#### 17.146.090: LANDSCAPING REGULATIONS:

A. 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 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 should represent, as a minimum standard, compatibility with

surrounding developed properties and uses and must be permanently maintained by the owner or occupants.

B. Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10') in width from the boundary line on the nonresidential side of the property excluding the fence, and curb wall if located adjacent to off street parking.

C. Parking lots abutting a property line shall be screened by a minimum ten-five foot (5'40') wide landscape area as outlined in subsection 17.146.050I of this chapter.

D. Sustainable landscaping including xeriscape species and innovative water recycling or irrigation systems is encouraged. All landscape plans must be approved by the city's urban forester. (Ord. 10-04 § 2)

#### **17.146.100: LOADING AND SERVICE AREAS:**

A. Trash collection and recycling areas, service and storage areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas is visible from the adjacent public streets or alleys and adjacent properties. Screening shall have a minimum height of eight feet (8') and may include accessory buildings, shrubbery and plantings, decorative walls, solid fences, screen panels, doors, topographic changes, buildings or any combination of the above.

B. No more than two (2) loading docks per individual use; loading docks are not to be located in building frontage. (Ord. 10-04 § 2)

#### **17.146.110: OPEN SPACE:**

A. Fifteen percent (15%) of the land area of each development shall be developed as landscaping, courtyards, plazas, or walkways, except any areas used for drainage retention with a slope greater than three to one (3:1) will not qualify as open space. Amenity areas provided in conjunction with multi-family uses will qualify as open space.

B. 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. (Ord. 10-04 § 2)

#### **17.146.120: ACCESS IMPROVEMENTS:**

A. Construction of new buildings or renovations of existing buildings 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.

B. For developments that do not include a commercial use on the ground floor, improvements within the rights of way for public streets shall include, but not be limited to, the following:

1. Seven foot (7') wide paved sidewalks with an eight foot (8') landscaped park strip adjacent to the curb and gutter or fifteen foot (15') paved sidewalk with five foot (5') tree wells adjacent to the curb as approved by the city engineer and the planning commission.
2. Street trees shall be spaced between thirty feet (30') and forty feet (40') on center as approved by the City. Landscaping and tree grates to be approved by the City.
3. Street lighting shall be spaced between ninety feet (90') and one hundred ten feet (110') as approved by the City.

C. For developments that include a commercial use on the ground floor, or unless otherwise approved by the City, improvements within the rights of way for public streets shall include, but not be limited to, the following:

1. Seven foot (7') wide paved sidewalks with nine foot (9') wide adjacent on street parallel parking (including gutters). Forty foot (40') landscape planters shall be installed between every two (2) to three (3) parallel parking spaces and shall include the following:
  - a. The forty foot (40')-wide landscaping planters shall have one streetlight, two (2) trees, and shrubs to provide a minimum ground coverage of fifty percent (50%) at time of planting;
  - b. Landscape planter trees shall have branching beginning no less than six feet (6') above the ground and shrubs not exceeding a height of three feet (3');
  - c. Streetlights shall be placed at the center of every landscaping planter with the nearest shrubs being located a minimum of four feet (4') from every light pole;
  - d. Street trees shall be located fourteen feet (14') from center street lighting;
  - e. Street planters shall be flared at a minimum forty five degree (45°) angle in order to facilitate ease of access for the adjacent parallel parking spaces;
  - f. Additional ground cover shall be provided as necessary in order for landscape planters to have a minimum of fifty percent (50%) ground cover at time of planting.
2. Parking must be located a minimum of thirty feet (30') from intersecting rights-of-way or drive accesses.
3. Street trees shall also be located in park strip areas not utilized as landscape planters and shall be spaced every thirty feet (30') to forty feet (40') on center.
4. Street lighting within landscape planters and all other park strip areas shall be spaced every ninety feet (90') to one hundred ten feet (110') on center and as approved by the City. Street lighting shall be residential in character with an overall height not to exceed twelve feet (12') as measured from the base to the top of the pole luminary. Street lighting shall comply with all other City street lighting specifications.

D. The following public improvements are required for all developments within the Mixed Use Zoning District:

1. Benches shall be provided and spaced as approved by the City.
2. 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. In all cases where bicycle parking is required, no fewer than two (2) shall be provided;
- c. All proposed bicycle racks shall be clearly shown on the site plan indicating location;
- d. Bicycle parking spaces shall be:
  - (1) At least two feet by six feet (2' x 6') per bicycle;
  - (2) 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;
  - (3) Located to prevent damage to bicycles by vehicles, etc.;
  - (4) In a convenient, visible, lighted area;
  - (5) Located so as not to interfere with pedestrian movements;
  - (6) As near the principal entrance(s) of the building as practical;
  - (7) Located to provide safe access to and from the street;
  - (8) Designed to allow each bicycle to be supported by its frame;
  - (9) Designed to allow the frame and wheels of each bicycle to be secured against theft;
  - (10) Anchored to resist rust or corrosion, or removal by vandalism;
  - (11) Designed to accommodate a range of bicycle shapes and sizes and facilitate easy locking without interfering with adjacent bicycles. (Ord. 16-28)

#### **17.146.130: 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. (Ord. 18-22)

#### **17.146.140: STORAGE OF COMMERCIAL VEHICLES:**

No trucks, motor vehicles or commercial trailers having a gross vehicle weight rating of more than twelve thousand (12,000) pounds shall be stored or parked outdoors on any lot or parcel within the M-U Zone, nor shall any contracting and/or earthmoving equipment be stored or parked outdoors on any lot or parcel within the M-U Zone. (Ord. 18-22)

#### **17.146.150: NONCONFORMING USES AND DEVELOPMENTS:**

Nonconforming uses shall be allowed to continue and expand in accordance with chapter 17.52 of this title. Establishment of permitted or conditional uses on properties that are nonconforming in relation to building or parking setback, landscaping, or other site development standards shall not be required to bring the site into conformance with the standards of this chapter until 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.

Applications for renovations or improvements to properties that are nonconforming in relation to development standards shall include a calculation of the cost of the improvements. (Ord. 18-22)



**MURRAY**

**Council Action Request**

# **Community & Economic Development**

## **Text Amendments to the Mixed Use Zone**

**Committee of the Whole**

Meeting Date: September 17, 2019

<b>Department Director</b> Melinda Greenwood	<b>Purpose of Proposal</b> Text amendments to certain sections of the M-U, Mixed Use Zone.
<b>Phone #</b> 801-270-2428	<b>Action Requested</b> Approval of Text Amendment
<b>Presenters</b> Melinda Greenwood, Jared Hall	<b>Attachments</b> PowerPoint Presentation Draft Ordinance
<b>Budget Impact</b>	<b>Description of this Item</b> None
<b>Required Time for Presentation</b> 10 Minutes	Staff presented proposed amendments to the M-U Zone to the Planning Commission at a public hearing on August 15, 2019. The proposed changes have been designed to assure that the requirements of the zoning are supporting a good mixed use development that is appropriate for the areas of the city where they occur. The proposed amendments to the M-U Zone can be placed into five categories:
<b>Is This Time Sensitive</b> No	<u>Definitions:</u> Horizontal Mixed-Use (a project where all or some of the commercial and residential components are provided in separate buildings within the same project), Transit Station (any 1 of the 3 rail stations in Murray), and Vertical Mixed Use (a project where the commercial and residential components are located within the same buildings).
<b>Mayor's Approval</b>	<u>Density Gradient:</u> The current M-U Zone does not limit the density of multi-family residential components in projects.
<b>Date</b> September 3, 2019	

## **Continued from Page 1:**

The proposed amendments include a decrease in allowed density corresponding to increased distance from the Transit Stations.

<b>Project Location</b>	<b>Maximum Allowed Density</b>
Within ¼ mile of station	up to 100 units per acre
Within ½ mile of station	up to 80 units per acre
Within 1 mile of station	up to 50 units per acre
More than 1 mile from station	up to 40 units per acre

**Required Commercial Components in mixed use projects:** The current ordinance requires that a minimum of 75% of the ground floor of all residential buildings be developed as non-residential, and not related to residential uses in the project (i.e., the project's swimming pool or leasing office). The rule applies to the entire footprint of all buildings in a project. In larger projects some buildings will not have frontage on streets, limiting viable commercial space on the ground floors. Staff has proposed that within ½ mile of a transit station, commercial development must occupy 75% of the ground floor of residential buildings that face public streets, with a minimum depth of 40'. For projects outside ½ mile, the commercial development must occupy 50% of those ground floors.

**Master Site Plans:** The proposed amendments include a requirement for Master Site Plan approval for larger (5 acres and up) projects and horizontal mixed use projects. Master Site Plans will include analysis of building orientation, the provision of central features and outdoor spaces, and a memorandum of understanding to govern the installation of improvements and the construction of the project.

**Parking:** Currently, where projects propose parking that exceeds the minimum requirements by more than 110%, that additional parking can only be provided within parking structures or within buildings - not as surface parking. Staff proposes amending that allowance for additional parking without the requirement of structured parking to 125% of the minimums.

## **FINDINGS**

- The proposed amendments are in keeping with the objectives of the Murray City General Plan.
- The proposed amendments are necessary to facilitate quality mixed use development and to assure that proposed developments are appropriate for the areas of the City in which they occur.

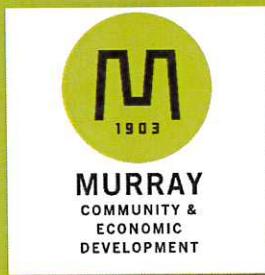
## **RECOMMENDATION**

Based on the findings and positive Planning Commission recommendation on August 10, 2019, Staff recommends APPROVAL.

# COMMITTEE OF THE WHOLE

---

September 17, 2019



# LAND USE TEXT AMENDMENTS

## Section 17.146

### M-U (Mixed Use) Zone



## Added Definitions

**TRANSIT STATION:** Refers to one of the three rail stations located in Murray City's boundaries; the Murray North Station, Murray Central Station, and Fashion Place West Station.

**HORIZONTAL MIXED USE:** A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan.



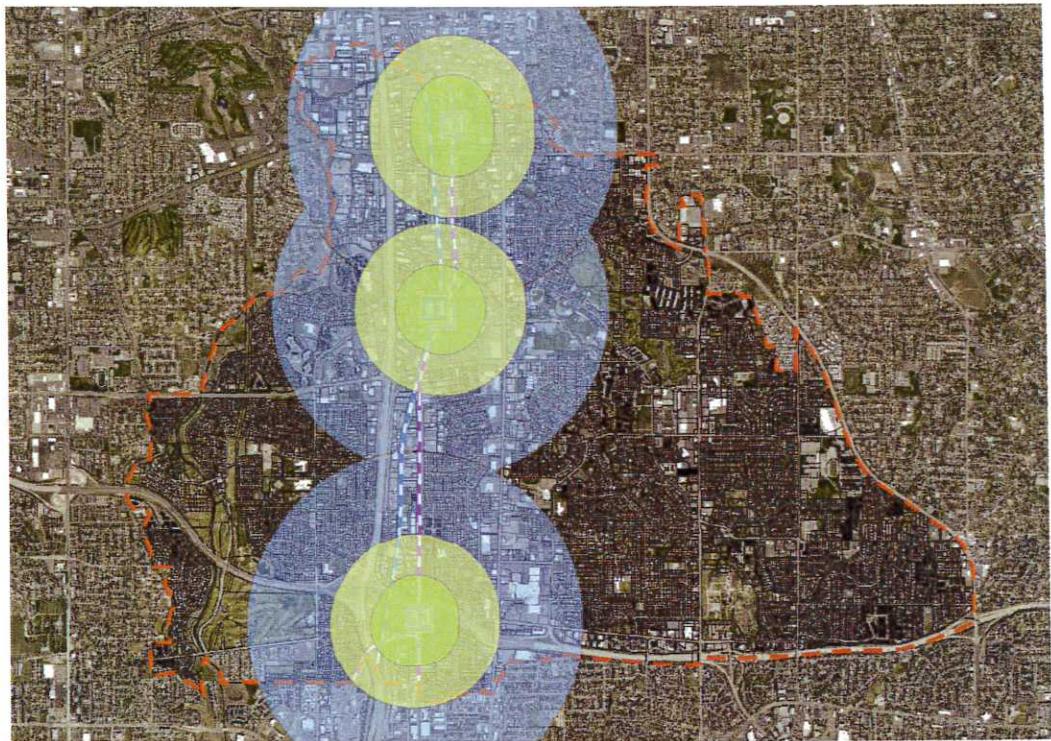
## The Uptown District San Diego, California



VERTICAL MIXED USE: A mixed-use project in which the commercial components are provided within the same buildings with the residential components.



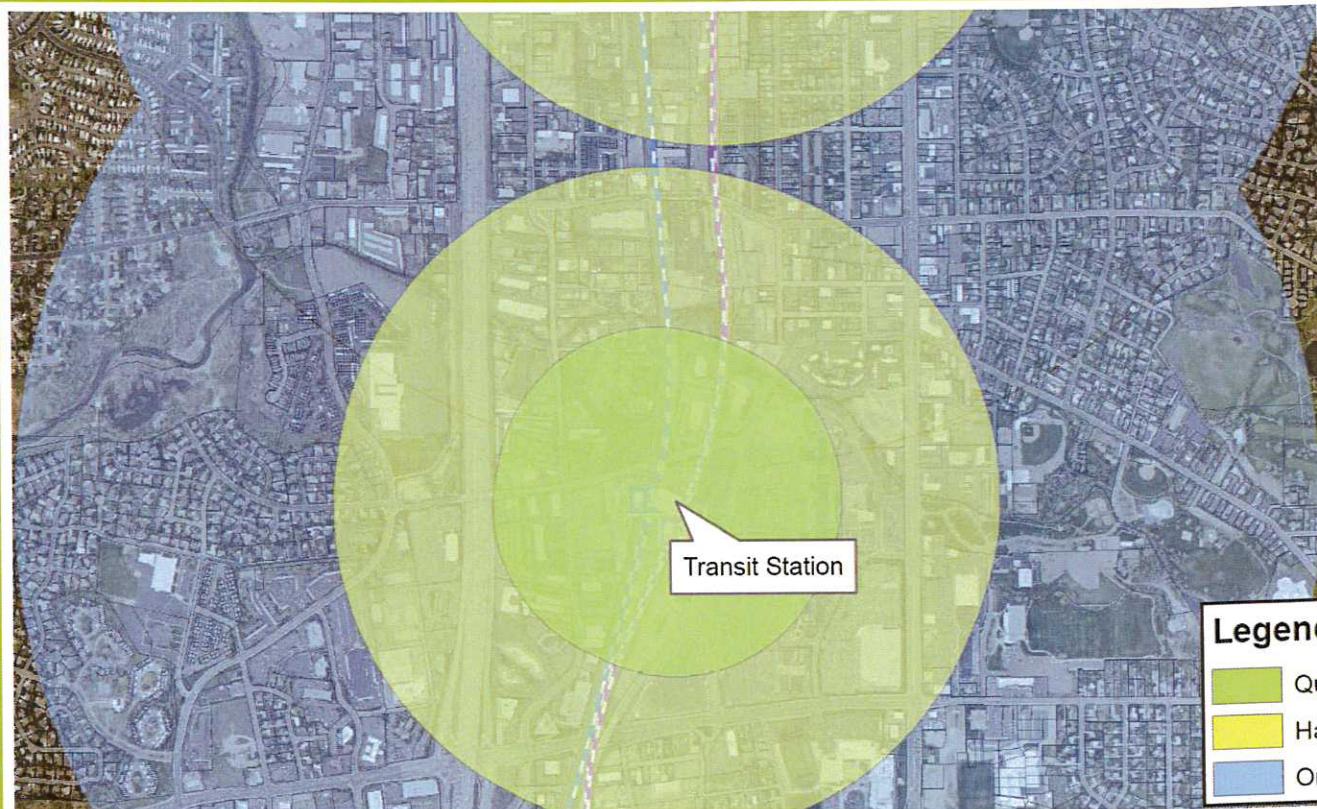
## Density Gradient



### Legend

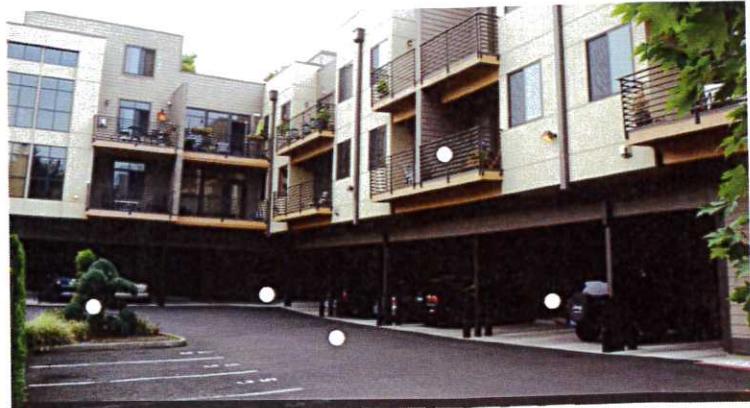
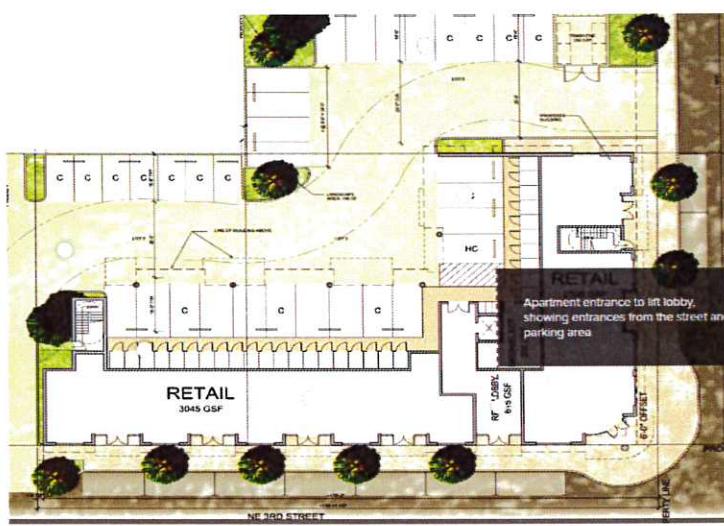
- Quarter Mile M-U
- Half Mile M-U
- One Mile M-U





## Vertical Mixed Use, Commercial Requirement

Vertical Mixed Use within one-half mile of a Transit station: Commercial development must occupy 75% of the ground floor of residential buildings that face public streets with a minimum depth of 40 feet. More than one-half mile from a transit station commercial required at 50%.



## Horizontal Mixed Use, Commercial Requirement

Horizontal Mixed Use: Commercial development equal to the square footage of an area measured as 75% of the *public frontage of the project area*, at a depth of 40 feet.



1.44 acre project site

290 ft. frontage

8,700 ft<sup>2</sup> commercial required



6.34 acre project site

362 ft. frontage

10,860 ft<sup>2</sup> commercial required



## Master Site Plan – Building Orientation

1. Building Orientation. Commercial and residential buildings in the same project should primarily be oriented to face public and private streets and accesses, and not parking lots. The orientation of commercial buildings in mixed use projects should consider the residential components of the project and facilitate convenient access to them.



## Master Site Plan – Central Feature

2. Central Feature. A prominent, centrally located feature such as a park, plaza, or other gathering place should be provided to unify the residential and commercial uses of the project. This location should include features and amenities to encourage public use and activity, with convenient access from both residential and commercial components of the development.



## Master Site Plan – Outdoor Spaces

3. Outdoor Spaces. To the extent possible, buildings should be designed to form outdoor spaces such as courtyards, plazas, and terraces that can integrate the components of the development. Pedestrian walkways linking the components of the development with these outdoor spaces and the public streets should be developed. Where possible, the potential linkages to existing and future adjacent developments should be considered.



## Parking

B. If more than twenty five percent (25%) of the off street parking is provided in surface parking lots, the **minimum** parking shall be:

1. For residential units with two (2) bedrooms or fewer, 1.5 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.85 stalls per unit.
3. ~~When the oFor all office and retail usesuses or net usable square footage is unknown, off street parking will be calculated at threeone parking stalls for each two hundred sixty five (265)-one thousand (1,000) square feet of net usable office area or retail floor area.~~
4. ~~All medical, dental and related office uses will require one off street parking stall for each two hundred sixty five (265) square feet of net usable office area.~~
5. ~~All other office uses will be calculated at the ratio of three (3) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.~~
6. ~~Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty five (265) square feet of net usable floor area.~~

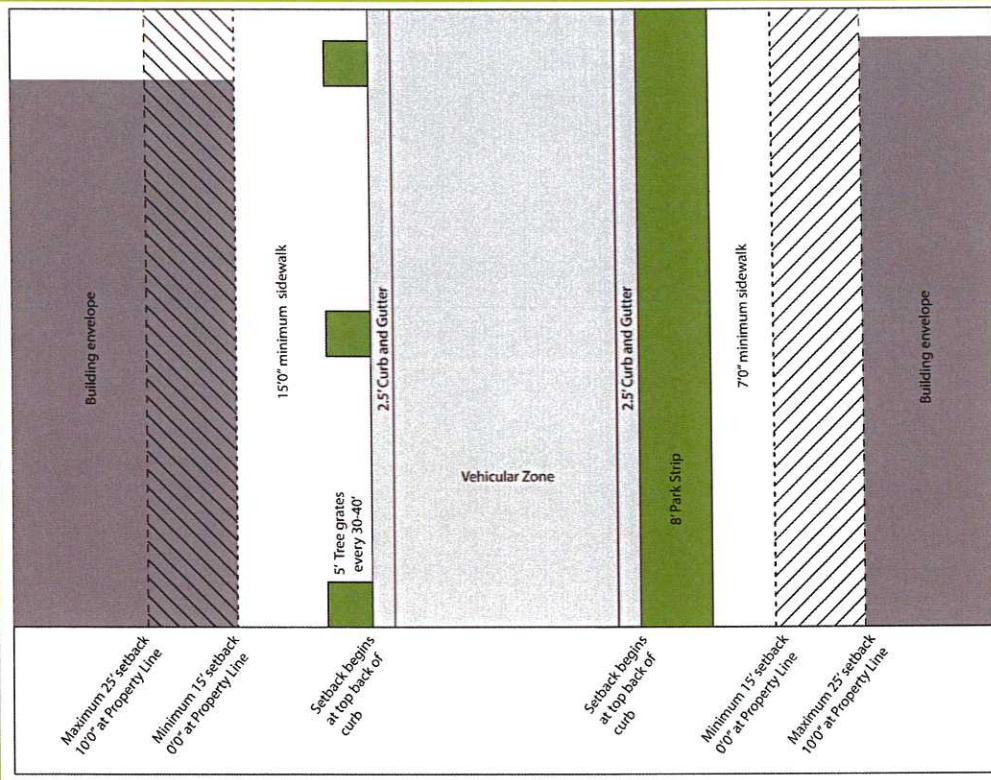
D. Parking in excess of one hundred ~~ten twenty-five~~ percent (~~110~~<sup>125</sup>~~125~~%) of the minimums outlined above may only be provided in parking structures or within the envelope of the building.



## Building Setbacks and Access Improvements

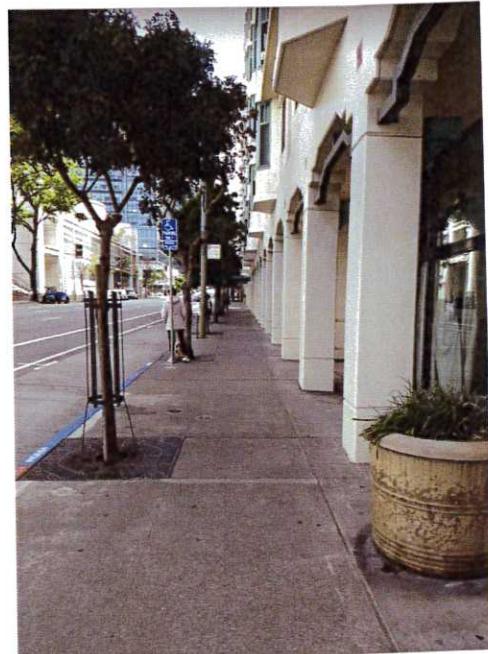
**B-A.** The front setback for ~~main~~ buildings facing public or private streets, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. Buildings with setbacks between fifteen feet (15') and eighteen feet (18') must utilize recessed entrances. Up to fifty percent (50%) of the front setback may be greater than twenty five feet (25') if the additional front setback is developed as a courtyard or plaza. ~~Main-b~~Buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza. (insert figure a., illustration of public and private setbacks)

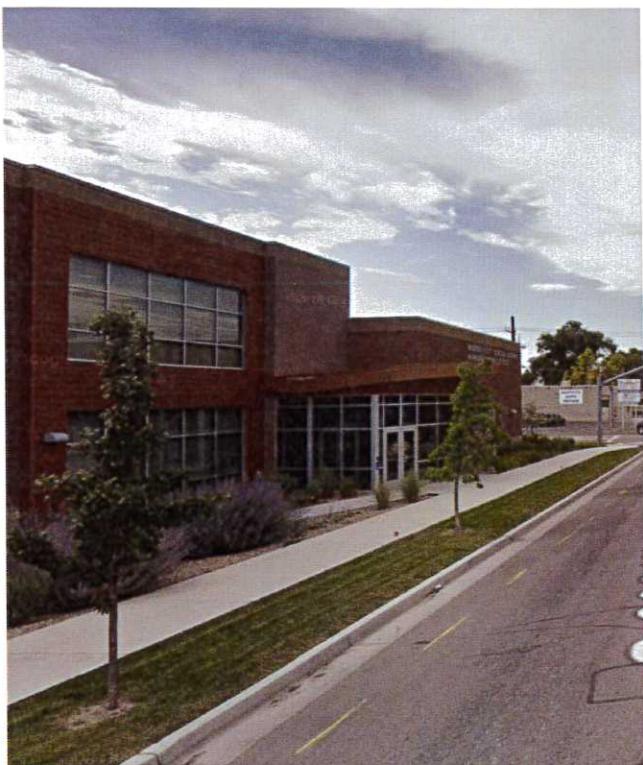




Setback and Access Improvements figure to be added to code.







# Findings

- i. The proposed amendments are in keeping with the objectives of the Murray City General Plan.
- ii. The proposed amendments are necessary to help facilitate quality mixed use development and to assure that proposed developments are appropriate for the areas of the city in which they occur.



## Staff Recommendation

Based on the findings and a positive recommendation from the Planning Commission at the August 15, 2019 meeting, Staff recommends that the City Council **APPROVE** the proposed amendments to the Murray City Land Use Ordinance Section 17.146, Mixed Use, M-U Zoning.



## Chapter 17.146

# MIXED USE DEVELOPMENT DISTRICT M-U

### 17.146.010: PURPOSE:

The purpose of a Mixed Use Development District is to encourage pedestrian oriented design, promote development and protect the public health, safety and welfare. The district encourages compact, mixed use development. Carefully planned mixed uses, including neighborhood oriented commercial and restaurant space, provide increased opportunities for pedestrian activity. It is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities. The district is facilitated by site and community design standards that:

- A. Encourage high quality, compact development and increase the number of residents and workers within walking distance of transit opportunities;
- B. Encourage a mix of high quality residential, office, commercial, live-work, open space, entertainment, recreation, public and institutional land uses;
- C. Revitalize areas proximate to transit stations;
- D. Improve the urban design in the area;
- E. Encourage active community life within a framework of attractive and welcoming buildings and usable open spaces;
- F. Coordinate the urban design and streetscape elements in order to create a distinct visual quality for the area;
- G. Manage parking and access in a manner that enhances pedestrian safety, pedestrian mobility and quality urban design;
- H. Encourage structured parking, new roads and public open spaces to enhance the design and function of the built environment;
- I. Encourage a safe, attractive and comfortable environment for the pedestrian and bicyclist by providing public open spaces, public pedestrian walkways, wide sidewalks, bike lanes, street furniture, pedestrian scale lighting, street trees and other appropriate amenities;
- J. Encourage conservation of resources and optimal use of public infrastructure toward a sustainable community;

K. Require property owners, developers, architects, and contractors to use a mix of high quality, durable, low maintenance building materials for projects in this zoning district. (Ord. 10-04 § 2)

## 17.146.020: DEFINITIONS:

**FLOOR AREA RATIO (FAR):** Shall be calculated as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

**HORIZONTAL MIXED USE:** A mixed-use project in which all or some of the commercial and residential components are provided in separate buildings on the same parcel or on contiguous parcels included together in a Master Site Plan.

**PRINCIPAL STREET:** The street with higher traffic volume.

**TRANSIT STATION:** Refers to one of the three rail stations located in Murray City's boundaries; the Murray North Station, Murray Central Station, and Fashion Place West Station.

**VERTICAL MIXED USE:** A mixed-use project in which the commercial components are provided within the same buildings with the residential components.

**XERISCAPING:** An attractive, sustainable landscape based on sound horticultural practices, which shows evidence of care. This method is beneficial especially for arid and semiarid climates and utilizes water conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation). (Ord. 10-04 § 2)

## 17.146.030: PERMITTED USES:

A. A use not specifically designated is prohibited. The inclusion of a major heading includes all subcategories listed under the major heading unless otherwise excepted.

B. The following uses are permitted in the district (where square foot limits are specified, they shall apply to individually operating businesses, not to the entire property):

<u>Use No.</u>	<u>Use Classification</u>
1100	Household units (except 1110, 1112, 1114, 1115, 1116, 1121, 1122; <u>no density limit; condominiums by conditional use permit only</u> ). <u>Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.</u>

1210	Residential facility for disabled persons.
1210	Residential facility for elderly persons (see <a href="#">chapter 17.32</a> of this title).
1241	Retirement homes, independent living or congregate care.
1300	Residential hotels and apartment hotels.
1511	Hotels.
4100	Railroad, rapid rail transit, and street railway transportation.
4601	No fee parking lots and garages (except surface parking lots not associated with a permitted use).

4602	Commercial parking lots and garages on a fee basis (except surface parking lots not associated with a permitted use).
4710	Telephone communications (except 4712).
4730	Radio communications.
4740	Television communications.
4750	Radio and television communications, combined.
4760	Recording and sound studios.
4800	Utilities (offices, lines and right of way only; except 4812, 4813, 4822, 4823, 4832, 4842, 4843, 4845, 4850, 4861, and 4874).
4920	Transportation services and arrangements (with no more than 5 employees in no more than 2,500 square feet; no loading dock; deliveries and shipping only by van or small truck during normal business hours; no odors; no outside storage).
5210	Building materials, tile (no outside storage; not to exceed 12,000 square feet).
5220	Heating and plumbing equipment (no outside storage; not to exceed 12,000 square feet).
5230	Paint, glass, and wallpaper (no outside storage; not to exceed 12,000 square feet).
5240	Electrical supplies (no outside storage; not to exceed 12,000 square feet).
5251	Hardware (no outside storage; not to exceed 12,000 square feet).
5254	Janitorial supplies (no outside storage; not to exceed 12,000 square feet).
5255	Building maintenance materials (no outside storage; not to exceed 12,000 square feet).
5256	Swimming pool supplies (no outside storage; not to exceed 12,000 square feet).
5310	Department stores (not to exceed 40,000 square feet unless floor area ratio (FAR) of 1.0 is met).
5320	Mail order houses (deliveries and shipping only during normal business hours; not to exceed 12,000 square feet).
5330	Variety stores (not to exceed 40,000 square feet unless FAR of 1.0 is met).

5350	Direct selling organizations (deliveries and shipping only during normal business hours; no outside storage; not to exceed 20,000 square feet).
5390	General merchandise (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5400	Food stores (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5600	Apparel and accessories (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5700	Furniture, home furnishings, and equipment (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5810	Eating places (drive-through sales to be allowed by conditional use permit; not to exceed 20,000 square feet).
5910	Drug and proprietary (not to exceed 12,000 square feet).
5920	Liquor, package (state store).
5930	Antiques and secondhand merchandise (except 5935, 5938 and construction materials; not to exceed 20,000 square feet).
5940	Books, stationery, art, and hobby supplies (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5950	Sporting goods, bicycles, and toys supplies (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5969	Garden supplies (not to exceed 40,000 square feet unless FAR of 1.0 is met).
5970	Jewelry (not to exceed 12,000 square feet).
5990	Miscellaneous retail trade (not to exceed 12,000 square feet).
6100	Finance, insurance, and real estate (except 6112, payday loan services, 6123, 6124, and 6141 surety bail bonding) (not to exceed 40,000 square feet unless FAR of 1.0 is met).
6213	Dry cleaning (in no more than 7,500 square feet; no outside storage).
6216	Self-service laundries.
6218	Rug cleaning and repair (in no more than 7,500 square feet; no outside storage).
6220	Photographic services.

6230	Beauty and barber services.
6241	Funeral home.
6250	Apparel repair, alteration, and cleaning, shoe repair services (except 6256).
6290	Personal services (except 6293, 6294).
6310	Advertising services (office only; no outside storage).
6320	Consumer credit reporting services.
6330	Duplicating, mailing, stenographic, and office services.
6340	Dwelling and building services (office only, except 6342, 6345).
6350	News syndicate services (office only).
6360	Employment services.
6390	Business services (office only, except 6394 and 6397).
6420	Electrical appliance repair and service (except 6421 and 6426; in no more than 12,000 square feet; no outside storage).
6493	Watch, clock, jewelry repair, engraving.
6496	Locksmiths and key shops.
6498	Saw, knife, lawn mower and tool sharpening (in no more than 5,000 square feet; no outside storage).
6499	Miscellaneous small item repair (in no more than 5,000 square feet; no outside storage).
6500	Professional services (office only, except 6513 and 6516).
6600	Contract construction services (office and indoor storage only; no outside storage; not to exceed 12,000 square feet).
6700	Governmental services (except 6714, 6740, 6750, and 6770).
6800	Educational services.

6900	Miscellaneous service organizations.
7100	Cultural activities and nature exhibitions (except 7124).
7210	Entertainment assembly (except 7213).
7220	Sports assembly (except 7223 and 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	Other amusements (office only).
7413	Tennis courts.
7414	Ice skating.
7417	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).

8221	Veterinarian services (completely enclosed within a building).
8224	Pet grooming (completely enclosed within a building).

(Ord. 16-41: Ord. 10-04 § 2)

## 17.146.040: CONDITIONAL USES:

The following uses and structures are permitted in the district 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>
1140	Condominium, low rise or garden type (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one-mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.
1150	Condominium, high rise (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.
1210	Rooming and boarding houses (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located. -
1515	Transient apartments rented by day or week (no density limit). Projects located within one-quarter mile of transit stations are allowed residential densities up to 100 units per acre. Projects located within one-half mile of transit stations are allowed residential densities up to 80 units per acre. Projects located within one mile of transit stations are allowed residential densities up to 50 units per acre. Projects located more than one mile from transit stations are allowed residential densities up to 40 units per acre. Density per acre is calculated by the total project area. Project location is measured as a straight line between the closest points of the project and the property upon which the transit station is located.

	<u>a straight line between the closest points of the project and the property upon which the transit station is located.</u>
2000	Manufacturing industries (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3220	Glass and glassware (pressed or blown; in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3250	Pottery and related products (except 3251 and 3255; trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3500	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
3900	Miscellaneous manufacturing (trades only in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
5100	Wholesale trade (except 5110, 5120, 5150, 5162, 5169, 5170, 5181, 5182, 5185, 5191, 5192, 5193, 5198, 5199 firearms and ammunition, charcoal, livestock and poultry feed, farm supplies, hay; in no more than 12,000 square feet; deliveries and shipping only during normal business hours; no odors; no outside storage).
5813	Short order eating places with no product specialty, auto oriented (drive-in or drive-through establishments, etc.).
5820	Drinking places alcoholic beverages.
6516	Skilled nursing, convalescent and rest home facilities. (Does not include asylums.)

6516.1	Assisted living facilities.
--------	-----------------------------

(Ord. 16-41: Ord. 10-04 § 2)

## 17.146.050: AREA, WIDTH, FRONTAGE AND YARD REGULATIONS:

A. All main buildings shall front a public street. For developments with multiple buildings on one parcel, the main building shall front on the public street with secondary buildings fronting on private driveways.

B.A. The front setback for main buildings facing public or private streets, excepting courtyards and plazas, shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. Buildings with setbacks between fifteen feet (15') and eighteen feet (18') must utilize recessed entrances. Up to fifty percent (50%) of the front setback may be greater than twenty five feet (25') if the additional front setback is developed as a courtyard or plaza. Main buildings may have detached components within a courtyard or plaza if the uses in the detached component enhance activity on the courtyard or plaza. (insert figure a., illustration of public and private setbacks)

C.B. The courtyard or plaza area shall be deemed to be a part of the front setback of the building.

D.C. Buildings located on a corner lot shall front on both streets.

E.D. All front setback areas shall be landscaped in accordance with applicable sections of this title.

F.E. Parking and/or driveways are not permitted in the front setback area of any building. Drive-thru lanes and other accesses may be approved in front setback areas as part of a Master Site Plan if the Planning Commission finds that the purposes and other requirements of the M-U Zone are met.

F. When located within one-half mile of a transit station, commercial uses shall occupy a minimum of 75% of the width of the ground floor of a building facing a public street. When located more than one-half mile from a transit station, commercial uses shall occupy a minimum of 50% of the width of the ground floor of a building facing a public street. When located on the ground floor of the same building, the commercial uses must extend forty feet (40') in depth. The balance of the ground floor may be occupied by residential uses, including parking. Residential use on the ground floor is limited to twenty five percent (25%) of the ground floor square footage in the project. The balance of the ground floor square footage must be used by the commercial or light industrial uses allowed in this zoning district. Horizontal Mixed Use projects shall provide a minimum commercial square footage component equal to an area calculated as 75% of the project frontage on the public street and forty feet (40') in depth. For projects which comprise multiple parcels, square footage shall be calculated based on total project frontage on the public street. square footage.

G. A Master Site Plan approved by the Planning Commission is required for Horizontal Mixed Use Developments and Mixed Use developments located on a parcel or combination of parcels

greater than five (5) acres. In addition to the requirements of this zone, the Planning Commission shall address the following when considering the Master Site Plan:

1. Building Orientation. Commercial and residential buildings in the same project should primarily be oriented to face public and private streets and accesses, and not parking lots. The orientation of commercial buildings in mixed use projects should consider the residential components of the project and facilitate convenient access to them.

2. Central Feature. A prominent, centrally located feature such as a park, plaza, or other gathering place should be provided to unify the residential and commercial uses of the project. This location should include features and amenities to encourage public use and activity, with convenient access from both residential and commercial components of the development.

3. Outdoor Spaces. To the extent possible, buildings should be designed to form outdoor spaces such as courtyards, plazas, and terraces that can integrate the components of the development. Pedestrian walkways linking the components of the development with these outdoor spaces and the public streets should be developed. Where possible, the potential linkages to existing and future adjacent developments should be considered.

4. Memorandum of Understanding. Mixed Use developments that require a Master Site Plan shall be approved in conjunction with a Memorandum of Understanding (MOU) between Murray City and the developer. The MOU shall govern requirements for the timing of the installation of improvements, performance on construction of critical development components, and shall further memorialize the requirements for development of the several buildings and parcels as contained in the Master Site Plan and other project approvals.

H. 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.

I. 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. Where parking is located in the side lot area adjacent to a property boundary a five foot (5') wide landscaping area will be required along all property lines not occupied by drive accesses.

J. A parking structure fronting on a street shall have a front setback of between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. The parking structure front setback shall not

be less than the setback of the main building. The face of the structure abutting the street shall have building materials compatible with the main buildings on the same or adjoining property. The area between the sidewalk and the parking structure shall have a minimum of ten feet (10') of landscaping or shall provide window treatment consistent with subsection 17.146.070B of this chapter.

K. Surface parking lots shall have a minimum setback of between fifteen feet (15') and twenty five feet (25') from the curb. Surface parking shall be located to the side or behind the building. The area between the sidewalk and the parking lot shall have a minimum of ten feet (10') of landscaping. The remainder of the area between the required landscaping and parking shall be a combination of plazas, artwork, fountains, and pedestrian ways. In no case shall the parking be set back from the street less than the building.

L. There shall be a minimum fifty foot (50') setback from the top of the bank of Little Cottonwood Creek, Big Cottonwood Creek and the Jordan River.

~~Parking structures shall be included in the floor area ratio (FAR) calculation. (Ord. 10-04 § 2)~~

## **17.146.060: HEIGHT REGULATIONS:**

A. Height Restrictions: There are no height restrictions in the district except as provided herein. The height of a structure located within one hundred feet (100') of the nearest boundary of a residential zone district may not exceed fifty feet (50'). Beyond one hundred feet (100'), the building height may increase one foot (1') of height for each additional one foot (1') of setback from the residential zone district.

B. Measurement Of Distances:

1. For purposes of this section, the width of public or private roadways shall be included in computing setback distances. For example, if a roadway is located on the boundary of a residential zoning district, the measurements required under this section shall be made from the property line of that roadway which is nearest the residential use or zone. Otherwise, the measurement shall be made from the residential zoning district boundary.
2. Setback distances to structures located pursuant to this section shall be measured from the nearest residential zoning district boundary, except as otherwise provided in this section, to the nearest exterior wall of the structure.
3. Where residential zoning is separated from the mixed use zone by a federal interstate highway the height restrictions of this chapter shall not apply.

C. Authority: Nothing in this section shall be construed to limit the authority of the planning commission or community and economic development staff to review building materials, design elements and other aesthetic considerations as it deems proper to mitigate or modify the visual impact of the height of buildings upon surrounding land uses. (Ord. 10-04 § 2)

## **17.146.070: BUILDING REQUIREMENTS:**

5/23/2019

A. Walls, partitions and floor/ceiling assemblies separating dwelling units from each other or from public or service areas shall have a sound transmission class (STC) of not less than fifty (50) for airborne noise.

B. 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, entry, pilaster, or similar element. 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 two-way visibility are prohibited as ground floor windows.

C. All buildings fronting on a street shall have at least one public entrance per use or business which fronts on the street.

D. All buildings and structures shall be maintained in good condition.

E. Water conserving plumbing fixtures shall be used. Such fixtures shall include, but are not limited to, dual flush toilets and low volume showers and lavatories which cannot be adjusted or modified.  
(Ord. 10-04 § 2)

## 17.146.080: PARKING REGULATIONS:

A. For buildings that exceed four (4) stories in height, at least seventy five fifty percent (7550%) 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. For the purposes of this chapter, building height is determined by measuring the vertical distance from the average of the finished ground level adjoining the building at the exterior wall to a flat roof deck or, for sloped roofs, to the average height of the highest roof surface. Pursuant to section 17.76.080 of this title, the height limitations shall not apply to architectural screening for mechanical equipment, church spires, and decorative tower elements.

B. If more than twenty five percent (25%) of the off street parking is provided in surface parking lots, the minimum parking shall be:

1. For residential units with two (2) bedrooms or fewer, 1.5 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.85 stalls per unit.
3. When the ~~For all office and retail uses~~ uses or net usable square footage is unknown, off street parking will be calculated at three one ~~one~~ parking stalls for each two hundred sixty five ~~(265)~~ one thousand (1,000) square feet of net usable office area or retail floor area.
4. ~~All medical, dental and related office uses will require one off street parking stall for each two hundred sixty five (265) square feet of net usable office area.~~
5. ~~All other office uses will be calculated at the ratio of three (3) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.~~

~~6. Retail use parking shall be calculated at the rate of one parking space for each two hundred sixty five (265) square feet of net usable floor area.~~

C. If seventy five percent (75%) or more of the off street parking is provided within the main buildings or within parking structures with two (2) or more floors, the minimum parking shall be:

1. For residential units with two (2) bedrooms or fewer, 1.125 stalls per unit.
2. For residential units with more than two (2) bedrooms, 1.4 stalls per unit.
3. When the office uses or net usable square footage is unknown, off street parking will be calculated at one parking stall for each three hundred fifty (350) square feet of net usable office area or retail floor area.
4. All medical, dental and related office uses will require one off street parking stall for each three hundred fifty (350) square feet of net usable office area.
5. All other office uses will be calculated at the ratio of two and one-fourth (2.25) off street parking stalls for each one thousand (1,000) square feet of net usable floor area.
6. Retail use parking shall be calculated at the rate of one parking space for each three hundred fifty (350) square feet of net floor area.
7. On street parking adjacent to the development parcel shall not count toward the minimum parking required by this chapter.

D. Parking in excess of one hundred ~~ten-twenty-five~~ percent (~~110125~~%) of the minimums outlined above may only be provided in parking structures or within the envelope of the building.

E. Off street parking will not be permitted in any fire lane, aisle space or front yard setback areas except as allowed by this chapter.

F. Comply with off street parking dimensional standards as found in [chapter 17.72](#) of this title.

G. Shared parking is permitted and encouraged in the mixed use zone. Parking spaces shall be located within one thousand feet (1,000') of the property served by the spaces.

H. For properties within one-fourth ( $\frac{1}{4}$ ) mile of an existing transit stop, minimum required parking shall be reduced by ten percent (10%). (Ord. 14-12: Ord. 10-04 § 2)

## **17.146.090: LANDSCAPING REGULATIONS:**

A. 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 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 should represent, as a minimum standard, compatibility with

surrounding developed properties and uses and must be permanently maintained by the owner or occupants.

- B. Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10') in width from the boundary line on the nonresidential side of the property excluding the fence, and curb wall if located adjacent to off street parking.
- C. Parking lots abutting a property line shall be screened by a minimum ten-five foot (5'10') wide landscape area as outlined in subsection 17.146.0501 of this chapter.
- D. Sustainable landscaping including xeriscape species and innovative water recycling or irrigation systems is encouraged. All landscape plans must be approved by the city's urban forester. (Ord. 10-04 § 2)

#### **17.146.100: LOADING AND SERVICE AREAS:**

- A. Trash collection and recycling areas, service and storage areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas is visible from the adjacent public streets or alleys and adjacent properties. Screening shall have a minimum height of eight feet (8') and may include accessory buildings, shrubbery and plantings, decorative walls, solid fences, screen panels, doors, topographic changes, buildings or any combination of the above.
- B. No more than two (2) loading docks per individual use; loading docks are not to be located in building frontage. (Ord. 10-04 § 2)

#### **17.146.110: OPEN SPACE:**

- A. Fifteen percent (15%) of the land area of each development shall be developed as landscaping, courtyards, plazas, or walkways, except any areas used for drainage retention with a slope greater than three to one (3:1) will not qualify as open space. Amenity areas provided in conjunction with multi-family uses will qualify as open space.
- B. 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. (Ord. 10-04 § 2)

#### **17.146.120: ACCESS IMPROVEMENTS:**

- A. Construction of new buildings or renovations of existing buildings 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.
- B. For developments that do not include a commercial use on the ground floor, improvements within the rights of way for public streets shall include, but not be limited to, the following:

1. Seven foot (7') wide paved sidewalks with an eight foot (8') landscaped park strip adjacent to the curb and gutter or fifteen foot (15') paved sidewalk with five foot (5') tree wells adjacent to the curb as approved by the city engineer and the planning commission.
2. Street trees shall be spaced between thirty feet (30') and forty feet (40') on center as approved by the City. Landscaping and tree grates to be approved by the City.
3. Street lighting shall be spaced between ninety feet (90') and one hundred ten feet (110') as approved by the City.

C. For developments that include a commercial use on the ground floor, or unless otherwise approved by the City, improvements within the rights of way for public streets shall include, but not be limited to, the following:

1. Seven foot (7') wide paved sidewalks with nine foot (9') wide adjacent on street parallel parking (including gutters). Forty foot (40') landscape planters shall be installed between every two (2) to three (3) parallel parking spaces and shall include the following:
  - a. The forty foot (40')-wide landscaping planters shall have one streetlight, two (2) trees, and shrubs to provide a minimum ground coverage of fifty percent (50%) at time of planting;
  - b. Landscape planter trees shall have branching beginning no less than six feet (6') above the ground and shrubs not exceeding a height of three feet (3');
  - c. Streetlights shall be placed at the center of every landscaping planter with the nearest shrubs being located a minimum of four feet (4') from every light pole;
  - d. Street trees shall be located fourteen feet (14') from center street lighting;
  - e. Street planters shall be flared at a minimum forty five degree (45°) angle in order to facilitate ease of access for the adjacent parallel parking spaces;
  - f. Additional ground cover shall be provided as necessary in order for landscape planters to have a minimum of fifty percent (50%) ground cover at time of planting.
2. Parking must be located a minimum of thirty feet (30') from intersecting rights-of-way or drive accesses.
3. Street trees shall also be located in park strip areas not utilized as landscape planters and shall be spaced every thirty feet (30') to forty feet (40') on center.
4. Street lighting within landscape planters and all other park strip areas shall be spaced every ninety feet (90') to one hundred ten feet (110') on center and as approved by the City. Street lighting shall be residential in character with an overall height not to exceed twelve feet (12') as measured from the base to the top of the pole luminary. Street lighting shall comply with all other City street lighting specifications.

D. The following public improvements are required for all developments within the Mixed Use Zoning District:

1. Benches shall be provided and spaced as approved by the City.
2. 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. In all cases where bicycle parking is required, no fewer than two (2) shall be provided;
- c. All proposed bicycle racks shall be clearly shown on the site plan indicating location;
- d. Bicycle parking spaces shall be:
  - (1) At least two feet by six feet (2' x 6') per bicycle;
  - (2) 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;
  - (3) Located to prevent damage to bicycles by vehicles, etc.;
  - (4) In a convenient, visible, lighted area;
  - (5) Located so as not to interfere with pedestrian movements;
  - (6) As near the principal entrance(s) of the building as practical;
  - (7) Located to provide safe access to and from the street;
  - (8) Designed to allow each bicycle to be supported by its frame;
  - (9) Designed to allow the frame and wheels of each bicycle to be secured against theft;
  - (10) Anchored to resist rust or corrosion, or removal by vandalism;
  - (11) Designed to accommodate a range of bicycle shapes and sizes and facilitate easy locking without interfering with adjacent bicycles. (Ord. 16-28)

### **17.146.130: 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. (Ord. 18-22)

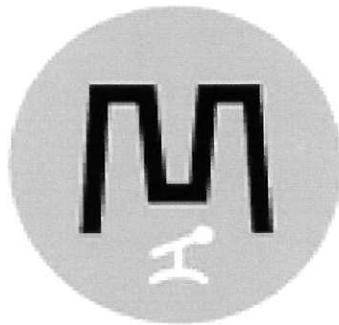
#### **17.146.140: STORAGE OF COMMERCIAL VEHICLES:**

No trucks, motor vehicles or commercial trailers having a gross vehicle weight rating of more than twelve thousand (12,000) pounds shall be stored or parked outdoors on any lot or parcel within the M-U Zone, nor shall any contracting and/or earthmoving equipment be stored or parked outdoors on any lot or parcel within the M-U Zone. (Ord. 18-22)

#### **17.146.150: NONCONFORMING USES AND DEVELOPMENTS:**

Nonconforming uses shall be allowed to continue and expand in accordance with chapter 17.52 of this title. Establishment of permitted or conditional uses on properties that are nonconforming in relation to building or parking setback, landscaping, or other site development standards shall not be required to bring the site into conformance with the standards of this chapter until 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.

Applications for renovations or improvements to properties that are nonconforming in relation to development standards shall include a calculation of the cost of the improvements. (Ord. 18-22)



**MURRAY**  
CITY COUNCIL

# Public Hearing #4

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 1<sup>st</sup> day of October, 2019, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amending the Murray City Standard Land Use Code, and enacting chapter 17.43 of the Murray City Municipal Code related to the regulation of medical cannabis production establishments and medical cannabis pharmacies; and amending Murray City Municipal Code sections 17.92.030, 17.152.030, related to conditional uses of cannabis production facilities; and 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 and 17.174.020 relating to permitted uses of medical cannabis pharmacies.

DATED this 17<sup>th</sup> day of September, 2019.

MURRAY CITY CORPORATION

  
\_\_\_\_\_  
City Recorder

DATE OF PUBLICATION: September 20, 2019  
PH 19-37



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MURRAY CITY STANDARD LAND USE CODE, ENACTING CHAPTER 17.43 OF THE MURRAY CITY MUNICIPAL CODE GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES, AND AMENDING SECTIONS 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 AND 17.174.020 IDENTIFYING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS PERMITTED USES IN SPECIFIED ZONING DISTRICTS

*Section 1. Purpose.* The purpose of this ordinance is to (1) amend the Murray City Standard Land Use Code (2) enact Chapter 17.43 of the Murray City Municipal Code (the "Code") governing cannabis production establishments and medical cannabis pharmacies; (3) to amend sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 and 17.174.020 identifying cannabis production establishments and medical cannabis pharmacies as permitted uses in specified zoning districts

*Section 2. Amendment to the Murray City Standard Land Use Code.*

*The following shall be added to the Murray City Standard Land Use Code:*

8122 Cannabis Production Establishment. As defined in section 4-41a-102 of the Utah Code, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

5913 Medical Cannabis Pharmacy. An entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under section 26-61a-102 of the Utah Code.

*Section 3. Enact chapter 17.43.* Chapter 17.43 of the Murray City Municipal Code shall be enacted as follows:

## **CHAPTER 17.43: CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES**

### **17.43.010: DEFINITIONS:**

A. "Primarily Residential" for the purposes of this chapter and any applicable state law means the following zoning districts:

Single-Family Medium Density Residential District R-1-6  
Single-Family Low Density Residential District R-1-8  
Single-Family Low Density Residential District R-1-10  
Single-Family Low Density Residential District R-1-12  
Medium Density Residential District R-2-10  
Multiple-Family Low Density Residential District R-M-10  
Multiple-Family Medium Density Residential District R-M-15  
Multiple-Family High Density Residential District R-M-20  
Multiple-Family High Density Residential District R-M-25  
Residential Mobile Home District R-M-H  
Residential Neighborhood Business R-N-B  
Mixed Use Development District M-U  
Transit Oriented Development District TOD  
Murray City Center District MCCD

B. The definitions in Utah Code Title 26, Chapter 61a, Utah Medical Cannabis Act, and Utah Code Title 4 Chapter 41a, Cannabis Production Establishments are hereby adopted by this section.

#### **17.43.020: STANDARDS**

A. The following standards apply to all Cannabis Production Establishments:  
1. There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where growing, processing or testing of cannabis occurs.  
2. Cannabis Production Establishments shall meet the land use requirements for the zone in which it is located.  
3. Each Cannabis Production Establishment shall obtain a City business license before conducting business within the City.

B. The following standards apply to all Medical Cannabis Pharmacies:  
1. No cannabis products shall be visible from outside a Medical Cannabis Pharmacy.  
2. Medical Cannabis Pharmacies shall meet the land use requirements for the zone in which it is located.  
3. Each Medical Cannabis Pharmacy shall obtain a City business license before conducting business within the City.

Section 4. Amend sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020, and 17.174.020 of the Murray City Municipal Code. Sections 17.88.020, 17.92.030, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020, and 17.174.020 of the Murray City Municipal Code shall be amended as follows:

**Chapter 17.88**  
**OPEN SPACE DISTRICT O-S**

**17.88.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.

B. The following uses are permitted in the O-S zone:

Use No.    Use Classification

...  
5913            Medical Cannabis Pharmacy  
...

**Chapter 17.92**  
**AGRICULTURAL DISTRICT A-1**

**17.92.020: PERMITTED USES:**

...  
B. The following uses are permitted in the A-1 zone:

Use No.    Use Classification

...  
5913            Medical Cannabis Pharmacy  
...  
8122            Cannabis Production Establishment  
...

**Chapter 17.144**  
**GENERAL OFFICE DISTRICT G-O**

**17.144.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.

B. The following uses are permitted in the G-O zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	

**Chapter 17.148**  
**HOSPITAL DISTRICT H**

**17.148.020: PERMITTED USES:**

A. Standard Land Use Code: All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.

B. Permitted Uses Enumerated: The following uses are permitted in the H zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	

**Chapter 17.152**  
**Manufacturing General District M-G**

**17.152.020: PERMITTED USES:**

...

B. The following uses are permitted in the M-G zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	
<u>8122</u>	<u>Cannabis Production Establishments</u>

...

**Chapter 17.156**  
**Commercial Neighborhood District C-N**

**17.156.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.

B. The following uses are permitted in the C-N zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	

**Chapter 17.160**  
**Commercial Development Mixed Use District C-D**

**17.160.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.

B. The following uses are permitted in the C-D zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	

**Chapter 17.173**  
**Business Park District B-P**

**17.173.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department. A use not specifically designated is prohibited.

B. The following uses are permitted in the B-P Zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	

**Chapter 17.174  
Professional Office District P-O**

**17.174.020: PERMITTED USES:**

A. All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department. A use not specifically designated is prohibited.

B. The following uses are permitted in the P-O Zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
<u>5913</u>	<u>Medical Cannabis Pharmacy</u>
...	

Section 5. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY MUNICIPAL COUNCIL

---

Dave Nicponski, Chair

ATTEST:

---

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

D. Blair Camp, Mayor

ATTEST:

---

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to law on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Jennifer Kennedy, City Recorder



September 20, 2019

Dear ULCT members,

The Utah State Legislature met in special session on Monday, September 16 to modify the Medical Cannabis Act (Act) with SB 1002 and the modifications will impact cities and towns. The purpose of this letter is to identify those modifications that impact state proximity and process requirements, signage, local zoning, and local land use processes as they relate to medical cannabis production establishments and medical cannabis pharmacies.

As a reminder, Proposition 2 in 2018 contemplated a total land use preemption. The ULCT membership ratified a resolution at our 2018 Annual Convention urging respect for the traditional local land use process and ULCT successfully lobbied for restoration of our land use authority in the December 2018 special session. In August of this year, Governor Gary Herbert, several legislators, state agencies, and cannabis advocates reached out to ULCT to discuss potential modifications to the Act. The advocates initially sought total preemption of local land use authority over cannabis production facilities, cultivation facilities, and pharmacies. ULCT again argued to preserve our land use authority though we recognized the urgency of the state to meet their self-imposed deadline of March 1 to make cannabis available for patients. The ULCT Board of Directors met during our 2019 Annual Convention to weigh various proposals and give direction to staff for the negotiations.

Senator Evan Vickers, the bill sponsor and a former Cedar City council member, publicly thanked ULCT on the Senate floor for working to find consensus on SB 1002 and expressed his respect for local land use authority. Both Senator Vickers and Governor Herbert specifically asked cities and towns to work with the state within the framework of state law and our local land use processes to facilitate the implementation of SB 1002 in the weeks ahead.

We know that there are advocates who still prefer a total preemption of local land use authority. Consequently, we have committed to Senator Vickers, Governor Herbert, and other stakeholders to help cities with the SB 1002 process. If you have any questions about SB 1002, please contact ULCT staff.

Thank you for your involvement in ULCT.

Sincerely,

A handwritten signature in black ink that reads 'Cameron Diehl'.

Cameron Diehl  
ULCT Executive Director

A handwritten signature in black ink that reads 'Mike Mendenhall'.

Mike Mendenhall  
ULCT President/Spanish Fork Council Member

#CitiesWork



## SB 1002 MEDICAL CANNABIS AMENDMENTS AND IMPACT ON CITIES AND TOWNS

### I) Medical Cannabis Production Establishments

#### A) State proximity and process

Previously, state law authorized up to 10 cannabis cultivation facilities. Now, SB 1002 dictates the issuance of between five and eight licenses and authorizes up to 15 licenses based on market needs. (4-41a-205(1), (2))

Under SB 1002, the Department of Agriculture may only issue a license to an applicant who meets proximity requirements. A person may not locate an establishment within 1,000 feet of a community location or within 600 feet of a district that the city or county has zoned as primarily residential. A community location is defined as a public or private school, a licensed child-care facility or preschool, a church, a public library, a public playground, or a public park. SB 1002 now defines the 1,000/600 feet thresholds as being measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area. Additionally, SB 1002 authorizes the department to grant a waiver to reduce the proximity requirements by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the establishment without the waiver. (4-41a-201(2)(c))

By extension, SB 1002 precludes a city or county from requiring additional proximity between cannabis establishments, medical cannabis pharmacies, retail tobacco specialty businesses, or alcohol outlets. (4-41a-406(3)(b))

State law previously required an applicant to obtain local land use approval in order to be eligible for a state license. The new process in SB 1002 requires an applicant to submit their land use approval within 120 days after the day on which the department issues the license. (4-41a-201(10)) The state still shall consult with the local land use authority if the department receives more than one application for an establishment within a city or town (4-41a-201(5)) and shall consider the positive connections between the applicant and the local community (4-41a-205(3)(c)).

#### B) Signage

SB 1002 clarifies the advertising allowances and restrictions for establishments. The new bill allows an establishment to have a sign that does not exceed four feet by five feet in size that includes the name, hours of operation, and a green cross. While a local government may not prohibit cannabis signage outright, the bill also re-affirms that local ordinances that regulate signage still apply. (4-41a-403)(4)

#CitiesWork



### C) Local zoning

SB 1002 states that the operation of a cannabis production establishment shall be a *permitted* industrial use in any industrial zone or a *permitted* agricultural use in any agricultural zone unless a city or county designates by ordinance at least one industrial and/or agricultural zone where the establishment shall be a permitted use. The city or county must designate those zones by ordinance prior to an individual submitting a land use permit application. Previously, the Act stated that establishments should be allowed in at least one zone that the city or county designated and there was confusion among the advocates about the meaning of that language. (4-41a-406(2))

Additionally, a city may not enforce a land use regulation against an establishment that was not in effect on the day on which the cannabis production establishment submitted a complete land use application. (4-41a-406(3)(c))

Finally, SB 1002 now allows for cannabis cultivation through a combination of indoor and outdoor cultivation but still subject to local land use regulations regarding the availability of outdoor cultivation in an industrial zone. (4-41a-404(2)(b)(iii))

### D) Local land use process

SB 1002 now adds language to Title 10 that clarifies that a city may not regulate an establishment in a manner that conflicts with the Medical Cannabis Act or Cannabis Product Establishments. The bill also clarifies that cannabis applicants can access the existing 45 day "rip cord" provision in LUDMA. The rip cord provision is temporarily different for cannabis applicants than for other land use applicants. The traditional rip cord provision requires an applicant to wait for a "reasonable period of time" before exercising the rip cord to obtain a final decision from the city within 45 days.

Because of the state urgency in ensuring a supply of medical cannabis by March 1, 2020, there is a temporary rip cord provision that expires on January 1, 2021. During that period of time, a cannabis applicant need not wait a "reasonable period of time" before exercising the rip cord. Instead, a cannabis applicant is entitled to final action on a land use regulation, development agreement, or land use decision according to 10-9a-509.5(2) within 45 days. (10-9a-528(3))

## II) Medical Cannabis Pharmacies

### A) State proximity and process

Previously, state law authorized up to seven medical cannabis pharmacies. SB 1002 now authorizes 14 pharmacies. (26-61a-305(1)(a))

Under SB 1002, the Department of Health may only issue a license to an applicant who meets new proximity requirements. A person may not locate a medical cannabis pharmacy within 200 feet of a community location or within 600 feet of a district that the city or county has zoned as

#CitiesWork



primarily residential. SB 1002 now defines the 200/600 feet thresholds as being measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area. SB 1002 also now authorizes the department to grant a waiver to reduce the proximity requirements by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the pharmacy without the waiver. (26-61a-301(2)(c))

By extension, SB 1002 precludes a city or county from requiring additional proximity between cannabis establishments, medical cannabis pharmacies, retail tobacco specialty businesses, or alcohol outlets. (26-61a-507(2)(b))

State law previously required an applicant to obtain local land use approval in order to be eligible for a state license. The new process in SB 1002 requires an applicant to submit their land use approval within 120 days after the day on which the department issues the license. (26-61a-301(7)) The state shall still consider geographic dispersal among licensees and issue at least one license in each geographic region of the state. The state shall also consult with the local land use authority if the department receives more than one application for a pharmacy within a city or town ((26-61a-301(2)(e))), consider positive connections to the local community, and consider the suitability of the proposed location when issuing the license. (26-61a-305(2)(a))

#### **B) Signage**

SB 1002 clarifies the advertising allowances and restrictions for pharmacies. The new bill allows an establishment to have a sign that does not exceed four feet by five feet in size that includes the name, hours of operation, and a green cross. While a local government may not prohibit cannabis signage outright, the bill re-affirms that local ordinances that regulate signage still apply. (26-61a-505(2))

#### **C) Local zoning**

SB 1002 clarifies that a medical cannabis pharmacy is a permitted use in any zone except for a primarily residential zone, but that the pharmacy is also subject to the land use regulations that apply in the underlying zone. (26-61a-507(1)). Additionally, a city may not enforce a land use regulation against a pharmacy that was not in effect on the day on which the pharmacy submitted a complete land use application.

#### **D) Local land use process**

SB 1002 now adds language to Title 10 that clarifies that a city may not regulate a pharmacy in a manner that conflicts with the Medical Cannabis Act or Cannabis Product Establishments. The bill also clarifies that cannabis applicants can access the existing 45 day "rip cord" provision in LUDMA. The rip cord provision is temporarily different for cannabis applicants than for other land use applicants. The traditional rip cord provision requires an applicant to wait for a



“reasonable period of time” before exercising the rip cord to obtain a final decision from the city within 45 days.

Because of the state urgency in ensuring a supply of medical cannabis by March 1, 2020, there is a temporary rip cord provision that expires on January 1, 2021. During that period of time, a cannabis applicant need not wait a “reasonable period of time” before exercising the rip cord. Instead, a cannabis applicant is entitled to final action on a land use regulation, development agreement, or land use decision according to 10-9a-509.5(2) within 45 days of submitting an application or petition. (10-9a-528(3))

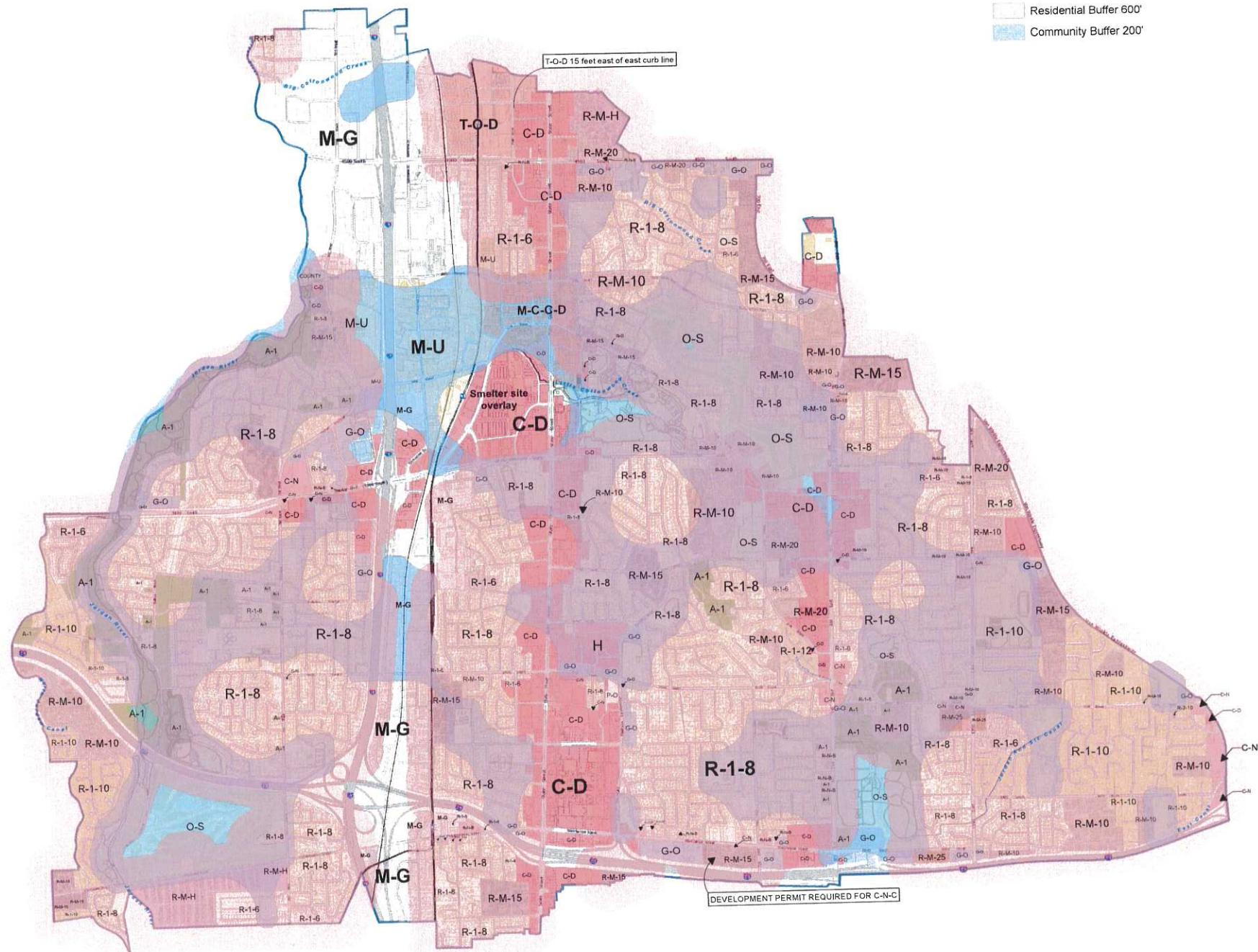
#CitiesWork

# Cannabis Pharmacy Area Limits For Zone M-G & A-1

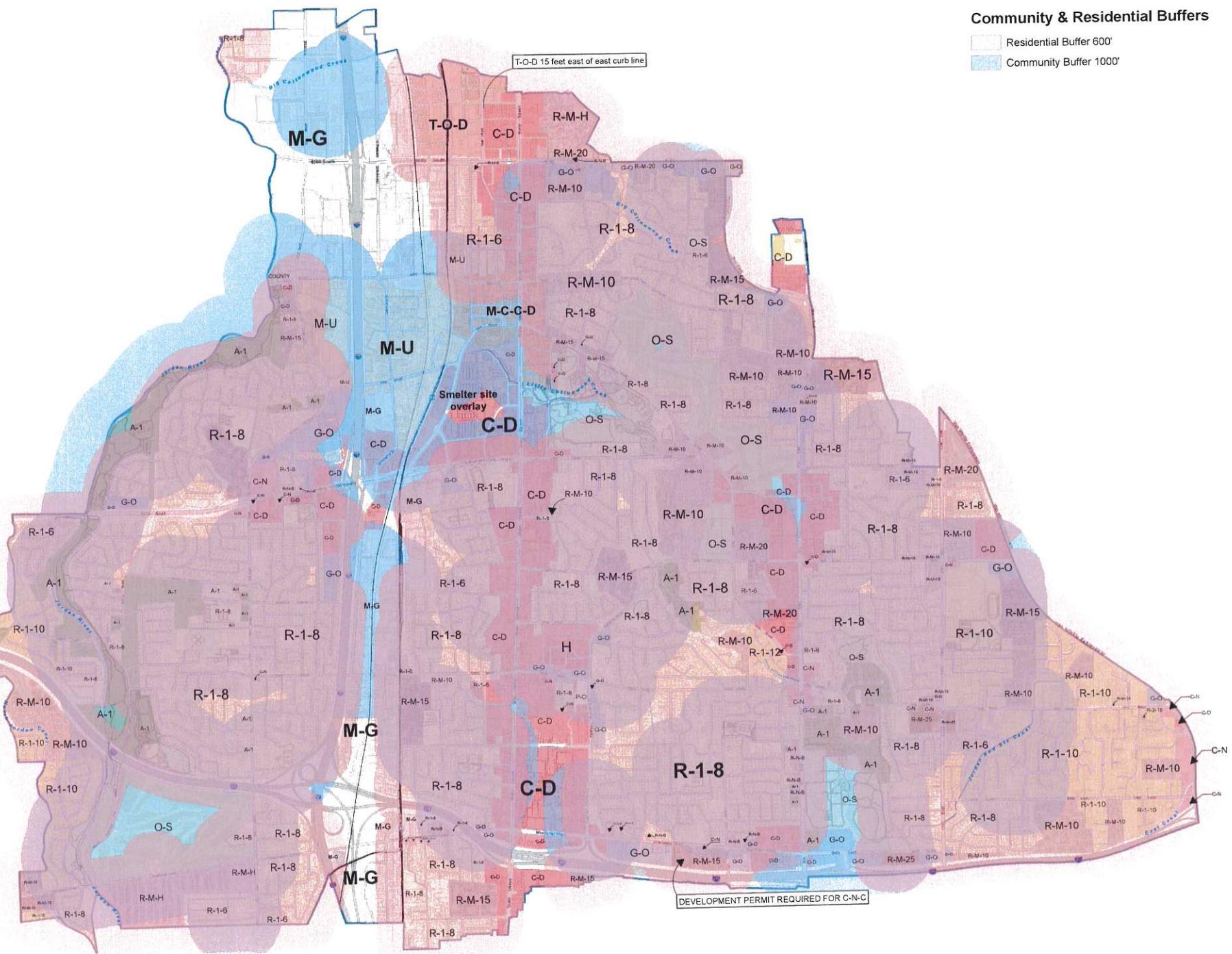
## Community & Residential Buffers

Residential Buffer 600'

Community Buffer 200'



## Cannabis Production Area Limits For Zone M-G & A-1



3. The project shall provide roadway dedication along 4800 South and Box Elder Street to accommodate MCCD pedestrian and landscape improvements.
4. The applicant shall provide detailed grading, drainage and utility plans for review and approval to accompany the Final Plat.
5. The project shall meet all Murray City Power Department requirements.
6. The project shall provide adequate fire hydrants, assuring adequate fire flow. The applicant shall assure that all construction associated with the subdivision complies with 2015 International Fire Code.
7. The project shall include and access easement for Parcel 'A' through Lot 1.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A Sue Wilson  
A Phil Markham  
A Maren Patterson  
A Ned Hacker  
A Travis Nay

Motion passed 5-0.

ORDINANCE TEXT AMENDMENT - Section 17.43, Medical Cannabis Regulations – Land Use Text Amendments - Project #19-070

Jim McNulty presented the proposed Land Use Ordinance Chapter 17.43 for Medical Cannabis Regulations. Mr. McNulty stated that Utah Legislature has passed statutes that require municipalities to allow for Cannabis Production Establishments and Medical Cannabis Pharmacies. Firstly, Utah Code, Section 4-41a-102 requires that a City's zoning ordinance allow Cannabis Production Establishments as either a Permitted Use or Conditional Use in at least one type of Industrial/Manufacturing Zone and one type of Agricultural Zone. There are distance and other operational requirements mandated or allowed under State statutes which indicate that a Cannabis Production Establishment may not be located within 1,000 feet of a community location such as a public or private school, church, public library, public playground or public park, or within 600 feet of an area zoned primarily residential. Secondly, Utah Code, Section 26-61a-102 requires that Medical Cannabis Pharmacies be allowed as Permitted Uses in all zoning districts within a city with the exception of those districts which are primarily residential. Medical Cannabis Pharmacies may not be located within 600 feet of a community location such as a public or private school, church, public library, public playground or public park, or within an area that is zoned as primarily residential. State Law specifically allows a city to enact an ordinance that governs the time, place or manner of Medical Cannabis Pharmacy operations within the city. Mr. McNulty reviewed a map of Murray City and pointed out the Manufacturing General (M-G) and Agricultural (A-1) Zones in which

allowed to be dispensed from a hospital, and that is a place that it should be able to sold from because it makes sense to sell it from a pharmacy in a hospital. Mr. Markham stated that what little local control we have as a municipality we need to hang on to. Ms. Patterson agreed, and stated that the municipalities are being mandated to comply and we should keep as much control as possible, but the places that are being allowed to dispense as a pharmacy are in a odd part of town that you have to go to get your medicine as opposed to a medical zone.

Ms. Greenwood explained that the maps presented tonight are a general suggestion in a sense because it is site specific. Our GIS system does not have the capability to designate exact lines on the map to outline the allowed areas, so the shaded parts on the map are based on a radius. These businesses are looking for a location to operate and have a very limited circle of opportunity. Additional complications associated with hospitals are because Medical Cannabis is still against Federal Law and these essentially have to be stand alone locations. You won't see this product in a corner pharmacy store or hospitals because they can't comply with other regulations they have for dispensing medications while dispensing medication that is not legal through the Federal Laws.

Mr. McNulty stated that Industrial Manufacturing Zones generally run thorough the center of cities and by major arterials and freeways, so we are seeing a lot of interest in these areas of Murray. Murray City has rezoned many Agriculture zones to be residential zones, so we don't have many Agricultural properties left.

Mr. Nay made a motion that the Planning Commission forward a recommendation of Approval to the City Council for the proposed ordinance enacting Chapter 17.43, Medical Cannabis Regulations within the Murray City Municipal Code.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

A	Travis Nay
A	Phil Markham
A	Maren Patterson
A	Sue Wilson
A	Ned Hacker

Motion passed 5-0

#### OTHER BUSINESS

Mr. Smallwood stated that each of the Commissioners should have received an email today about an October 24, 2019 training. As part of the training I suggested that we review the process of what is included in our Planning Commission packets. I ask that each Commissioner be cognizant and look at what you are using and not using and, what is beneficial. In an October meeting, I would like to have a small discussion to hear ideas from the Commissioners of how we should move forward and clean up the packets. Eventually it would be nice to distribute the packets online so the public can see them. A lot of cities currently do this.

Mr. Hacker made a motion to adjourn. Seconded by Mr. Markham.



**TO: Murray City Planning Commission**  
**FROM: Jim McNulty, Development Services Manager**

**DATE OF REPORT: August 29, 2019**

**DATE OF HEARING: September 5, 2019**

**PROJECT NAME: Chapter 17.43, Medical Cannabis Regulations**

**PROJECT NUMBER: 19-070**

**PROJECT TYPE: Murray City Municipal Code Text Amendment**

**APPLICANT: Murray City Corporation**

**I. REQUEST:**

The Community & Economic Development Department and City Attorney's Office have drafted a proposed ordinance enacting Chapter 17.43 of the Murray City Municipal Code regulating Cannabis Production Establishments and Medical Cannabis Pharmacies, amending the Murray City Standard Land Use Code, and amending the Land Use Ordinance as follows:

- Sections 17.92.030 and 17.152.030 relating to Conditional Uses of Cannabis Production Establishments in Agricultural and Industrial/Manufacturing Zones;
- Standard Land Use Code: Addition of #8122, Cannabis Production Establishment and #5913, Medical Cannabis Pharmacy;
- Sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 and 17.174.020 relating to Permitted Uses of Medical Pharmacies.

**II. STAFF REVIEW**

The Community & Economic Development Department has been working with the City Attorney's Office for several months to draft Chapter 17.43, Medical Cannabis Regulations. City staff has taken the time to research and discuss this issue thoroughly before presenting this item to the Planning Commission and

- iii. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance.
- iv. The proposed text amendments are consistent with the Goals & Policies of the Murray City General Plan.

#### **IV. STAFF RECOMMENDATION**

Based on the above findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed ordinance enacting Chapter 17.43, Medical Cannabis Regulations within the Murray City Municipal Code.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ENACTING CHAPTER 17.43 OF THE MURRAY CITY MUNICIPAL CODE REGULATING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES, AMENDING THE MURRAY CITY STANDARDS LAND USE CODE, AND AMENDING SECTIONS 17.92.030 AND 17.152.030 OF THE CODE RELATING TO CONDITIONAL USES OF CANNABIS PRODUCTION ESTABLISHMENTS IN AGRICULTURAL AND MANUFACTURING ZONES AND SECTIONS 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 AND 17.174.020 RELATED TO PERMITTED USES OF MEDICAL CANNABIS PHARMACIES

*Section 1. Purpose.* The purpose of this ordinance is to (1) enact Chapter 17.43 of the Murray City Municipal Code regulating cannabis production establishments and medical cannabis pharmacies; (2) amend the Murray City Standard Land Use Code; (3) amend sections 17.92.030 and 17.152.030 of the Code relating to conditional uses of cannabis production establishments in agricultural and manufacturing zones; and (4) to amend sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020 and 17.174.020 related to permitted uses of medical cannabis pharmacies

*Section 2. Amendment to the Murray City Standard Land Use Code.*

*The following shall be added to the Murray City Standard Land Use Code:*

8122 Cannabis Production Establishment. As defined in section 4-41a-102 of the Utah Code, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

5913 Medical Cannabis Pharmacy. An entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under section 26-61a-102 of the Utah Code.

*Section 3. Enact chapter 17.43.* Chapter 17.43 of the Murray City Municipal Code shall be enacted as follows:

## CHAPTER 17.43: CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES

### 17.43.010: DEFINITIONS:

**B. Cannabis Production Establishments:**

1. Shall not be located within:
  - a. 1,000 feet of a community location; or
  - b. 600 feet of an area zoned primarily residential.
2. Distance shall be measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.

**C. Medical Cannabis Pharmacies:**

1. Shall not be located within:
  - a. 600 feet from a community location's property boundary following the shortest route of ordinary pedestrian travel;
  - b. 200 feet from the patron entrance to the community location's property boundary; and
  - c. 600 feet from an area zoned primarily residential.

**17.43.030: STANDARDS**

**A. The following standards apply to all Cannabis Production Establishments:**

1. There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where growing, processing or testing of cannabis occurs.
2. In accordance with state law, no signage is allowed for Cannabis Production Establishments.
3. All outside areas of a Cannabis Production Establishment site shall meet the minimum lighting levels for the zone in which it is located.
4. Each Cannabis Production Establishment shall obtain a City business license before conducting business within the City.

**B. The following standards apply to all Medical Cannabis Pharmacies:**

1. A drive-through service shall be prohibited.
2. Outdoor seating areas shall be prohibited.
3. Outdoor vending machines shall be prohibited.
4. Direct or home delivery service shall be prohibited.
5. Permitted hours of operation shall be 8:00 a.m. to 8:00 p.m.
6. The maximum size of a Medical Cannabis Pharmacy shall be 3,000 square feet.
7. No cannabis products shall be visible from outside a Medical Cannabis Pharmacy.
8. Signs for Medical Cannabis Pharmacies shall be limited to one wall sign on the front face of the building. The maximum area of a wall sign on a Medical Cannabis Pharmacy shall be limited to 5 percent of the first story

...  
...

*Section 5. Amendment to sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020, and 17.174.020 of the Murray City Municipal Code. Sections 17.88.020, 17.92.020, 17.144.020, 17.148.020, 17.152.020, 17.156.020, 17.160.020, 17.173.020, and 17.174.020 of the Murray City Municipal Code shall be amended to read as follows:*

## **Chapter 17.88** **OPEN SPACE DISTRICT O-S**

### **17.88.020: PERMITTED USES:**

- A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.
- B. The following uses are permitted in the O-S zone:

<u>Use No.</u>	<u>Use Classification</u>
----------------	---------------------------

...

5913	Medical Cannabis Pharmacy
------	---------------------------

...

## **Chapter 17.92** **AGRICULTURAL DISTRICT A-1**

### **17.92.020: PERMITTED USES:**

- A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.
- B. The following uses are permitted in the A-1 zone:

<u>Use No.</u>	<u>Use Classification</u>
----------------	---------------------------

**Chapter 17.152  
Manufacturing General District M-G**

**17.152.020: PERMITTED USES:**

- A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.
- B. The following uses are permitted in the M-G zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
5913	Medical Cannabis Pharmacy
...	

**Chapter 17.156  
Commercial Neighborhood District C-N**

**17.156.020: PERMITTED USES:**

- A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.
- B. The following uses are permitted in the C-N zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
5913	Medical Cannabis Pharmacy
...	

**Chapter 17.160  
Commercial Development Mixed Use District C-D**

**17.160.020: PERMITTED USES:**

B. The following uses are permitted in the P-O Zone:

<u>Use No.</u>	<u>Use Classification</u>
...	
5913	Medical Cannabis Pharmacy
...	

*Section 6. Effective date. This Ordinance shall take effect upon first publication.*

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

MURRAY CITY MUNICIPAL COUNCIL

---

Dave Nicponski, Chair

ATTEST:

---

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

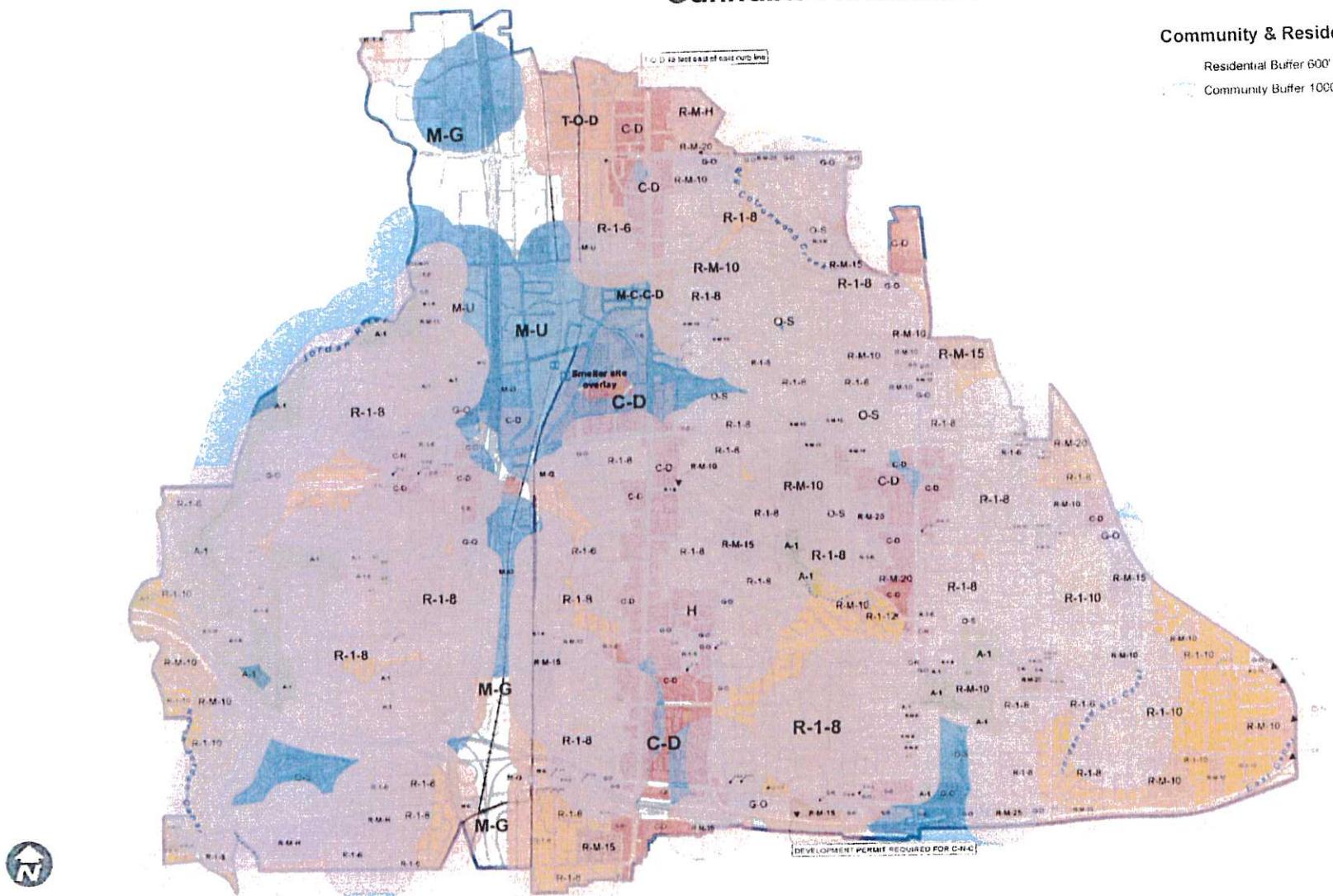
---

## **Cannabis Production Area Limits For Zone M-G & A1**

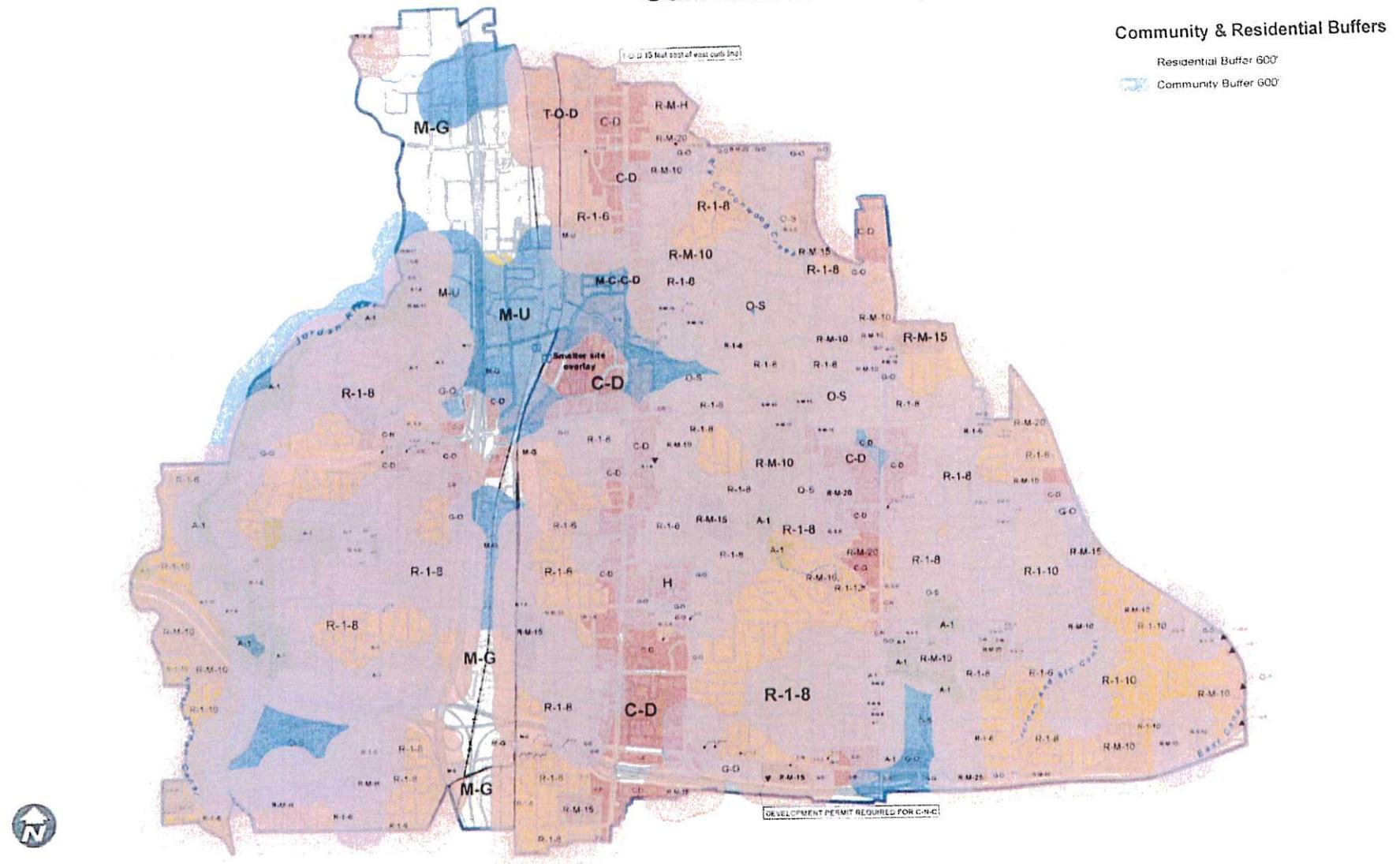
### Community & Residential Buffers

#### Residential Buffer 600'

### Community Buffer 1000'



## Cannabis Pharmacy Area Limits For Zone M-G & A1





Remit to:  
Utah Media Group  
4770 S 5600 W  
West Valley City, UT 84118

**Order Confirmation for 0001264734**

Client	MURRAY CITY RECORDER		
Client Phone	8012642660	Account #	9001341938
Address	5025 S STATE, ROOM 113	Ordered By	SUSAN
	MURRAY, UT 84107	Account Exec	ltapuso2
Email	snixon@murray.utah.gov	PO Number	PUBLIC HEARING NO

Total Amount	\$52.04
Payment Amt	\$0.00
Amount Due	\$52.04

Text: PUBLIC HEARING NOTICE

Ad Number 0001264734-01 Ad Type Legal Liner  
Ad Size 1 X 28 li Color

## WYSIWYG Content

MURRAY CITY  
CORPORATION  
NOTICE OF  
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 5th day of September, 2017, at the hour of 6:30 p.m., the said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on and pertaining to a Land Use Ordinance Text Amendment to Section 17.43, Medical Cannabis Regulations.

Jared Hall, Manager  
Community Development  
Planning Division  
1264734 UPA XLP

<u>Product</u>	<u>Placement</u>	<u>Position</u>
Salt Lake Tribune	Legal Liner Notice	Public Meeting/Hear

**Position**

**Scheduled Date(s):**

### Placement

1 2 3 4

utahlegals.com

Downloaded from  Studydrive

Scheduled Date(s): 08/25/2015



**MURRAY CITY CORPORATION**  
COMMUNITY & ECONOMIC DEVELOPMENT

Metinda Greenwood, Director  
Building Division 801-270-2400  
Planning Division 801-270-2420

August 22, 2019

**NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Planning Commission Public Hearing scheduled for Thursday, September 5, 2019 at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of the Murray City Community & Economic Development Department are proposing an addition to the Murray City Land Use Ordinance, Chapter 17.43, Medical Cannabis Regulations.

Input and comments will be received at the meeting and will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. If you have questions or comments concerning this proposal, please call Jim McNulty, with the Murray City Community Development Division at 801-270-2477, or e-mail to [jmcnulty@murray.utah.gov](mailto:jmcnulty@murray.utah.gov).

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

**P/C AGENDA MAILINGS**  
“AFFECTED ENTITIES”  
Updated 6/2019

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

DOMINION ENERGY  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

CENTRAL UTAH WATER DIST  
1426 East 750 North, Suite 400,  
Orem, Utah 84097

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKwy  
SANDY UT 84070

MILLCREEK  
Attn: Planning & Zoning  
3330 South 1300 East  
Millcreek, UT 84106

**GENERAL PLAN MAILINGS:**

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

MURRAY SCHOOL DIST  
ATTN: ROCK BOYER  
5102 S Commerce Drive  
MURRAY UT 84107

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

COTTONWOOD IMPRVT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT 84117

UTOPIA  
Attn: JAMIE BROTHERTON  
5858 So 900 E  
MURRAY UT 84121

OLYMPUS SEWER  
3932 500 E,  
Millcreek, UT 84107

WASATCH FRONT REG CNCL  
PLANNING DEPT  
41 North Rio Grande Str, Suite 103  
SLC UT 84101

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
2277 E Bengal Blvd  
Cottonwood Heights, UT 84121  
COMCAST  
ATTN: GREG MILLER  
1350 MILLER AVE  
SLC UT 84106

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114



**MURRAY**

**Council Action Request**

# **Community & Economic Development**

## **Chapter 17.43, Medical Cannabis Regulations**

**Committee of the Whole**

**Meeting Date: September 17, 2019**

<b>Department Director</b> Melinda Greenwood	<b>Purpose of Proposal</b> Proposed Land Use Ordinance Text Amendment - Section 17.43, Medical Cannabis Regulations.
<b>Phone #</b> 801-270-2428	<b>Action Requested</b> Discussion item to consider the proposed Land Use Ordinance Text Amendment prior to the October 1, 2019 public hearing.
<b>Presenters</b> Melinda Greenwood Jim McNulty	<b>Attachments</b> Draft Ordinance and associated maps.
	<b>Budget Impact</b> No Budget impact.
	<b>Description of this Item</b> The Community & Economic Development Department and City Attorney's Office have drafted a proposed ordinance enacting Chapter 17.43 of the Murray City Municipal Code regulating Cannabis Production Establishments and Medical Cannabis Pharmacies, amending the Murray City Standard Land Use Code, and amending the Land Use Ordinance.
<b>Required Time for Presentation</b> 15 Minutes	The Utah Legislature has passed statutes that require municipalities to allow for Cannabis Production Establishments and Medical Cannabis Pharmacies. Proposed Chapter 17.43 has been designed to meet the requirements outlined in State Code. Those requirements are briefly reviewed in the following:
<b>Is This Time Sensitive</b> Yes	
<b>Mayor's Approval</b> 	
<b>Date</b> September 3, 2019	

**Continued from Page 1:**

**Cannabis Production Establishment**

Utah Code, Section 4-41a-102 requires that a city's zoning ordinance allow Cannabis Production Establishments as either a Permitted Use or Conditional Use in at least one (1) type of Industrial/Manufacturing Zone and one (1) type of Agricultural Zone. City staff has proposed that a conditional use review is needed to help mitigate potential impacts associated with this land use. There are distance and other operational requirements mandated or allowed under statute. A Cannabis Production Establishment may not be located within 1,000 feet of a community location (defined as a public or private school, church, public library, public playground or public park), or within 600 feet of an area zoned primarily residential. A Cannabis Production Establishment may not advertise to the general public. As a result, facilities may not have signage.

**Medical Cannabis Pharmacies**

Utah Code, Section 26-61a-102 requires that Medical Cannabis Pharmacies be allowed as Permitted Uses in all zoning districts within a city with the exception of those districts which are primarily residential. Medical Cannabis Pharmacies may not be located within 600 feet of a community location or of an area that is zoned primarily residential. State law specifically allows a city to enact an ordinance that governs the time, place or manner of Medical Cannabis Pharmacy operations within the city.

**FINDINGS**

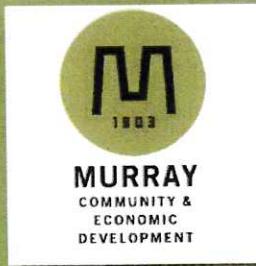
1. The proposed text amendments are consistent with the Utah Code, Section 4-41a-102.
2. The proposed text amendments are consistent with the Utah Code, Section 26-61a-102.
3. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance.
4. The proposed text amendments are consistent with the Goals & Policies of the Murray City General Plan.

**STAFF RECOMMENDATION**

Based on the findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed ordinance enacting Chapter 17.43, Medical Cannabis Regulations within the Murray City Municipal Code. The Planning Commission public hearing for this item is scheduled for Thursday, September 5, 2019. City staff will provide an update during the September 17, 2019 COW meeting.

# COMMITTEE OF THE WHOLE

September 17, 2019



**LAND USE TEXT AMENDMENTS**  
**Section 17.43**  
**Medical Cannabis Regulations**



## Added Uses to Standard Land Use Code

### **8122 Cannabis Production Establishment.**

As defined in section 4-41a-102 of the Utah Code, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

### **5913 Medical Cannabis Pharmacy.**

An entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under section 26-61a-102 of the Utah Code.



## Other Changes

- Adds Definitions
- Clarifies distance requirements
- Conditioned Use for Cannabis Production Establishments
- Sets operational standards



# Findings

- i. The proposed text amendments are consistent with the Utah Code, Section 4-41a-102.
- ii. The proposed text amendments are consistent with the Utah Code, Section 26-61a-102.
- iii. The proposed text amendments are consistent with the purpose of Title 17, Murray City Land Use Ordinance.
- iv. The proposed text amendments are consistent with the Goals & Policies of the Murray City General Plan.

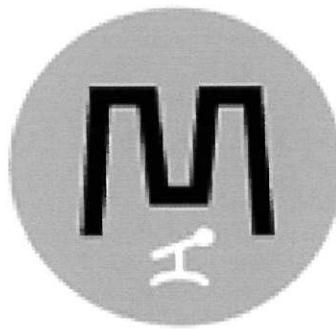


## Staff Recommendation

Based on the above findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed ordinance enacting Chapter 17.43, Medical Cannabis Regulations within the Murray City Municipal Code.

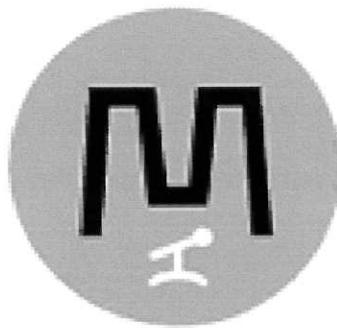
**This recommendation will be updated after the Planning Commission Meeting on September 5, 2019.**





MURRAY  
CITY COUNCIL

# Mayor's Report And Questions



**MURRAY**  
CITY COUNCIL

# Adjournment