



**MURRAY**  
CITY COUNCIL

# Council Meeting September 7, 2021



# Murray City Municipal Council

## Notice of Meeting

**September 7, 2021**

Murray City Center  
5025 South State Street, Murray, Utah 84107

### **Meeting Agenda**

**4:30 p.m.**      **Committee of the Whole** – Council Chambers  
Diane Turner conducting

### **Approval of Minutes**

Committee of the Whole – July 6, 2021  
Committee of the Whole – July 20, 2021

### **Discussion Items**

1. Power Department quarterly report. – Blaine Haacke (45 minutes)
2. Discussion on a text amendment for Section 17.48.120, Temporary Signs. – Melinda Greenwood (15 minutes)
3. Discussion on a text amendment for Section 17.78, Accessory Dwelling Units. – Melinda Greenwood (15 minutes)
4. Discussion on police salaries. Dale Cox and Robyn Colton (15 minutes)

### **Announcements**

### **Adjournment**

The public may view the Council Meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>.

**6:30 p.m.**      **Council Meeting** – Council Chambers  
Brett Hales conducting.

### **Opening Ceremonies**

Call to Order  
Pledge of Allegiance

### **Approval of Minutes**

None scheduled.

### **Special Recognition**

1. 2021 Jim and Jean Hendrickson Beautification Awards. Matt Erkelens and the Shade Tree Commission presenting.

### **Citizen Comments**

Comments will be limited to three minutes, step to the microphone, state your name and city of residence, and fill out the required form.

### **Consent Agenda**

None scheduled.

### **Public Hearing**

Staff, sponsor presentations and public comment will be given prior to Council action on the following matter.

1. Consider an ordinance amending the City's Fiscal Year 2021-2022 Budget – Brenda Moore presenting.

### **Business Items**

1. Consider a resolution authorizing the issuance of Sales Tax Revenue Bonds, Series 2021, and schedule a public hearing to receive input from the public. Brenda Moore presenting.

### **Mayor's Report and Questions**

### **Adjournment**

#### **NOTICE**

Supporting materials are available for inspection on the Murray City website at [www.murray.utah.gov](http://www.murray.utah.gov).

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.

On Thursday, September 2, 2021, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.



Jennifer Kennedy  
Council Executive Director  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

# Committee of the Whole





**MURRAY**  
CITY COUNCIL

# Committee of the Whole Minutes



# MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

## Meeting Minutes

**Tuesday, July 6, 2021**  
**Murray City Center**

5025 South State Street, Conference Room #107, Murray, Utah 84107

**Council Members in Attendance:**

Diane Turner – Chair	District #4
Brett Hales – Vice Chair	District #5
Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3

**Others in Attendance:**

Blair Camp	Mayor	Jennifer Kennedy	City Council Director
Jennifer Heaps	Chief Communications Officer	Pattie Johnson	City Council Office Admin
Doug Hill	Chief Administrative Officer	Bruce Turner	Power Operations Manager
G.L. Critchfield	City Attorney	Brooke Smith	City Recorder
Danny Astill	Public Works Director	Ben Ford	Water Superintendent
Joey Mittelman	Assistant Chief Fire Marshal	Rob White	IT Director
Trae Stokes	Public Works Engineer	Jim Livingston	Resident
Steven Jones	Hansen, Allen & Luce	Wendy Livingston	Resident
Camron Killman	IT	Jared Hall	CED Supervisor
Tyler Allen	Hansen, Allen & Luce	Ridley Griggs	Hansen, Allen & Luce
Pam Cotter	Resident		

Ms. Turner called the meeting to order at 4:30 p.m.

**Approval of Minutes.** – Ms. Turner asked for comments or a motion on the minutes from Committee of the Whole – June 1, 2021 and Committee of the Whole – June 15, 2021. Ms. Martinez moved approval. Mr. Cox seconded the motion. (All in favor 5-0)

**Discussion Items:**

- **WCMP (Wastewater Collection Master Plan).** – Engineer, Mr. Jones with Hansen, Allen, and Luce Consulting gave the presentation. As a requirement of attaining the City's wastewater collections Utah Pollutant Discharge Elimination System permit, a performance evaluation of the system is required every five years. From the evaluation staff would resolve issues and make recommendations for any deficiencies and understand growth needs for future development. A PowerPoint was shared to outline the WCPM. To read the plan visit:  
<https://www.murray.utah.gov/DocumentCenter/View/1695/Murray-Sewer-Master-Plan-LR?bidId=>

A history was given about the City's wastewater system regarding methodologies used to develop findings and identify solutions that will set priorities for the next 5-10 years. Council Members learned about the capacity of the sewer system, base flow and infiltration, and the hydraulic model to confirm levels of service. Various maps were analyzed related to growth assumptions, and population projections determined how the sewer system would respond to added sewer flow and growth. Mr. Jones noted much of city growth was development driven. Other maps were analyzed regarding existing deficiencies and limitations, projected timing for redevelopment; and recommended projects and future system needs were discussed. The model determined where potential problems would occur in the future if certain areas are developed. Mr. Jones reported bottleneck issues and concerning areas are eminent due to proposed density. Immediate projects that should be done prior to proposed new growth were noted:

- Fairbourne Lift Station – Needs upgrading. The lift station will not be able to keep up with growth in its current condition.
- State Street Corridor – The entire corridor needs to be monitored, upsized, or diverted to other areas for better flow capacity. Concerning areas include both south and north ends of State Street.
- North Trunk Line – Needs to be upsized because all wastewater collects in one single pipe before going to CVW (Central Valley Water Reclamation Facility).

Mr. Ford reported the designing for the State Street corridor project was underway and budgeted to start next summer; the upgrade project for the Fairbourne Lift Station is 4-5 years out. Mr. Jones explained flow estimates are based only on what City planners anticipate, so they could provide the best timeline for when sewer projects should begin. He said the Council has the most control over letting growth happen and how much density would be allowed, so good communication with Mr. Astill was advised as projects must be orchestrated in a timely manner. Mr. Ford agreed with the exception of existing deficiencies, all proposed projects in the plan are driven by development. Mr. Astill said immediate projects need to be done within two years and others within 5-10 years. Mr. Jones reviewed charts that predicted future growth.

There was dialog about speeding up wastewater projects if the City takes on high density over the next few years. Mr. Jones reiterated timing was difficult to predict because many pipelines should be upsized before large developments begin. Mr. Astill reported development was steady but not explosive, so staff was able to keep up on scheduled work so far. He explained unlike the MCCD and TOD zones when planning occurred ahead of time and infrastructure was already in place, growth in outlining areas would be guesswork; he expected bonding in the future to pay for many proposed wastewater projects.

Mr. Jones clarified that repair and replacement projects are different, so they should be scheduled separately to ensure the City is staying on top of older and worse case infrastructure issues. He noted due to current astronomical cost increases, the estimated cost of \$11 million to complete the WCMP was high. When asked about pipe replacement schedules, Mr. Ford said the best method going forward is to re-line pipes where applicable, which is more cost effective than digging and replacing pipes and was included in the annual budget. Mr. Astill agreed base inflow was also mitigated, which is roughly 600,000 gallons of wastewater entering the City's system per day.

Mr. Hill shared three related issues: 1.) Murray City does not provide sewer services to the entire City. 2.) A great part of the wastewater budget goes to the cost of treating sewer water that is handled by

CVW. 3.) Over the next two years, the City would receive approximately \$5.9 million from the Federal American Recovery Plan Act, so funding could be used for many proposed sewer/water infrastructure improvements.

There was a discussion about how soon wastewater projects would begin after a specific mixed-use project was presented to the Council in the future. Mr. Astill thought staff had good direction to address proposed projects, as public works staff collaborates with City planners going forward to upgrade the system gradually over time; however scheduling would depend on how soon developments are approved by the Council. The Council would consider the WCMP during the July 20, 2021 council meeting.

- Ordinance to vacate a municipal utility easement located at approximately 20 East Winchester Street. Mr. Turner explained the need to vacate a municipal utility easement to Cell Tower Holdings, LLC, so they can use the parcel for their needs. A map was shared to pinpoint the area where a right-of-way would be moved to match the location of the City's power line. A cell tower is situated on the empty lot that would be subdivided to create two lots. Mr. Turner reported City Deputy Attorney, Mr. Farnsworth worked with the property owners who had no concerns or issues related to the matter. The Council would consider the vacation ordinance during the council meeting.
- Update on City Hall. – Mr. Hill recapped from 1992 when the idea to construct a new building first began to the present situation. He confirmed two specific projects needed prior to City Hall construction: the extension of Hanaeur Street and the relocation of the cell tower. The Hanaeur project is complete, but the three-year process to remove the cell tower, is not. He explained the delay to demolish the cell tower was always unclear when the new tower was up, and moving equipment took minimal time; he thought bureaucracy was the biggest challenge. He said the City was proactive in resolving the problem by utilizing outside legal advisors, who communicated with cell tower owners, American Towers, and most recently the City was informed that demolition would begin the first week of August.

Mr. Hill explained construction started before the removal of the cell tower to avoid foreseen escalating construction costs. The hope was to get the project underbid and under contract for a price of \$28 million; so the City took a chance in October of 2020 to begin construction knowing problems existed without an agreement in place to relocate the cell tower. This was not the overall cost because of associated expenses prior to the contract - like purchasing the ground and paying design architects. Purchases for furniture, fixtures, and art for the new facility still need to be made. As a result, the total bond was \$34 million, which did not include the purchase of City Hall property that was \$4 million.

When asked if the \$34 million cost was binding, he said as long as no outside forces could be used by the contractor to change the price. An aerial photo was displayed to describe accomplishments made so far with the cell tower in the way; but since nothing else can be done, Layton Construction pulled off the site and would not return until the cell tower is gone. Additional information was confirmed:

- Layton Construction has been paid \$4.6 million of the \$28 million budget.
- Six change orders have been issued so far, due to unforeseen things not called for in architectural drawings. Two changes of highest expense were shared:
  1. \$300,000 for steel. Most of the material has been delivered and stored on site. Because escalating prices continue since October 2020, needed steel would be ordered now and also stored to provide savings.

2. Delay charges of \$3,000 per day. The cell tower problem delayed the work schedule. Until Layton Construction can return, a clause within the contract would be exercised where they may charge the City for demobilization costs and expenses for rental equipment located on site.
  - Completion date changed from October 2022 to March of 2023 - assuming demolition of the tower begins by August 2021.
  - Layton Construction conducted a cost comparison analysis in May of 2021. It was determined that with current inflation, the City would not have saved \$2.5 million had construction waited until after removal of the cell tower.
  - MOCA designers and GSBS architects are holding solid to their contracts.
- Resolution authorizing and approving proceedings in eminent domain as necessary for a strip of land located at 5859 S. Willow Grove Lane. – Mr. Critchfield noted parcel owners Mr. and Mrs. Livingston were present to observe, and City staff would answer questions about the proposal. He reviewed the matter from July 2020, when NeighborWorks proposed that as part of their new subdivision development, a through street be included to connect Willow Grove Lane with Tripp Lane. He confirmed the original concept was for the area to be a cul-de-sac, but City staff favored the idea after the planning commission approved the proposal. This would mean that the Livingston parcel would need to be acquired.

Since NeighborWorks found they could not acquire the parcel, the City reached out to a right-of-way agent who went through the process to acquire the parcel on behalf of the City. In August of 2020, a council meeting was held but the item was tabled until now. The parcel was appraised, and the process was that the Livingstons would be made an offer to sell. Mr. Critchfield said the Livingstons were entitled to utilize an ombudsmen mediator to handle the government affair, however they declined until after the City Council would vote on the issue during the council meeting, but the overall hope was to resolve the issue out of court.

Council Members analyzed issues related to increased traffic, devastation and change to both neighborhoods, whether to keep with the original cul-de-sac design, and taking a citizen's property. Chief Harris said cul-de-sacs do not provide adequate space for a fire apparatus to turn around and confusion occurs when unfamiliar responders mistakenly turn into dead-end streets that cause delay. Chief Mittelman perceived two separate issues: eminent domain would not guarantee that a cul-de-sac be constructed on Willow Grove Lane; and a continued street would provide NeighborWorks with two additional lots for housing.

Mr. Critchfield clarified deciding factors. 1. Exercising eminent domain means that the street goes through; or 2. NeighborWorks provides a cul-de-sac on Tripp Lane. He said the City was not in a position to tell the Livingstons they must have a cul-de-sac on Willow Grove. If NeighborWorks constructs a cul-de-sac on Tripp Lane, the Livingstons would keep their land and not be involved. The Council understood that NeighborWorks could also redesign the development without a through street.

Mr. Stokes thought it was positive to connect neighborhoods for pedestrian use, emergencies services, snowplows, and street sweepers; and confirmed Willow Grove Lane was stubbed for the purpose to extend and provide for a future development. He said there was not good connectivity with 17 cul-de-sacs in the entire area; and he believed the connection would not create more traffic

after a thorough vetted traffic study implied traffic was already present. He projected 300 cars per day would travel on Willow Grove if connected to Tripp Lane, compared to Green Oaks and Bullion Street that currently see 1800 cars per day. He gave a history of the initial Murray Oaks development when Green Oaks residents were concerned about additional traffic from 23 new lots; he recalled this was the reason the planning commission favored stubbing Willow Grove Lane temporarily. He noted dead-end waterlines are not favorable over time, so he thought utilities at Willow Grove should be extended to serve the NeighborWorks development.

Mr. Critchfield clarified that sewer and water lines already existed from Tripp Lane. Mr. Stokes agreed engineers with NeighborWorks could construct a solution without the connecting street. It was mentioned from a previous meeting that there was room in the City's right-of-way to run all utilities through City owned property - without having to connect the streets. Mr. Stokes confirmed. A brief conversation followed about citizens expressing opposition to connecting Willow Grove to Tripp Lane, and residents who favored the street at first but changed their minds to support the Livingstons. The idea of taking property by eminent domain was reanalyzed thoughtfully. The Council would consider the item in the council meeting.

- Procedures for City Council Meetings. – Ms. Kennedy discussed options moving forward with future in-person COW (Committee of the Whole) work sessions and the CM (Council Meeting). She inquired if the Zoom option should remain, if public comments should continue by email, or would citizen comments be required in person again; pre-pandemic procedures were noted when citizen comments were timed and never read by Council staff. The cut-off time for receiving emailed comments was analyzed. There was a conversation about the conference room not being conducive to live streaming, due to lack of space for live stream equipment and no microphones.

It was agreed that both meetings would be live streamed in the Council Chambers to provide accessibility gained during the pandemic - Zoom would discontinue. Emailed comments would not be read by staff but added to the CM minutes by the city recorder. There was a short discussion about the challenge of responding to live comments on Facebook during both meetings. As a result, there would not be interaction or responses to comments on Facebook during any city council meeting.

**Announcements:** None.

**Adjournment:** 5:55 p.m.

**Pattie Johnson**  
**Council Office Administrator III**



# MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

## Meeting Minutes

**Tuesday, July 20, 2021**  
**Murray City Center**

5025 South State Street, Conference Room #107, Murray, Utah 84107

**Council Members in Attendance:**

Diane Turner – Chair	District #4
Brett Hales – Vice Chair	District #5
Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3

**Others in Attendance:**

Doug Hill	Chief Administrative Officer	Jennifer Kennedy	City Council Director
Jennifer Heaps	Chief Communications Officer	Pattie Johnson	City Council Administrator
G.L. Critchfield	City Attorney	Crystal Brown	City Council Office
Trae Stokes	City Engineer	Brooke Smith	City Recorder
Danny Astill	Public Works Director	Jon Harris	Fire Chief
Cory Wells	Water Superintendent	Jared Hall	CED Division Supervisor
Brenda Moore	Finance Director	Melinda Greenwood	CED Director
Corey Brand	Galleria	Thomas McMurtry	Avenue Consultants
Residents			

Ms. Turner called the meeting to order at 4:30 p.m.

**Approval of Minutes** – None Scheduled.

**Discussion Items:**

- **Murray TMP (Transportation Master Plan)** – Mr. Stokes reported the 2021 draft TMP was compiled over the last year to address the City's transportation needs into the next 10-15+ years. Avenue Consultant and Project Manager, Mr. McMurtry was introduced who assisted Mr. Stokes and staff with the process and conducted traffic modeling of the City to provide the comprehensive report. It was noted that the TMP was updated every ten years or after a GP (General Plan) update, or major rezoning adding growth.

Mr. Stokes participated in devising the 1993 and 2006 TMPs, so he shared the background and history of each past plan, all primary objectives, major accomplishments, and the many completed projects. Primary objectives increased in 2006 due to a 2003 GP update that focused on taking care of the City's

infrastructure, and because of the east side annexation that brought many road projects, some of which are still on schedule.

He explained the main purpose of the 2021 TMP was to account for major rezones that happened within the 2017 GP update and to handle the impact of anticipated growth where zone changes occurred from 2006 to 2021; commercial, industrial, and manufacturing categories were changed to mixed-use zones. The plan considers greater growth and development of proposed high density residential projects combined with commercial aspects. It sets transportation priorities, identifies projects where federal and State funding could be applied, and guides the annual budget to determine improvement plan budgets.

The procedure to create the TMP involved a staff committee who worked with Mr. McMurtry, so he felt the final draft captured all anticipated growth in particular areas where proposed road projects would mitigate concerning issues. The plan was finalized in the spring of 2021 and presented to the Murray Planning Commission on May 20, 2021 who recommended approval to the City Council. The final cost of the 2021 TMP was \$110,000.

Mr. McMurtry shared website information for downloading, accessing, and navigating through the 2021 TMP online. A power point was shared to discuss existing conditions related to demographics, transportation systems, safety, transit, and active transportation; future conditions that resulted from both the proposed plan, and past years of traffic modeling studies were included. Hotspots and travel demand areas were carefully analyzed. He spoke about the capital facilities plan that identified needed projects and shared a plethora of figures, tables, and maps, as well as an interactive map and 350 survey results. To read the TMP visit: [www.Murraytransportationplan.com](http://www.Murraytransportationplan.com) or view the presentation at: <https://youtu.be/WYBkKgXYozg?t=1599>

The Council would take action on the TMP at the August 24, 2021 council meeting.

- Proposed ordinance on the text amendments to the MCCD (Murray City Center District), TOD (Transit Oriented District), MU (Mixed-Use) zone, and new proposed MU zones – Mr. Hall confirmed that on August 1, 2021 the TLUR (Temporary Land Use Restriction) limiting new development applications in the MCCD, TOD and MU zones and any requests to rezone properties to any mixed-use zone would expire. During the moratorium, staff was able to re-evaluate their proposal to make better recommendations in terms of land use in the City. Several changes were made since the initial proposal.

The final draft ordinance was provided, and Mr. Hall reviewed the proposed changes. (Attachment #1) He discusses changes that fell into larger categories. For example, in parking, density of residential components, buffering, and design elements; along with two additional new MU zones to expand MU zoning to other parts of the City where never considered before. He confirmed that staff looked to the 2017 General Plan for guidance in implementing new MU zones and found Node areas located in the TOD, Bus-Rapid Transit, City center and regional areas as appropriate. A summary was given of the new zones depicted in slides the City Council analyzed previously during the June 29, 2021 MU Workshop. The proposed ordinance includes text changes for all MU zones and depicts new zones as: CMU (Centers MU) and the VMU (Village MU).

Mapping, overall goals and ramifications to rezone areas to the new CMU and VMU zones were



reviewed. In summary, to provide high quality redevelopment of commercial properties, Mr. Hall said new zones would allow residential density that can be increased by providing affordable housing, mixed housing types, additional commercial space beyond the base requirement, and by providing amenities and open space. The CMU is considered medium density that allows from 35 to 45 units per acre; and the VMU a lighter density, allows 25 to 35 units per acre. Mr. Hall pointed out that existing MU zones range between 40 and 100 units per acre, which is why two new options with less density were devised.

The MSP (Master Site Plan) requirement was discussed that would help the Council monitor projects; applicants would have to provide a traffic impact study, parking analysis, and undergo adequate public utilities and facilities reviews. Some projects may undergo a public service review regarding needs for police, fire, parks, schools, and other services. Additional MSP required components were discussed in detail for all existing MU zones.

Residential density was compared with parking allowances in the MCCD and the TOD. Mr. Hall noted the former name *MU zone* in the downtown, would now be referred to as the MCMU (Murray Central Mixed Use) zone, where residential parking changed based on bedroom counts; and density would range from 40 to 80 units per acre based on distance from the TRAX station platform. Ground floor commercial space is required 40 feet from principal streets; and East and West subdistricts are proposed within the MCMU zone with differing densities. Parking and reductions of commercial requirements for the MCMU were revisited.

Mr. Hall confirmed the Murray Planning Commission forwarded a recommendation of approval to the City Council with a 5-0 vote after hearing the updated proposal on July 15, 2021. Only minor changes were made to remove drive-throughs from the TOD zone, add language regarding underbuilding elements for the CMU and the VMU; and no outside storage would be allowed. He noted that curbside management is not the same as a drive-through area.

There was a brief conversation about height restrictions versus the number of stories allowed; small basement floors not considered stories of a building; and height restrictions geared towards an explicit design opposed to two-story guidelines that are significantly clear. A discussion followed about commercial uses not being specifically designed, and whether educational services were allowed in commercial components. The distinction was confirmed that educational businesses including private schools are not considered commercial use; however, daycares are.

Residential parking concerns were mentioned in the MCCD and the MCMU-East and West subdistricts. Whether stalls should be increased to better match the number of bedrooms per unit was analyzed. Mr. Hill confirmed parking was a great concern to the administration also, so staff conducted extensive research, studied parking ratios in existing apartment complexes in Murray, and utilized outside consultants for learning how surrounding areas determined parking ratios for their MU developments. Information from the Urban Land Institute was also accessed for studying other parking ratios to determine what should be proposed in the ordinance. It was decided that what is set forth in the draft ordinance was acceptable and reasonable to all involved staff and the administration. The Council discussed costly rent prices with added reserved parking charges for renters. Mr. Hall confirmed the proposed parking ratio was increased since the TLUR by approximately 20% - and shared commercial parking would provide residential parking spaces depending on project design.

Final discussion included how the Council would uphold MSP guidelines legally. Mr. Hill commented that applicants are eager to begin developing their properties once the moratorium expires, so many minor issues could be resolved and fine-tuned later after the ordinance was adopted and as projects get underway. There was mention about lack of communication in the past, the importance of feeling confident in moving forward with the proposed changes and trusting that tweaking certain MSP elements would occur when concerns arise. The Council agreed hard work by staff was appreciated, improvements to the ordinance were acceptable, fine tuning issues in a timely manner was essential and that parking would always be concerning. The ordinance would be considered in the council meeting.

- Water Protection Ordinance Amendment – Mr. Astill explained why there was a request to change the ordinance related to the City's water system made up of 20 wells and eight different springs. It was confirmed that according to State legislation, the City is allowed to protect city owned wells within protection zones from any land use that produces certain ground water contaminates. The amendment would add language depicting a list of what is not allowed in protection zones. The effort was to enforce and better maintain the City's water resources for the future and protect it from outside influences. The Ground Water Protection ordinance must be modified as new threats, technologies and sources of contamination are identified. Mr. Astill reviewed a map to depict four different protection zones for four different wells located in the City that will gain added protection. The Council would consider the ordinance amendment in a future council meeting.

**Announcements:** None.

**Adjournment:** 6:26p.m.

**Pattie Johnson**  
**Council Office Administrator III**

## Item # 8 - Discussion Item Mixed Use Zone Changes



### Why Mixed-Use?



Revitalize  
Downtown

Increased Economic Viability

Increase  
Private Investment



Lower Infrastructure Costs



Support Good  
Business Climate

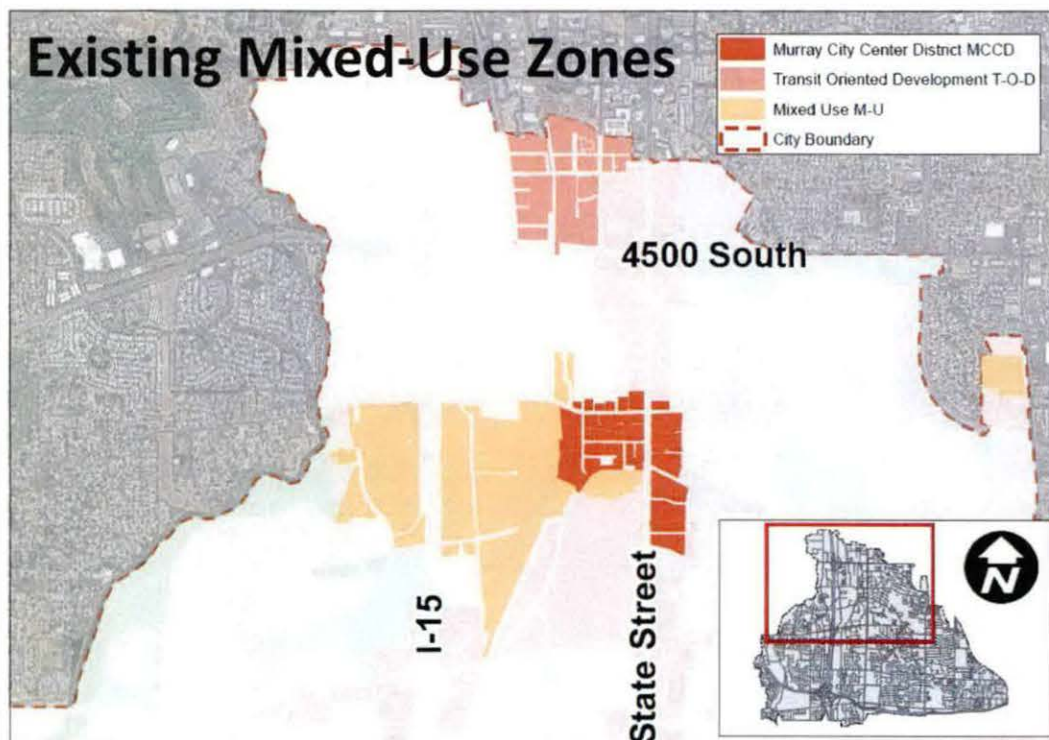
Healthier, Walkable Places

Where mixed-use zoning can be appropriately implemented, it represents a more sustainable land-use pattern that will support the surrounding area as well.

# Where?

## Where have we – and how should we – apply mixed-use zoning?

Mixed-use zoning represents a return to traditional land uses forms before residential and commercial uses were so strictly segregated by zoning. While “traditional” zoning that is more familiar remains useful and necessary, mixed land uses can be well-suited for the purposes that we’ve reviewed in some specific areas with special circumstances and needs.





# Existing Mixed-Use Zones

**Murray City Center District, MCD** – Murray's downtown has been zoned for mixed-use development for some time. The downtown area has direct adjacency to both State Street (a major vehicular and transit corridor) and the nearby Murray Central Station. The clear purpose of the zoning? Revitalization.

**Mixed-Use, M-U** – The Mixed-Use Zone has been applied to a large area adjacent to and around the Murray Central Station. To eliminate confusion with other mixed-use zoning designations staff proposes renaming this zone "Murray Central Mixed Use, MCMU". Additionally, staff has proposed dividing the MCMU into an east and west subdistrict, recognizing differences in those areas of this large zone. The clear purpose of the zoning? Revitalization of underutilized properties in this area with good, mostly direct access to a major transit hub and employment center.

**Transit Oriented Development, TOD** – The Transit Oriented Development Zone has been applied around the Murray North TRAX station in an area known as Fireclay, between Main Street and the tracks, and 4500 South and Big Cottonwood Creek at the north edge of the city. The clear goal of this zoning is to revitalize what was an under-utilized and contaminated industrial area by capitalizing on its very direct connection to the light rail.



# Proposed Mixed-Use Zones

## **Village Mixed-Use, VMU**

## **Centers Mixed-Use, CMU**

These zones are intended to provide opportunities for the measured, context sensitive addition of residential housing to otherwise commercial properties. Considerations for the implementation of these zones:

- Along important transit corridors, and in or around areas identified in the 2017 General Plan as Neighborhood and Community Nodes, City and Retail Centers, Regional Centers, and BRT Station Villages.
- 3-acres or more
- Currently zoned or used non-residentially
- Find that development or redevelopment of the property under mixed-use zoning will meet at least 5 of these goals:
  - Result in high-quality redevelopment of commercial property
  - Retain or rehabilitate the commercial use of a significant portion of the property area
  - Increase local access to commercial services for in-project residents and surrounding neighborhoods
  - Promote a greater variety of housing options within Murray neighborhoods
  - Promote opportunities for life-cycle housing, and moderate-income housing
  - Provide increased walkability on the site and result in walkable connections to surrounding neighborhoods
  - Create and contribute to a sense of place and community
  - Result in improved conditions for buffering and transition to residential uses

# Development Process

## **Proposed Zones:**

CMU & VMU – New mixed-use development and redevelopment of properties in the CMU and VMU Zones would first require zone changes on the subject properties. All mixed-use development in these zones will require Master Site Plan review and approval by the Planning Commission.

## **Existing Zones:**

MCCD – New development in the MCCD Zone requires a review by the Design Review Committee (DRC) and a subsequent Design Review and Approval by the Planning Commission. Horizontal Mixed-Use or projects of 3-acres or more require Master Site Plan review and approval by the Planning Commission.

TOD – New development in the TOD Zone does not currently require Planning Commission approval currently. Staff proposes to make new development, significant modifications, and redevelopment subject to Design Review and Approval by the Planning Commission.

M-U (proposed MCMU) – Development in the M-U Zone requires Design Review and approval by the Planning Commission. Horizontal Mixed-Use or projects 3-acres or more require Master Site Plan review and approval by the Planning Commission

# Master Site Plan

## Master Site Plan, Required Components:

- Building Orientation to private streets and access, not parking lots.
- Provide a Central Feature to unify the commercial and residential.
- Buildings to form outdoor spaces linked by pedestrian walkways.
- Must be approved in conjunction with a Master Site Plan Agreement (formerly the Memorandum of Understanding)

## Applicant for Master Site Plan approval MUST provide:

- Traffic Impact Study
- Parking Analysis
- Adequate Public Utilities & Facilities Review
- Public Services Review (may be required) – Police, Fire, Parks, Schools, or other services.

## Why is a Master Site Plan important for horizontal mixed-use and larger projects?

The Master Site Plan's required considerations (building orientation, outdoor spaces, central features, pedestrian connections, etc.) are all critical in connecting the residential and commercial components in a project.

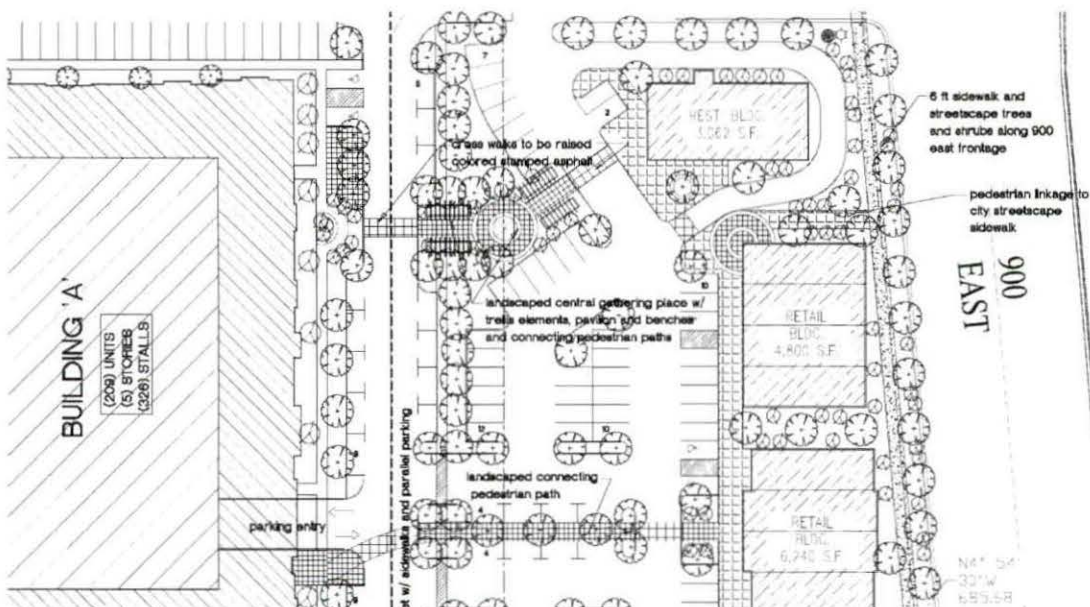




Simple adjacency doesn't preclude the mixing of the uses, but it should be encouraged to maximize the benefits of mixed use like reduced parking, and reduced vehicle trips and miles traveled.



In this case on-site residents will have prominently identified, usable and safe pedestrian access to the commercial spaces. At the same time, the commercial tenants can still attract and circulate additional customer traffic from 900 East and other neighboring properties.





# Master Site Plan Agreement

**The Master Site Plan Agreement will govern:**

- Phasing of the project
- Timing of improvements
- Guarantee performance on construction of critical elements
- Memorialize the requirements for development

**Required Elements of the Master Site Plan Agreement include:**

- Allowed phasing of residential and commercial development components
- Allowed residential densities
- Required parking for all uses
- Buffering of adjacent single-family residential zones
- Adequate public facilities and services
- Establishment, maintenance, or enhancement of commercial elements

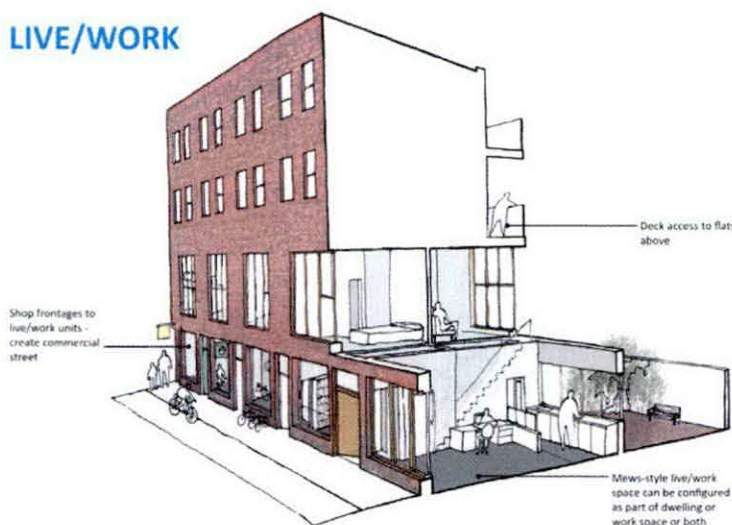
## Development Standards

Development standards in the mixed-use zones include requirements intended to guide and control aspects of the size and scale of development including residential density, required commercial spaces, parking, buffering of single-family residential development, height, and others.

# Commercial Requirement

- Commercial uses are required for all projects where they front principal streets (collectors and arterials)
- Horizontal mixed-use is allowed, but requires Master Site Plan approval
- 3-acre and larger projects require Master Site Plan approval
- Reduction of the calculated commercial requirement may be allowed in the VMU and MCMU Zone, West Subdistrict based on providing additional amenities, affordable housing, mixing housing types, etc.
- Live/work units can fill some required commercial, but only a limited amount of the total requirement

## LIVE/WORK



# Residential Density – MCCD, TOD, M-U

## MCCD & TOD: Allowed Residential Density, units per acre

	MCCD	TOD
Current	100	unlimited
Proposed	80, east of State Street 100, west of State Street	100

## Murray Central Mixed Use, MCMU: Allowed Residential Density, units per acre

Distance to Murray Central Station	1/8 mile	1/4 mile	1/2 mile	>1/2 mile
Current	100	100	80	50, (40 1 mile+)
Proposed MCMU-East	80	65	50	40
Proposed MCMU-West	40	40	40	40

\*If the measured walking distance from the project to the station platform is more than 1/2 mile, the maximum residential density is 40 units per acre.

# Residential Density - VMU

Village Mixed-Use (VMU) Residential Density			
	Open Space	Project Amenities	Affordable Housing
<b>25</b> units per acre, base allowed density	15%	(depends on project size)	n/a
<b>30</b> units per acre: meet the requirements for two of the three categories	10% increase in total	2 additional project amenities	15% reserved for tenants at <80% AMI (area median income)
<b>35</b> units per acre: meet the requirements for two of the three categories	10% increase in total with public availability of 25% of the total, or:  20% increase in total area	4 additional project amenities	15% reserved for tenants at <80% AMI 10% reserved for tenants at <60% AMI

# Residential Density - CMU

Centers Mixed-Use (CMU) Residential Density				
	Open Space	Project Amenities	Affordable Housing	Required Commercial Space
<b>35</b> units per acre, base allowed density	15% of project site	*per code	n/a	*per code
<b>40</b> units per acre: meet the requirements for two of the three categories	10% increase in total	2 additional project amenities	15% reserved for tenants at <80% AMI (area median income)	15% above required commercial
<b>45</b> units per acre: meet the requirements for two of the three categories	10% increase in total with public availability of 25% of the total, or:  20% increase in total area	4 additional project amenities	15% reserved for tenants at <80% AMI 10% reserved for tenants at <60% AMI	30% above required commercial



# Project Amenities



Project amenities are always important, but become vital in higher-density, mixed-use developments. Amenities will be required in each project based upon the number of units and overall size of the project. In the VMU and CMU Zone, the addition of amenities beyond the base requirement can be tied to increases in the allowed residential density.



## Parking

### Residential Parking based on:

- Urban Land Institute standards for mixed-use residential
- Assumes “unbundled” parking – not generally reserved for one type of use.
- Off-street requirement
- Promotes the use of structures that are accessible to the uses, connected and signed pedestrian routes, etc.
- Number of bedroom units
- Incorporates a parking “buffer” in the per unit requirement (think guests, limited cross parking at peak use times, etc.)

### Commercial Parking based on:

- Urban Land Institute standards for mixed-use commercial
- Assumes “unbundled” parking



# Parking

RESIDENTIAL PARKING				
	Studio	1-bed	2-bed	3-bed +
MCCD	1	1.05	1.5	2.5
TOD	1	1.05	1.5	2.5
MCMU-East	1	1.25	1.5	2.5
MCMU-West	1.25	1.5	2.15	2.65
VMU	1.25	1.5	2.15	2.65
CMU	1.15	1.5	1.85	2.5

ULI Parking Rates (reserved residential)	
Studio	.85
1-bed	.90
2-bed	1.65
3-bed	2.5
Visitor per unit	.15

# Residential Buffering

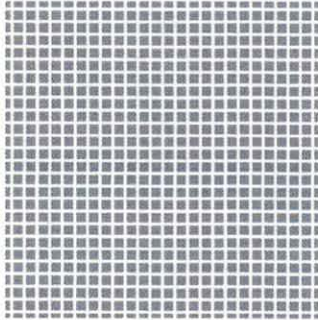
The focus is on building separations, height, and site design as well as landscaping and fences.

- Separation – buildings in the project must be separated from the property line shared with single-family zoning by project amenities, interior accesses, surface parking, or open space areas *in addition* to the traditional 10' landscape buffer and solid fence. The landscaping buffer must contain 2" caliper trees (at planting) 30' on center.
- Site Design – Buildings located directly adjacent to the required buffer may not contain more than 8 attached units and must represent the lowest density units in the project.
- Height – Structures within 100' of a single-family residential zone are limited to 35' and 2 stories. Rooftop patios and gardens are not allowed within 100' of residential zone boundaries.



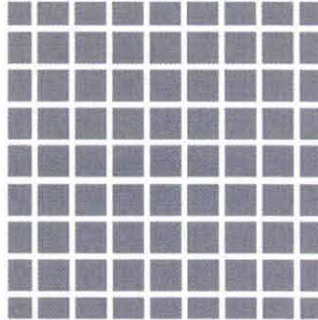
# Block Length

There is no single factor that impacts pedestrian activity more than block length.



Portland, OR

Block Size: 200 ft

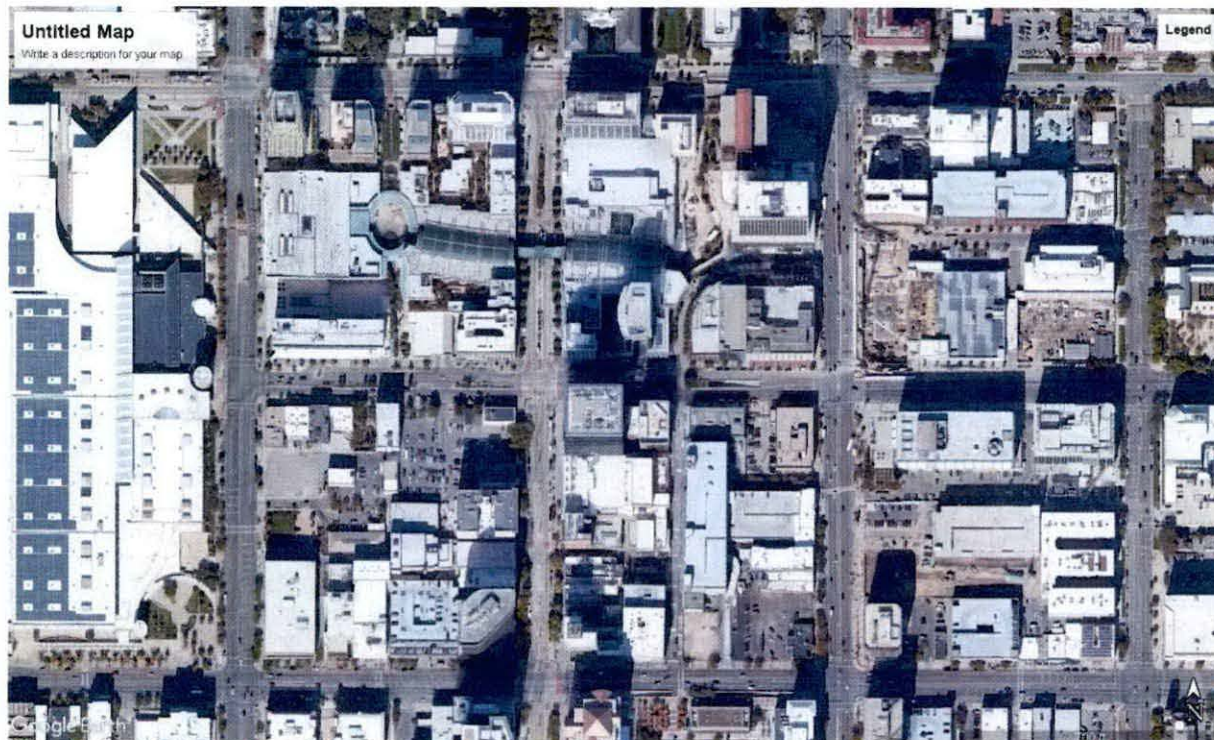


Salt Lake City, UT

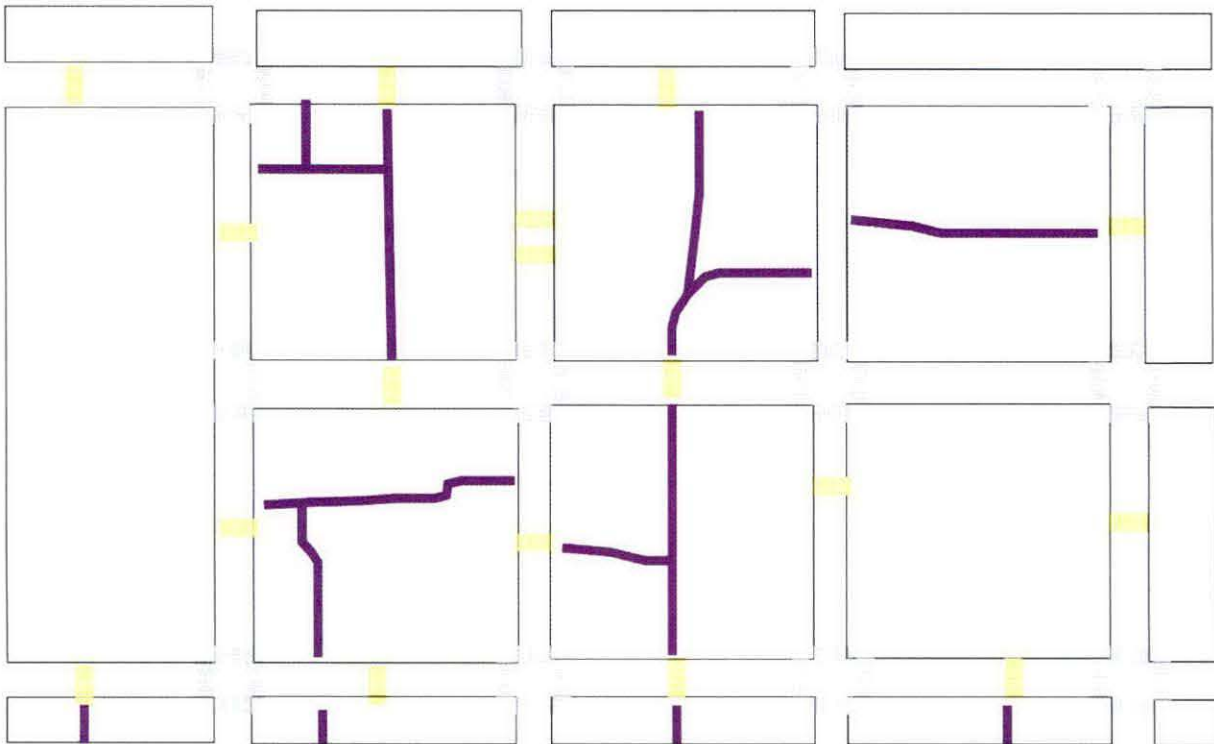
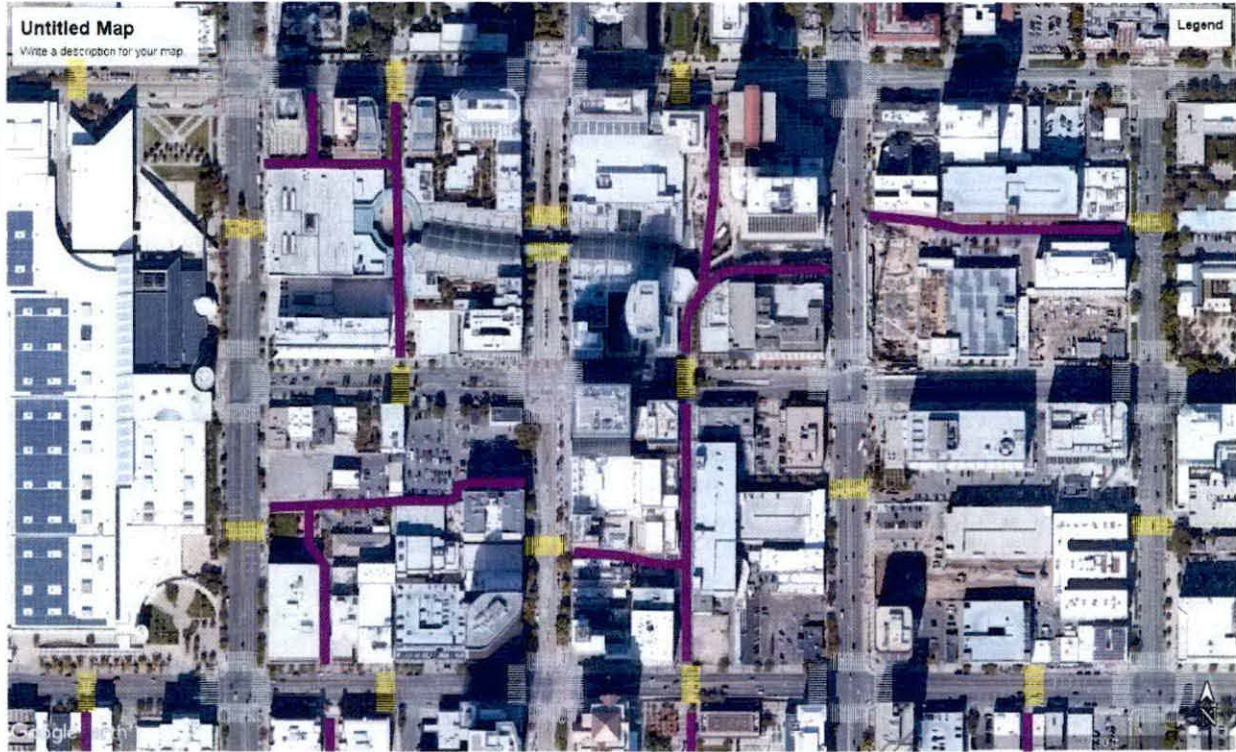
Block Size: 660 ft

Proposed changes and new zones encourage effective block lengths in new development of no more than 300', and no buildings without a physical break intended for pedestrians, vehicles, or both.

Blocks can be "broken" by intersections with interior accesses or public streets, pedestrian pathways and alleys, or midblock pedestrian crossings.

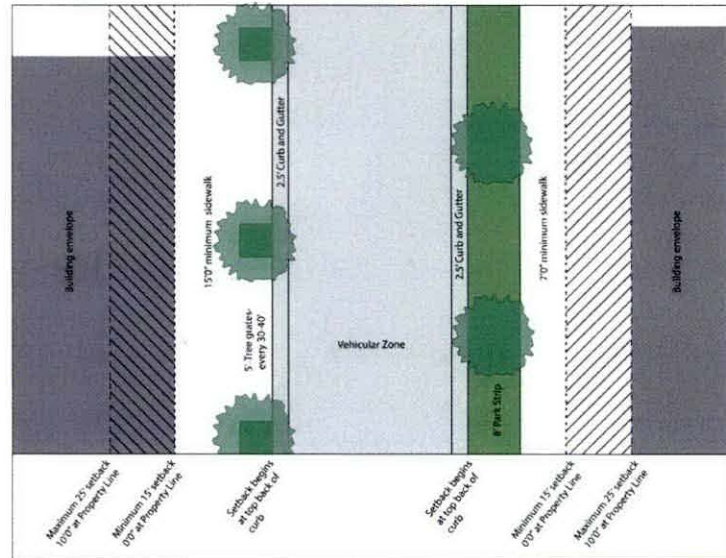






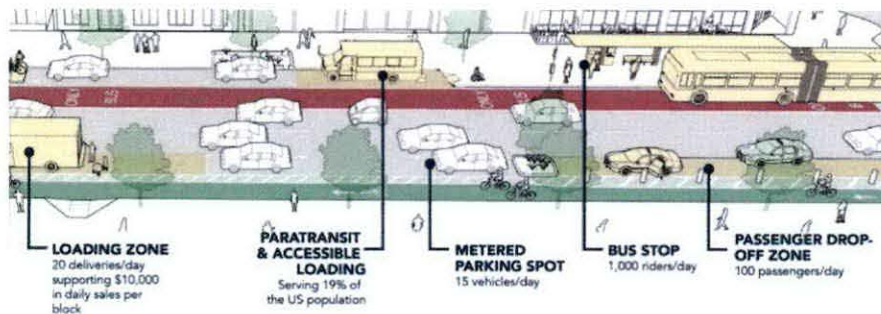
# Public Space & Access Improvements

- Maintain standards requiring wide sidewalks, street furniture, and street trees.
- Provide additional flexibility for building setbacks in CMU and VMU redevelopment projects where needed to accommodate existing structures and uses.



# Public Space & Access Improvements

- Curbside Management Plans will be required for new development in all mixed-use zones to provide consideration for commercial and residential delivery, drop-off and pick-up, emergency services, public transportation and micro-transit.







# Discussion Items



# Discussion Item #1



**MURRAY**

**Council Action Request**

Meeting Date:

<b>Department Director</b>	<b>Purpose of Proposal</b>
<b>Phone #</b>	<b>Action Requested</b>
<b>Presenters</b>	<b>Attachments</b>
	<b>Budget Impact</b>
<b>Required Time for Presentation</b>	<b>Description of this Item</b>
<b>Is This Time Sensitive</b>	
<b>Mayor's Approval</b>	
<b>Date</b>	



**MURRAY**  
CITY COUNCIL

# Discussion Item #2



**MURRAY**


# Community & Economic Development

**Text Amendment for Section 17.48.120,  
Temporary Signs**

**Council Action Request**

**Committee of the Whole**

Meeting Date: September 7, 2021

<b>Department Director</b> Melinda Greenwood  <b>Phone #</b> 801-270-2428  <b>Presenters</b> Melinda Greenwood Jared Hall	<b>Purpose of Proposal</b>  To simplify, clarify and clean up regulations in Section 17.48.120, Temporary Signs.  <b>Action Requested</b>  Discussion of the proposed text amendment for Section 17.48.120, Temporary Signs.  <b>Attachments</b>  Presentation Slides  <b>Budget Impact</b>  None.  <b>Description of this Item</b>  <b>BACKGROUND</b> Recently, a question arose on whether political campaign signs would require permits. As staff researched this question it became apparent that there was conflicting language, duplicated items, or items which are not practical to enforce in our sign code.  The proposed changes of Section 17.48.120, Temporary Signs are intended to clean up the temporary sign section of the ordinance and to provide clear language for those who want to use temporary signs.  <b>CITY DEPARTMENT REVIEW</b> The Planning Division does not anticipate adverse impacts to the community because of the proposed changes. The proposed ordinance was made available for review by City Staff from various departments on June 1, 2020. No issues or comments were received.
<b>Required Time for Presentation</b> 15 Minutes  <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b>   <b>Date</b> July 20, 2021	

## **Continued from Page 1:**

### **PLANNING COMMISSION**

Notices of the public hearing for the text amendment were sent to affected entities and posted on the State's public notice website. On June 17, 2021 the Planning Commission held a public hearing and no comments were received. The Planning Commission voted 6-0 to forward a recommendation of approval to the City Council.

### **FINDINGS**

1. The proposed text amendment furthers the mission of the general plan to “guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray” by making the requirements for temporary signs more clear and usable.
2. The proposed text amendment furthers the purposes of the sign code by preserving and improving the appearance of the City, reducing hazards to motorists and pedestrians, and reducing or eliminating excessive and confusing sign displays.
3. On June 17, 2021, the Planning Commission voted 6-0 to recommend approval of the proposed text amendment.

### **RECOMMENDATION**

Based on the background, staff review, and the Planning Commission recommendation, staff recommends APPROVAL of the proposed text amendment for Section 17.48.120, Temporary Signs.

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 21<sup>st</sup> day of September, 2021, 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 a text amendment to sections 17.48.120 of the Murray City Municipal Code, relating to temporary signs.

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

DATED this 10th day of August, 2021.



MURRAY CITY CORPORATION

A handwritten signature in dark ink, appearing to read "Brooke Smith", is written over a horizontal line.

Brooke Smith  
City Recorder

DATE OF PUBLICATION: September 10, 2021  
PH21-25

Mailed to affected entities - UCA §10-9a-205(2)(a)  
Posted on City Website - UCA §10-9a-205(2)(b)(ii)  
Posted on the Utah Public Notice Website - UCA §10-9a-205(2)(c)(i)

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

AN ORDINANCE AMENDING SECTION 17.48.120 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO TEMPORARY SIGNS

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

*Section 1. Purpose.* The purpose of this Ordinance is to amend section 17.48.120 of the Murray City Municipal Code relating to temporary signs.

*Section 2. Amendment.* Section 17.48.120 of the Murray City Municipal Code relating to temporary signs is amended to read as follows:

**17.48.120: TEMPORARY SIGNS:**

A. ~~General Provisions For Temporary Signs:~~ The following shall apply for all temporary signage:

~~1. Signs shall be removed as specified herein, unless otherwise indicated within this Sign Code.~~

~~21.~~ Signs may only be located on private property and must have the property owner's permission.

~~2.~~ Signs may not be replaced on public property, or in a public right-of-way ~~unless otherwise allowed herein, such as banners on public light poles and public necessity signs.~~

3. Signs shall not be erected in a manner as to constitute a roof sign.

4. Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.

~~5. Signs shall not be attached to traffic signals, utility poles, fences, or trees.~~

~~65.~~ Signs must be secured to a building or the ground.

~~76.~~ Signs may be attached to existing permanent signs only for the grand opening period.

~~87.~~ Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.

~~98.~~ No off-premises temporary signs are allowed ~~except those specifically allowed herein.~~

~~109.~~ ~~Signs shall require application and approval from the Community and Economic Development Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign.~~ Temporary signs are allowed for up to ninety (90) days.

~~110.~~ All temporary signage must be subordinate to and be positioned in such a way so that any permanent ground mounted signage on the same property remains visible.



~~4211.~~ All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.

~~13. Signs may be two-faced but may not be split faced if the interior angle is greater than forty five degrees (45°).~~

~~14. All approved temporary signs shall be demarcated with a temporary sticker, provided by the City, in the bottom right hand corner of the sign.~~

~~4512.~~ Any sign not expressly allowed by this Sign Code is prohibited.

*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                      , 2021.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Diane Turner, Chair

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of  
\_\_\_\_\_, 2021.

MAYOR'S ACTION: Approved.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

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Brooke Smith, City Recorder

Seconded by Lisa Milkavich.

Call vote was recorded by Ms. Nixon.

  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Jeremy Lowry  
  A   Jake Pehrson

Motion passed 6-0.

#### SECTION 17.48.120 TEMPORARY SIGNS – Project #21-054

The Murray City Planning Division is requesting an update to Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance. Mr. Smallwood presented the request and displayed some examples of temporary signage such as “opening soon” signs and political signs. The proposed changes are intended to clean up the temporary sign section of the ordinance and to provide clear language for those who want to use temporary signs. There was a requirement to have a Murray City sticker on banner signs in order to hang it, but the city was never able to find a vendor that could make a weatherproof sticker to adhere to sign materials. This proposal is also intended to remove that requirement. Mr. Smallwood clarified that Ms. Wilson asked about real estate signs and those are covered in the residential section of the sign code which would allow for development, sale and open house signs. The proposed amended ordinance would continue to regulate the most important elements of temporary signage, while removing the conflict within the ordinance and making the regulations clearer. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the request to amend the text of Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance as presented in the Staff Report.

Ms. Milkavich gave her thanks to the staff for taking the time to clean up the language to improve this code.

Ms. Patterson opened the meeting for public comment. No public comments were made. The public comment portion for this agenda item was closed.

Jake Pehrson made a motion to forward a recommendation of approval to the City Council for the request to amend the text of Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance as presented in the Staff Report. Seconded by Sue Wilson.

Call vote was recorded by Mr. Smallwood.

  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Jeremy Lowry

A   Jake Pehrson

Motion passed 6-0.

#### OTHER BUSINESS

Mr. Smallwood specified there are several items that will be brought forward. Accessory Dwelling Units, a Mixed-Use project and a few subdivisions. He added that full public meetings will be open starting July 1, 2021.

Mr. Nay asked if zoom and zoom comments will still be available. Mr. Smallwood and Mr. Hall stated they are following the City Council who is not doing zoom at that point. Mr. Nay advised continuing with zoom stating that the public may expect it. He added that for 18 months it has worked relatively well and would be a nice convenience for people. Ms. Milkavich asked if there were any city building regulations with capacity or masks. Mr. Smallwood stated the State Legislature ended all mandates.

Travis Nay made a motion to adjourn. Motion seconded by Sue Wilson. A voice vote was made, motion passed 6-0. The meeting was adjourned at 7:12 p.m.

  
\_\_\_\_\_  
Jared Hall, Planning Division Manager



## AGENDA ITEM # 7

<b>ITEM TYPE:</b>	Text Amendment		
<b>ADDRESS:</b>	Not Applicable	<b>MEETING DATE:</b>	June 17, 2021
<b>APPLICANT:</b>	Planning Division Staff	<b>STAFF:</b>	Zachary Smallwood, Associate Planner
<b>PARCEL ID:</b>	Not Applicable	<b>PROJECT NUMBER:</b>	21-054
<b>PROPOSED AMENDMENT</b>	Code Section 17.48.120		
<b>REQUEST:</b>	The Murray City Planning Division is requesting an update to Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance.		

### I. BACKGROUND & STAFF REVIEW

#### Background

On May 21, 2019 Murray City adopted a comprehensive update to Chapter 17.48 of the Land Use Ordinance, which covers the regulation of signs. As a part of the update, several changes were made in response to the result of a Supreme Court case, *Reed v. The Town of Gilbert*. In summary, the majority opinion in that case states that if a sign regulation cannot be enforced without *reading* the sign, then the regulation can be considered a violation of free speech. Many cities across the country found that updates to their sign code would be necessary to comply with objective standards in size and location of signage. One direct result of the *Reed v. Town of Gilbert* case in Murray's updated sign regulations was that political campaign signs were removed as a specific type of sign and are now simply considered another type of temporary sign.

Recently, there was a question from the City Recorder on whether political campaign signs, being temporary signs, would require permits and if regulations would be enforced for such signs. As staff researched this question it became apparent that there was conflicting language as to whether temporary signs required permits.:

- Section 17.48.130 specifically governs signs not requiring a permit. Subsections A(8) and (9) identify "temporary residential signs in compliance with the residential sign standards herein" and "temporary commercial signs in compliance with the commercial sign standards herein".

- Section 17.48.120(A)(10) governs “Temporary Signs” and states that they “shall require application and approval from the Community and Economic Development Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign. Temporary signs are allowed for up to ninety (90) days”.

Reviewing the conflicting language and the question from the City Recorder’s office, staff recommends that changes to the regulation of temporary signs in Section 17.48.120 are necessary.

### Proposed Language

Planning Division staff conducted a review of each item located with this section and found a number of the items either were duplicated, didn’t make sense, or were not being enforced. Staff’s proposed corrections do not include new language, only the removal of some current language. The current language of Section 17.48.120 is included below, with Staff’s proposed strike-throughs. The reasoning for each recommended removal is included in italics.

- A. ~~General Provisions For Temporary Signs:~~ The following shall apply for all temporary signage:

- ~~1. Signs shall be removed as specified herein, unless otherwise indicated within this Sign Code.~~

*The statement in item 1 is redundant; there are other sections of the sign ordinance that clearly require the removal of signs if not allowed.*

- ~~1. Signs may only be located on private property and must have the property owner's permission.~~
- ~~2. Signs may not be replaced on public property, or in a public right-of-way, unless otherwise allowed herein, such as banners on public light poles and public necessity signs.~~

*This was broken out into two subsections. This allows the reader to easily see each requirement. Additionally, portions of subsection 2 were removed to make it clearer, signs in the public right-of-way would only be allowed by the city.*

- ~~3. Signs shall not be erected in a manner as to constitute a roof sign.~~
- ~~4. Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.~~
- ~~5. Signs shall not be attached to traffic signals, utility poles, fences, or trees.~~

*This is covered in the regulation that signs not be placed on public property. Otherwise, staff does not see an issue with a temporary sign on private property to be located on trees.*

~~6.5.~~ Signs must be secured to a building or the ground.

~~7.6.~~ Signs may be attached to existing permanent signs only for the grand opening period.

~~8.7.~~ Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.

~~9.8.~~ No off-premises temporary signs are allowed, ~~except those specifically allowed herein.~~

*There are no regulations that allow a temporary off-premise sign; this is removal of unnecessary language.*

~~10.9.~~ ~~Signs shall require application and approval from the Community and Economic Development Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign.~~ Temporary signs are allowed for up to ninety (90) days.

*Staff recommends removing this requirement for a temporary sign permit to be issued by the Planning Division because of the conflicting language in Section 17.48.130 indicating that temporary residential and temporary commercial signs are "signs not requiring a permit".*

~~11.10.~~ All temporary signage must be subordinate to and be positioned in such a way so that any permanent ground mounted signage on the same property remains visible.

~~12.11.~~ All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.

~~13.~~ ~~Signs may be two-faced but may not be split faced if the interior angle is greater than forty five degrees (45°).~~

*Staff does not see the value in this regulation. It creates confusion with people that would like to put up a temporary sign.*

~~14.~~ ~~All approved temporary signs shall be demarcated with a temporary sticker, provided by the City, in the bottom right hand corner of the sign.~~

*Planning division staff was never able to obtain stickers that would be weather resistant and could adhere to (typically) vinyl signage. Other municipalities that had this provision in their codes indicated that it was not enforced.*

15.12. Any sign not expressly allowed by this Sign Code is prohibited. (Ord. 19-14)

### Summary

The proposed changes are intended to clean up the temporary sign section of the ordinance and to provide clear language for those who want to use temporary signs. In addition to the outline above, Staff has included both a redline and clean copy of the proposed changes with this report for the Planning Commission's review.

The Planning Division does not anticipate adverse impacts to the community as a result of the proposed changes. The proposed amended ordinance would continue to regulate the most important elements of temporary signage, while removing the conflict within the ordinance and making the regulations more clear.

## II. CITY DEPARTMENT REVIEW

The proposed ordinance was made available for review by City Staff from various departments on June 1, 2020. No issues or comments were received.

## III. PUBLIC COMMENTS

Notices of the public hearing for the requested text amendment to affected entities, the local newspaper and posted on the State's public notice website. No comments have been received as of the writing of the Staff Report.

## IV. FINDINGS

1. The proposed text amendment furthers the mission of the general plan to "guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray" by making the requirements for temporary signs more clear and usable.
2. The proposed text amendment furthers the purposes of the sign code by preserving and improving the appearance of the City, reducing hazards to motorists and pedestrians, and reducing or eliminating excessive and confusing sign displays.

## V. STAFF RECOMMENDATION

Based on the background, staff review, and the findings in this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the request to amend the text of Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance as presented in the Staff Report.**





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**Notice of Public Hearing**  
**Electronic Meeting Only - June 17, 2021 6:30 PM**

Public Notice is hereby given that this meeting will occur electronically without an anchor location in accordance with Utah Code 52-4-207(4), due to infectious disease COVID-19 Novel Coronavirus. The Planning Commission Chair has determined that conducting a meeting with an anchor location presents substantial risk to the health and safety of those who may be present at the anchor location because physical distancing measures may be difficult to maintain in the Murray City Council Chambers.

The Murray City Planning Commission will hold a public hearing regarding the following application: Murray City Planning Division Staff is requesting a Text Amendment regarding Chapter 17.48.120 Temporary Signs.

The public may view the meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. If you would like to comment on an agenda item at the meeting please register at: <https://tinyurl.com/pc061721>. You may submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov). *Comments are limited to 3 minutes or less, and written comments will be read into the meeting record. Please include your name and contact information.*

*Comments are limited to 3 minutes or less and written comments will be read into the meeting record.*

This notice is being sent to you because you own property nearby the subject property. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Planning 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.

**MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 17<sup>th</sup> day of June 2021, at the hour of 6:30 p.m. of said day the 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 for Section 17.48.120, Temporary Signs. If you would like to comment on this agenda item at the meeting please register at <https://tinyurl.com/pc061721> or you may submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov). If you would like to view the meeting only you may watch via livestream at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/). No physical meeting location will be available.

Jared Hall, Manager  
Planning Division

## CURRENT CODE

### 17.48.120: TEMPORARY SIGNS:

- A. General Provisions For Temporary Signs: The following shall apply for all temporary signage:
  - 1. Signs shall be removed as specified herein, unless otherwise indicated within this Sign Code.
  - 2. Signs may only be located on private property and must have the property owner's permission. Signs may not be replaced on public property, or in a public right-of-way unless otherwise allowed herein, such as banners on public light poles and public necessity signs.
  - 3. Signs shall not be erected in a manner as to constitute a roof sign.
  - 4. Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.
  - 5. Signs shall not be attached to traffic signals, utility poles, fences, or trees.
  - 6. Signs must be secured to a building or the ground.
  - 7. Signs may be attached to existing permanent signs only for the grand opening period.
  - 8. Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.
  - 9. No off-premises temporary signs are allowed except those specifically allowed herein.
  - 10. Signs shall require application and approval from the Community and Economic Development Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign. Temporary signs are allowed for up to ninety (90) days.
  - 11. All temporary signage must be subordinate to and be positioned in such a way so that any permanent ground mounted signage on the same property remains visible.
  - 12. All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.
  - 13. Signs may be two-faced but may not be split faced if the interior angle is greater than forty five degrees (45°).
  - 14. All approved temporary signs shall be demarcated with a temporary sticker, provided by the City, in the bottom right-hand corner of the sign.
  - 15. Any sign not expressly allowed by this Sign Code is prohibited.

## REDLINE COPY

### 17.48.120: TEMPORARY SIGNS:

- A. ~~General Provisions For Temporary Signs:~~ The following shall apply for all temporary signage:
- ~~1. Signs shall be removed as specified herein, unless otherwise indicated within this Sign Code.~~
  1. Signs may only be located on private property and must have the property owner's permission.
  2. Signs may not be ~~re~~placed on public property, or in a public right-of-way, ~~unless otherwise allowed herein, such as banners on public light poles and public necessity signs.~~
  3. Signs shall not be erected in a manner as to constitute a roof sign.
  4. Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.
  - ~~5. Signs shall not be attached to traffic signals, utility poles, fences, or trees.~~
  - ~~6.~~5. Signs must be secured to a building or the ground.
  - ~~7.~~6. Signs may be attached to existing permanent signs only for the grand opening period.
  - ~~8.~~7. Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.
  - ~~9.~~8. No off-premises temporary signs are allowed ~~except those specifically allowed herein.~~
  - ~~10.~~9. ~~Signs shall require application and approval from the Community and Economic Development Department for issuance of a temporary sign permit prior to installing or erecting a temporary sign.~~ Temporary signs are allowed for up to ninety (90) days.
  - ~~11.~~10. ~~\_\_\_\_\_~~ All temporary signage must be subordinate to and be positioned in such a way so that any permanent ground mounted signage on the same property remains visible.
  - ~~12.~~11. ~~\_\_\_\_\_~~ All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.
  - ~~13. Signs may be two-faced but may not be split faced if the interior angle is greater than forty five degrees (45°).~~
  - ~~14. All approved temporary signs shall be demarcated with a temporary sticker, provided by the City, in the bottom right hand corner of the sign.~~
  - ~~15.~~12. ~~\_\_\_\_\_~~ Any sign not expressly allowed by this Sign Code is prohibited.

## CLEAN COPY

### 17.48.120: TEMPORARY SIGNS:

- A. The following shall apply for all temporary signage:
  - 1. Signs may only be located on private property and must have the property owner's permission.
  - 2. Signs may not be placed on public property, or in a public right-of-way.
  - 3. Signs shall not be erected in a manner as to constitute a roof sign.
  - 4. Signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.
  - 5. Signs must be secured to a building or the ground.
  - 6. Signs may be attached to existing permanent signs only for the grand opening period.
  - 7. Signs may cover or obscure an existing permanent sign only if the business has changed ownership or changed names.
  - 8. No off-premise temporary signs are allowed.
  - 9. Temporary signs are allowed for up to ninety (90) days.
  - 10. All temporary signage must be subordinate to and be positioned in such a way so that any permanent ground mounted signage on the same property remains visible.
  - 11. All signs and sign supports, including decorative covers, must be maintained in a graffiti-free and clean condition. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, defaced or damaged.
  - 12. Any sign not expressly allowed by this Sign Code is prohibited.

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 6/2021

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

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
669 West 200 South  
SLC UT 84101

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

CHAMBER OF COMMERCE  
ATTN: SKYLAR GALT  
5411 South Vine Street, Unit 3B  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: DAVID ROBERTS  
5102 S Commerce Drive  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

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

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

ROCKY MOUNTAIN POWER  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

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

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

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

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

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

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

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

Comcast  
Attn: Joseph Silverzweig  
9602 South 300 West  
Sandy, UT 84070

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

Comcast  
Attn: Shane, Dave or Matt  
1350 E Miller Ave  
SLC UT 84106

CENTURYLINK  
250 E 200 S  
Salt Lake City, Utah 84111

OLYMPUS SEWER  
3932 S 500 E  
MILLCREEK 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

# Text Amendment: Chapter 17.48.120 Temporary Signs





# Conflicting Language

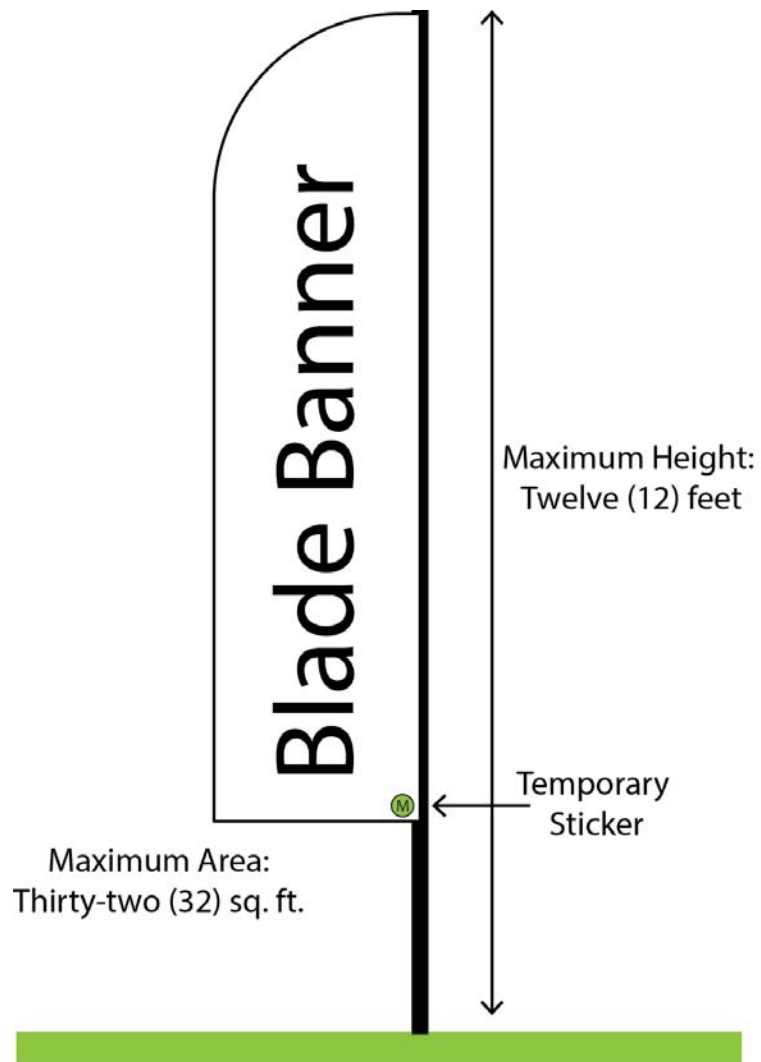
**Section 17.48.120(A)(10)** governs “Temporary Signs” and:

- Requires an application, approval and a permit from CED.
- Allows temporary signs for up to ninety (90) days.

**Section 17.48.130** specifically governs signs not requiring a permit.

Subsections A(8) and (9) identify “temporary residential signs in compliance with the residential sign standards herein” and “temporary commercial signs in compliance with the commercial sign standards herein.”





# Proposed Changes

- No application or permit would be required
- No tracking with stickers
- Clearly state signs are not allowed in ROW or placed on public property

# Findings

1. The proposed text amendment furthers the mission of the general plan to “guide growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray” by allowing temporary sign requirements to be clearly defined, easier to administer and more usable.
2. The proposed text amendment furthers the purposes of the sign code by preserving and improving the appearance of the City, reducing hazards to motorists and pedestrians, and reducing or eliminating excessive and confusing sign displays.
3. The Planning Commission voted 6-0 to forward a recommendation of approval.



# Staff Recommendation

Staff and the Planning Commission recommend **APPROVAL** of the proposed text amendment of Section 17.48.120, Temporary Signs, in the Murray City Land Use Ordinance.



# Discussion Item #3



**MURRAY**

# Community & Economic Development

## Text Amendment for Section 17.78, Accessory Dwelling Units

### Council Action Request

Committee of the Whole

Meeting Date: September 7, 2021

<b>Department Director</b> Melinda Greenwood  <b>Phone #</b> 801-270-2428  <b>Presenters</b> Melinda Greenwood Zachary Smallwood          <b>Required Time for Presentation</b> 15 Minutes  <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b> Doug Hill <small>Digitally signed by Doug Hill DN: cn=Doug Hill, o=Murray City Corporation, ou=Mayor's Office, email=dhill@murray.utah.gov, c=US Date: 2021.08.26 09:03:10 -06'00'</small> <b>Date</b> August 24, 2021	<b>Purpose of Proposal</b> To comply with state mandate and simplify regulations in Section 17.78, Accessory Dwelling Units.  <b>Action Requested</b> Approval of the proposed text amendment for Section 17.78, Accessory Dwelling Units.  <b>Attachments</b> Presentation Slides  <b>Budget Impact</b> None.  <b>Description of this Item</b> <b>BACKGROUND</b> On September 11, 2009 Murray City adopted an Accessory Dwelling Unit Ordinance, which allows for accessory dwelling units (ADUs) in single family residential zones subject to obtaining a conditional use permit. Since the adoption of the ordinance Murray City has approved sixty-seven (67) ADUs.  ADUs have increased in popularity as a way to combat rising housing costs across the valley. In a city such as Murray where most of the land has been developed, finding ways to reinvest in the community is an important factor to contribute to the housing shortage across the region. According to the Kem C. Gardner Policy Institute, Salt Lake County is expected to grow by over 500,000 additional residents by 2065. Providing opportunities for additional affordable housing is paramount.
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## **Continued from Page 1:**

Responding to Utah's housing crisis in the 2021 Legislative Session, the legislature adopted House Bill 82 (HB82) mandating that cities and counties allow internal ADUs (those located within an existing single-family home) as a permitted use in primarily residential zones. The new state law also prohibits limiting the size and number of bedrooms that an internal ADU may have. Planning Division and City Attorney staff has reviewed the new law thoroughly and drafted changes to Murray City's current ordinance to assure that it complies with state language.

### **CITY DEPARTMENT REVIEW**

The Planning Division does not anticipate adverse impacts to the community because of the proposed changes. The proposed ordinance was made available for review by City Staff from various departments on June 14, 2021. No issues or comments were received.

### **PLANNING COMMISSION**

Notices of the public hearing for the text amendment were sent to affected entities and posted on the State's public notice website. On July 1, 2021 the Planning Commission held a public hearing and no comments were received. The Planning Commission voted 5-0 to forward a recommendation of approval to the City Council.

### **FINDINGS**

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to "provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income" by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community" by reducing the requirements needed to operate an ADU.
3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states "encourage housing options for a variety of age, family size and financial levels" supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective 1 of the Moderate Income Housing Element states "ensure housing affordability targets are achievable using a range of strategies". One of the strategies in this objective states to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.
5. The Planning Commission voted 5-0 to send a recommendation of approval to the City Council.

### **RECOMMENDATION**

Based on the background, staff review, and the Planning Commission recommendation, staff recommends APPROVAL of the proposed text amendment for Section 17.78, Accessory Dwelling Units.

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 21<sup>st</sup> day of September 2021, 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 a text amendment to chapter 17.78 of the Murray City Municipal Code, relating to accessory dwelling units.

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

DATED this 9<sup>th</sup> day of August, 2021.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "Brooke Smith", is written over a horizontal line.

Brooke Smith  
City Recorder

DATE OF PUBLICATION: September 10, 2021  
PH21-29

Mailed to affected entities - UCA §10-9a-205(2)(a)  
Posted on City Website - UCA §10-9a-205(2)(b)(ii)  
Posted on the Utah Public Notice Website - UCA §10-9a-205(2)(c)(i)

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

AN ORDINANCE AMENDING CHAPTER 17.78 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS

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

*Section 1. Purpose.* The purpose of this Ordinance is to amend chapter 17.78 of the Murray City Municipal Code relating to accessory dwelling units.

*Section 2. Amendment.* Chapter 17.78 of the Murray City Municipal Code relating to accessory dwelling units is amended to read as follows:

**17.78: ACCESSORY DWELLING UNITS:**

**17.78.010: PURPOSE:**

The city recognizes that accessory dwelling units (ADUs) in ~~primarily single-family~~ residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the ~~ir~~ life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 09-23 § 2)

**17.78.020: DEFINITIONS:**

ATTACHED ACCESSORY DWELLING UNIT (AADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is ~~either incorporated within the single-family residence or in a detached building~~ which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.



DETACHED ACCESSORY DWELLING UNIT (DADU): A self-contained dwelling unit separated from a single-family residence but located on an owner occupied property which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 09-23 § 2)

**17.78.030: ACCESSORY DWELLING UNIT ~~CONDITIONAL USE PERMIT~~ REQUIRED:**

An ADU meeting the development standards, as specified within this chapter ~~section 17.78.040 of this chapter~~, may be allowed in any single-family residential zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit-conditional use permit by the Community and Economic Development Director or their designee ~~planning commission~~. (Ord. 09-23 § 2)

**17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:**

A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section 17.78.020 of this chapter.

B. Only one ADU may be created per lot or property.

~~B.C.~~ ADUs are allowed on properties that are in zoned to allow single-family dwellings as a permitted use. ~~zones.~~

~~C.D.~~ The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

~~D.E.~~ Installing separate utility meters and separate addresses for the ADU is prohibited.

~~E.F.~~ A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.

~~F.~~ The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.

~~G.~~ ADUs shall not contain more than two (2) bedrooms.

~~H.~~ ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.

~~I.G.~~ In addition to the parking required for the primary unit, one ~~two~~ (21) additional off street parking spaces shall be provided. In no case shall fewer than three ~~four~~ (43) total off

street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

- ~~J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.~~
- ~~K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.~~
- ~~L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.~~
- ~~M.H. -Any additions to an existing building or construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.~~
- ~~N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.~~
- ~~O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.~~
- ~~P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.~~
- ~~Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.~~
- ~~R. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood. (Ord. 09-23 § 2)~~

#### **17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section 17.78.020 of this chapter.
- B. Only one ADU may be created per lot or property.
- C. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
- D. The ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. Installing separate utility meters and separate addresses for the ADU is prohibited.
- F. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.

- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.
- H. Detached ADUs shall not contain more than two (2) bedrooms.
- I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
- J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
- K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.
- M. Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.
- P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.
- Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

#### **17.78.0560: AFFIDAVIT:**

Applicants for all ADUs shall ~~complete~~provide an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department~~planning commission~~, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. ~~Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU, paying a reauthorization fee of fifty dollars (\$50.00). (Ord. 09-23 § 2)~~

#### **17.78.0670: INSPECTION:**

Following the issuance of an accessory dwelling unit~~conditional use~~ permit, the community and economic development department ~~shall~~may approve an application for a building

permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department~~planning commission~~. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the ~~conditional-use permit~~ and this chapter~~title~~ before a certificate of occupancy is issued. (Ord. 09-23 § 2)

#### **17.78.0780: ENFORCEMENT AND TERMINATION:**

A. Termination of ADU and Reversion to Non-ADU Single Family Residence. In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence. (Ord. 09-23 § 2)

#### B. Property Lien.

1. In addition to any other legal or equitable remedies available to the City, the City may hold a lien against an AADU if:

- a. The owner violates any of the provisions of this chapter or section 10-9a-530 of the Utah Code;
- b. The City provides a written notice of violation as required under this section;
- c. The City holds a hearing and determines that the violation has occurred if the owner files a written objection to the notice of violation;
- d. The owner fails to cure the violation within the time period described in this section;
- e. The City provides a written notice of lien; and
- f. The City records a copy of the written notice of lien with the Salt Lake county recorder.

2. Notice of Violation. The written notice of violation shall:

- a. Describe the specific violation;
- b. Provide the owner with a reasonable opportunity to cure the violation that is:
  - i. No less than 14 days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than 30 consecutive days; or
  - ii. No less than 30 days after the day on which the City sends the written notice of violation for any other violation;
- c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
- d. Notify the owner:
  - i. That the owner may file a written objection to the notice of violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

- ii. The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
  - e. Be mailed to:
    - i. The property owner of record; and
    - ii. Any other individual designated to receive notice in the owner's license or permit records; and
  - f. Be posted on the property.
- 3. Notice of Lien. The written notice of lien shall:
  - a. Comply with the requirements of Title 38 Chapter 12 of the Utah Code, Notice of Lien Filing;
  - b. State that the property is subject to a lien;
  - c. Specify the lien amount, in an amount up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Be mailed to:
    - i. The property owner of record; and
    - ii. Any other individual designated to receive notice in the owner's license or permit records; and
  - e. Be posted on the property.
- 4. Written Objection and Hearing.
  - a. If an owner files a written objection to the notice of violation, the City shall:
    - i. Within ten (10) business days after the written objection is received, hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and
    - ii. Notify the owner in writing of the date, time and location of the hearing described above, no less than 14 days before the day on which the hearing is held.
  - b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.
  - c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.
  - d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
  - e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.
- 5. Curing a Violation. If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to

the specific violation described in the written notice of violation.

**17.78.090: SHORT TERM RENTALS NOT ALLOWED:**

**17.78.080: EXISTING LEGAL NONCONFORMING UNITS:**

A. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.

B. Short-term rental means the same as defined in Chapter 17.23 and is defined here as renting all or a portion of a property for less than thirty (30) days at a time.

C. Any violation of this section shall fall under Chapter 17.23: Short Term Rentals

~~Existing ADUs, which were legally established and are nonconforming due to changes in the zoning ordinance, may apply for a conditional use permit in order to become conforming, provided they comply with the standards of this chapter. In approving a conditional use permit for an existing nonconforming unit, the planning commission may allow for ADUs that exceed the one thousand (1,000) square foot limitation, provided the ADU meets all other standards of this chapter. Nothing in this chapter shall authorize an ADU that was illegally created or converted without the proper permit. (Ord. 09-23 § 2)~~

**17.78.100 BUSINESS LICENSE REQUIRED:**

**17.78.090: VARIANCES:**

A residential rental business license is required to rent out either the main or accessory dwelling unit.

~~Variances to the standards of this chapter may be approved by the appeal authority in accordance with chapter 17.52 of this title. In no case shall a variance be approved for the owner occupancy provisions or number of units allowed per property. (Ord. 14-10: Ord. 09-23 § 2)~~

*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                      , 2021.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Diane Turner, Chair

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder



Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2021.

MAYOR'S ACTION: Approved.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder

2. Meet all requirements of the Murray City Fire Department, including that the project shall follow International Fire Code (IFC) regulations for fire access and hydrant locations.
3. Meet all requirements of the Murray City Sewer Division, including to secure in place the Murray sewer line on the east property line and provide access to the sewer lines at all times for maintenance.
4. Meet all Water Department requirements, including disconnection of the 1 ½" water service on site if needed.
5. Meet all requirements of the Murray City Power Department, including protection of the Power Transmission and Distribution Lines on the east side of the property during soil remediation and excavation of the property. Any power easements are to remain in place.
6. The applicant shall meet all applicable regulations of Section 17.152 of the Murray Land Use Ordinance.
7. The applicant will need to apply for a new Conditional Use Permit for the revised project.
8. The applicant shall develop a landscaping plan for the frontage of Cottonwood Street (300 West) to include plantings acceptable for the maintenance of the utilities located there and shall submit the plan for review and approval by the Community Development Division and the City Engineer.
9. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Lisa Milkavich.

Call vote was recorded by Ms. Nixon.

  A   Maren Patterson  
  A   Ned Hacker  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson

Motion passed 5-0.

#### LAND USE ORDINANCE TEXT AMENDMENT – Accessory Dwelling Units – Project #21-067

The Murray City Planning Division is requesting an update to Section 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance. Zachary Smallwood presented the request. The State recently passed HB82 which is the legislatures attempt to curb the housing affordability crisis. Salt Lake County is expected to grow by 500,000 by 2065. Instead of letting the individual cities decide how and when to allow ADUs, the Legislature decided that they will just

allow internal ADUs. Mr. Smallwood explained the various types of ADU's: attached, over a garage, and detached. For attached ADUs the State has mandated there not be restrictions on size or number of bedrooms and not require more than one parking space. During the application process if approved, we will be requiring a signed affidavit by the property owner that they will be living in either the residence or ADU as well as sign an affidavit that they will not be operating a short-term rental. He relayed the following four findings:

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to "provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income" by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community" by reducing the requirements needed to operate an ADU.
3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states "encourage housing options for a variety of age, family size and financial levels" supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective 1 of the Moderate-Income Housing Element states "ensure housing affordability targets are achievable using a range of strategies". One of the strategies in this objective state to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the request to amend the text of Section 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance.

Mr. Nay asked what the thought is behind limiting the number of bedrooms for detached ADUs. Mr. Smallwood stated staff has looked at making changes to this for quite some time and to make this as clear and easily digestible as possible it was determined to not change anything that is not state mandated. Mr. Nay asked for clarification on the parking restrictions for an attached dwelling unit and if any additional parking is required for a home that has a standard driveway and a two-car garage. Mr. Smallwood verified to date that is what has been allowed for attached dwelling units. Mr. Nay asked the reason of no longer requiring a new owner to sign an affidavit to re-authorize ADU. Mr. Smallwood stated it wasn't tracked and if they previously had one it would be recorded against the property and connected with the mortgage. Ms. Milkavich mentioned a new owner may not operate the ADU. If it was approved CUP then that stays with the property. Mr. Hall clarified that they would need a business license to operate.

Ms. Patterson opened the meeting for public hearing/comment. No public comments were made. The public hearing portion for this agenda item was closed.

Sue Wilson made a motion to forward a recommendation of approval to the City Council for the request to amend the text of Chapter 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance. Seconded by Lisa Milkavich.

Call vote was recorded by Mr. Smallwood.

  A   Maren Patterson  
  A   Ned Hacker  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson

Motion passed 5-0.

#### DISCUSSION ITEM FOR LAND USE TEXT AMENDMENT OF MIXED-USE ZONES

Mr. Hall specified that the proposed amendments would modify the three existing mixed-use zones and create two new mixed-use zones in order to address the issues that had been raised with recent zone change petitions for mixed use. Those concerns had resulted in the moratorium on new application for re-zones to mixed use in other areas of the city which began in February. During the moratorium staff had met with members of the Council and worked with Public Works staff, Engineering staff, and other departments in the city to respond to the concerns and make appropriate modifications and responses. Mr. Hall described the various mixed-use zones and made a presentation that highlighted the proposed amendments to the existing zones and the two proposed new mixed-use zones, the Village Mixed Use and Centers Mixed Use showing where staff thought they would make the most sense. Village Mixed use is a lighter use and appropriate near 900 East. He reviewed the potential of Live/Work units to be allowed in some areas, and lesser densities and greater parking requirements than in the more transit-adjacent mixed-use zones. Mr. Hall explained that for the two new zones, staff thought it was important for the city to make findings when allowing those zones to be applied to areas that previously just been commercial zoning, and said they included:

1. Result in high-quality redevelopment of commercial property
2. Retain or rehabilitate the commercial use of a significant portion of the property area
3. Increase local access to commercial services for in-project residents and surrounding neighborhoods
4. Promote a greater variety of housing options within Murray neighborhoods
5. Promote opportunities for life-cycle housing, and moderate-income housing
6. Provide increased walkability on the site and result in walkable connections to surrounding neighborhoods
7. Create and contribute to a sense of place and community
8. Result in improved conditions for buffering and transition to residential uses

The planning commissioners had questions about housing types like cottage clusters, and how small some homes could be. There was discussion about amenities that will be required in each project based upon the number of units and overall size of the project. In the VMU and CMU Zones, the addition of amenities beyond the base requirement can be tied to increases in the allowed residential density.



## AGENDA ITEM # 7

<b>ITEM TYPE:</b>	Text Amendment		
<b>ADDRESS:</b>	City Wide	<b>MEETING DATE:</b>	July 1, 2021
<b>APPLICANT:</b>	Planning Division Staff	<b>STAFF:</b>	Zachary Smallwood, Associate Planner
<b>PARCEL ID:</b>	Not Applicable	<b>PROJECT NUMBER:</b>	21-067
<b>PROPOSED AMENDMENT</b>	Chapter 17.78, Accessory Dwelling Units		
<b>REQUEST:</b>	The Murray City Planning Division is requesting an update to Chapter 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance.		

### I. BACKGROUND & STAFF REVIEW

#### Background

On September 11, 2009 Murray City adopted an Accessory Dwelling Unit Ordinance, which allows for accessory dwelling units (ADUs) in single family residential zones subject to obtaining a conditional use permit. Since the adoption of the ordinance Murray City has approved sixty-seven (67) ADUs.

ADUs have increased in popularity as a way to combat rising housing costs across the valley. In a city such as Murray where most of the land has been developed, finding ways to reinvest in the community is an important factor to contribute to the housing shortage across the region. According to the Kem C. Gardner Policy Institute, Salt Lake County is expected to grow by over 500,000 additional residents by 2065. Providing opportunities for additional affordable housing is paramount.

Responding to Utah's housing crisis in the 2021 Legislative Session, the legislature adopted House Bill 82 (HB82) mandating that cities and counties allow Internal ADUs (those located within an existing single-family home) as a permitted use in primarily residential zones. The new state law also prohibits limiting the size and number of bedrooms that an Internal ADU may have. Planning Division staff has reviewed the new law thoroughly and drafted changes to Murray City's current ordinance to assure that it complies with state language.

## Proposed Changes

The new requirements of HB82 in State Code will go into effect on October 1, 2021. Only the changes necessary to comply with those requirements are proposed in this text amendment. Planning Division staff had been considering several updates to the Accessory Dwelling Unit ordinance for some time prior to the passage of HB82, but if those changes are proposed they will be presented in a separate text amendment at another time.

### Definitions:

To begin it is necessary to define an Attached and Detached ADU. Simply put, an attached ADU is located within or attached to the main single-family dwelling. Planning Staff would like to continue using the term “attached” as opposed to “internal” as the language of HB82 in order to better reflect that a homeowner may expand their existing structure to construct an ADU. It was unclear in the state language whether an “Internal” ADU would allow for an expansion of the existing dwelling. A detached ADU would be completely separated from the main dwelling on the lot much in the same way a detached garage or shed are allowed.

### Attached ADUs:

There are three main areas that the new State Code mandates must be addressed in relation to attached ADUs:

1. Size: The new law prohibits cities from dictating a size requirement for an ADU. Murray’s current ordinance allows for up to 40% of the main dwelling or 1,000 ft<sup>2</sup>, whichever is less. This restriction has been removed for attached ADUs in the proposed amendment.
2. Number of Bedrooms: The new law also prohibits any limits to the number of bedrooms within an attached ADU. Murray’s current ordinance allows for up to a maximum of two bedrooms. This restriction has been removed from the proposed ordinance.
3. Parking: The last major change relates to parking. The state mandate allows cities to require only one (1) additional parking space for the ADUs. Murray City’s existing ordinance requires two (2) spaces. This requirement has been modified to reflect only the one (1) additional space to comply with the new law.

Except for the three items outlined above the regulations remain unchanged. The proposed ordinance still requires owner-occupancy, one utility meter, and conformance with building and fire codes.

### Detached ADUs:

No changes were required for Detached ADUs with the exception that they have been separated into their own category. Detached ADUs are still required to be on one floor (not



above a garage), require a 12,000 ft<sup>2</sup> lot, and must meet the same setbacks as the main dwelling. The only change is in making them a permitted and not a conditional use.

#### Permitting:

The state has mandated that attached ADUs be a permitted use in primarily single-family zones. The language in HB82 does allow cities to require a permit before operating an ADU. The Planning Division is recommending that a new ADU permit be created that is approved at the staff level. To eliminate confusion, we are recommending the same staff level approval for detached ADUs. This will allow staff to make sure that all requirements are addressed before application for a building permit to construct the ADU.

This process will also allow the Planning Division to obtain the required signatures on affidavits confirming that the homeowner will be living on site, and that they will not operate the ADU as a short-term rental.

#### Short-Term Rentals and Rental License:

The new law allows for cities to prohibit the operation of a short-term rental in a permitted ADU. Additionally, it allows cities to use short-term rental websites as a means of enforcement to make sure that ADUs are not listed on those sites. The Planning Division included language prohibiting the use of short-term rentals in permitted ADUs with the proposed amendment.

Murray's current ordinance does not specifically state that a residential business license is required to rent out an ADU. As part of this update Staff felt that it was important to codify the requirement for a rental license.

#### Liens:

The language of the new state law allows cities to place a lien on the property if a property owner does not comply with the regulations outlined in the ADU ordinance. Planning Division Staff worked with the City Attorneys to craft language that reflects a fair process to place and remove liens for those property owners who do not comply with the proposed code.

#### Summary

The proposed changes are intended to comply with the requirements of HB82 by addressing any differences in Murray's current ordinance and the language that was adopted by the State Legislature. Planning Division Staff recommends that the proposed amendment addresses those differences and complies with all the rules and intentions of that legislation. The proposed changes also make it easier for a homeowner to obtain a permit for an Accessory Dwelling Unit by removing the requirement for a public meeting. In addition to the outline of the changes provided above, Staff has included both a redline and clean copy of the proposed changes with this report for the Planning Commission's review.

The Planning Division does not anticipate adverse impacts to the community as a result of the proposed changes. The proposed amended ordinance will continue to regulate the most important elements of accessory dwelling units, while removing some of the barriers that exist in constructing and operating an accessory dwelling unit.

## **II. CITY DEPARTMENT REVIEW**

The proposed ordinance was made available for review by City Staff from various departments on June 14, 2021. No issues or comments were received.

## **III. PUBLIC COMMENTS**

Notice of the public hearing for the requested text amendment was sent to affected entities and posted on the State's public notice website. No comments have been received as of the writing of the Staff Report.

## **IV. FINDINGS**

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to "provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income" by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community" by reducing the requirements needed to operate an ADU.
3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states "encourage housing options for a variety of age, family size and financial levels" supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective 1 of the Moderate Income Housing Element states "ensure housing affordability targets are achievable using a range of strategies". One of the strategies in this objective states to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.

## V. STAFF RECOMMENDATION

Based on the background, staff review, and the findings in this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the request to amend the text of Chapter 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance as presented in the Staff Report.**



## **Notice of Public Hearing**

**July 1, 2021 6:30 PM**

The Murray City Planning Commission will hold a public hearing regarding the following application: Murray City Planning Division Staff is requesting a Text Amendment regarding Chapter 17.78 Accessory Dwelling Units. This is to update the text to comply with House Bill 82, passed by the Utah Legislature.

The public may view the meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. You may submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov), please include your name and contact information.

*Comments are limited to 3 minutes or less and written comments will be read into the meeting record.*

This notice is being sent to you because you own property nearby the subject property. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Planning 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.

## Chapter 17.78 ACCESSORY DWELLING UNITS

### 17.78.010: PURPOSE:

The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 09-23 § 2)

### 17.78.020: DEFINITIONS:

**ACCESSORY DWELLING UNIT (ADU):** A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

**OWNER OCCUPANCY:** When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 09-23 § 2)

### 17.78.030: CONDITIONAL USE PERMIT REQUIRED:

An ADU meeting the development standards, as specified in section [17.78.040](#) of this chapter, may be allowed in any single-family residential zone after approval of a conditional use permit by the planning commission. (Ord. 09-23 § 2)

**17.78.040: DEVELOPMENT STANDARDS:**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section [17.78.020](#) of this chapter.
- B. Only one ADU may be created per lot or property in single-family zones.
- C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- D. Installing separate utility meters and separate addresses for the ADU is prohibited.
- E. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- F. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.
- G. ADUs shall not contain more than two (2) bedrooms.
- H. ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
- I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
- J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
- K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.
- M. Any additions to an existing building or construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.
- P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.



- Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.
- R. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood. (Ord. 09-23 § 2)

**17.78.050: AFFIDAVIT:**

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the planning commission, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU, paying a reauthorization fee of fifty dollars (\$50.00). (Ord. 09-23 § 2)

**17.78.060: INSPECTION:**

Following the issuance of a conditional use permit, the community and economic development department shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued. (Ord. 09-23 § 2)

**17.78.070: TERMINATION:**

In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence. (Ord. 09-23 § 2)

**17.78.080: EXISTING LEGAL NONCONFORMING UNITS:**

Existing ADUs, which were legally established and are nonconforming due to changes in the zoning ordinance, may apply for a conditional use permit in order to become conforming, provided they comply with the standards of this chapter. In approving a conditional use permit for an existing nonconforming unit, the planning commission may allow for ADUs that exceed the one thousand (1,000) square foot limitation, provided the ADU meets all other standards of this chapter. Nothing in this chapter shall authorize an ADU that was illegally created or converted without the proper permit. (Ord. 09-23 § 2)

**17.78.090: VARIANCES:**

Variances to the standards of this chapter may be approved by the appeal authority in accordance with [chapter 17.52](#) of this title. In no case shall a variance be approved for the owner occupancy provisions or number of units allowed per property. (Ord. 14-10: Ord. 09-23 § 2)

## Chapter 17.78 ACCESSORY DWELLING UNITS

### 17.78.010: PURPOSE:

The city recognizes that accessory dwelling units (ADUs) in ~~primarily single-family~~ residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 09-23 § 2)

### 17.78.020: DEFINITIONS:

ATTACHED ACCESSORY DWELLING UNIT (AADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is ~~either~~ incorporated within the single-family residence ~~or in a detached building~~ which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

DETACHED ACCESSORY DWELLING UNIT (DADU): A self-contained dwelling unit separated from a single-family residence but located on an owner occupied property which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 09-23 § 2)

### 17.78.030: ACCESSORY DWELLING UNIT ~~CONDITIONAL USE~~ PERMIT REQUIRED:

An ADU meeting the development standards, as specified within this chapter section

~~17.78.040 of this chapter~~, may be allowed in any ~~single-family residential zone that allows for single-family housing as a permitted use~~ after approval of an ~~accessory dwelling unit-conditional use~~ permit by the ~~Community and Economic Development Director or their designee~~ ~~planning commission~~. (Ord. 09-23 § 2)

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**17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:**

A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section [17.78.020](#) of this chapter.

~~B.~~ Only one ADU may be created per lot or property.

~~B.C.~~ ADUs are allowed on properties that are ~~zoned to allow~~ single-family ~~dwelling as a permitted use zones~~.

~~G.D.~~ The ~~design and size of the~~ ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

~~D.E.~~ Installing separate utility meters and separate addresses for the ADU is prohibited.

~~E.F.~~ A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.

~~F.~~ The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.

~~G.~~ ADUs shall not contain more than two (2) bedrooms.

~~H.~~ ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.

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~~I.G.~~ In addition to the parking required for the primary unit, ~~onetwo (21)~~ additional off street parking spaces shall be provided. In no case shall fewer than ~~threefour (43)~~ total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

~~J.~~ The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.

~~K.~~ Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.

~~L.~~ Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and

~~other drainage.~~

~~M.H. -Any additions to an existing building or construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.~~

~~N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.~~

~~O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.~~

~~P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.~~

~~Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.~~

~~R. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood. (Ord. 09-23 § 2)~~

#### **17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:**

A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section 17.78.020 of this chapter.

B. Only one ADU may be created per lot or property.

C. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.

D. The ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

E. Installing separate utility meters and separate addresses for the ADU is prohibited.

F. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.

G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.

H. Detached ADUs shall not contain more than two (2) bedrooms.

I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street

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parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.

K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.

L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.

M. Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.

N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.

O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.

P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.

Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

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#### **17.78.0560: AFFIDAVIT:**

Applicants for all ADUs shall ~~complete~~provide an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department~~planning commission~~, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. ~~Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU, paying a reauthorization fee of fifty dollars (\$50.00). (Ord. 09-23 § 2)~~

Commented [ZS1]: To date, this has not been done.

#### **17.78.0670: INSPECTION:**

Following the issuance of an accessory dwelling unit conditional use permit, the community and economic development department ~~shall~~may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department~~planning commission~~. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this ~~chapter~~title before a certificate of occupancy is issued. (Ord. 09-23 § 2)

**17.78.0780: ENFORCEMENT AND TERMINATION:**

A. Termination of ADU and Reversion to Non-ADU Single Family Residence. In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence. (Ord. 09-23 § 2)

B. Property Lien.

1. In addition to any other legal or equitable remedies available to the City, the City may hold a lien against an AADU if:
  - a. The owner violates any of the provisions of this chapter or section 10-9a-530 of the Utah Code;
  - b. The City provides a written notice of violation as required under this section;
  - c. The City holds a hearing and determines that the violation has occurred if the owner files a written objection to the notice of violation;
  - d. The owner fails to cure the violation within the time period described in this section;
  - e. The City provides a written notice of lien; and
  - f. The City records a copy of the written notice of lien with the Salt Lake county recorder.
2. Notice of Violation. The written notice of violation shall:
  - a. Describe the specific violation;
  - b. Provide the owner with a reasonable opportunity to cure the violation that is:
    - i. No less than 14 days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than 30 consecutive days; or
    - ii. No less than 30 days after the day on which the City sends the written notice of violation for any other violation;
  - c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Notify the owner:
    - i. That the owner may file a written objection to the notice of violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
    - ii. The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
  - e. Be mailed to:
    - i. The property owner of record; and
    - ii. Any other individual designated to receive notice in the owner's license or permit records; and



- f. Be posted on the property.
3. Notice of Lien. The written notice of lien shall:
- a. Comply with the requirements of Title 38 Chapter 12 of the Utah Code, Notice of Lien Filing;
- b. State that the property is subject to a lien;
- c. Specify the lien amount, in an amount up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
- d. Be mailed to:
- i. The property owner of record; and
- ii. Any other individual designated to receive notice in the owner's license or permit records; and
- e. Be posted on the property.
4. Written Objection and Hearing.
- a. If an owner files a written objection to the notice of violation, the City shall:
- i. Within ten (10) business days after the written objection is received, hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and
- ii. Notify the owner in writing of the date, time and location of the hearing described above, no less than 14 days before the day on which the hearing is held.
- b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.
- c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.
- d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
- e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.
5. Curing a Violation. If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.

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#### **17.78.080: EXISTING LEGAL NONCONFORMING UNITS:**

- A. By applying for an ADU, the property owner shall agree that the main dwelling and the proposed ADU will not be used as a short-term rental.
- B. Short-term rental means the same as defined in Chapter 17.23 and is defined here as renting all or a portion of a property for less than thirty (30) days at a time.
- C. Any violation of this section shall fall under Chapter 17.23: Short Term Rentals  
~~Existing ADUs, which were legally established and are nonconforming due to changes in the zoning ordinance, may apply for a conditional use permit in order to become conforming, provided they comply with the standards of this chapter. In approving a conditional use permit for an existing nonconforming unit, the planning commission may allow for ADUs that exceed the one thousand (1,000) square foot limitation, provided the ADU meets all other standards of this chapter. Nothing in this chapter shall authorize an ADU that was illegally created or converted without the proper permit. (Ord. 09-23 § 2)~~

#### **17.78.100 BUSINESS LICENSE REQUIRED:**

#### **17.78.090: VARIANCES:**

A residential rental business license is required to rent out either the main or accessory dwelling unit.  
~~Variances to the standards of this chapter may be approved by the appeal authority in accordance with chapter 17.52 of this title. In no case shall a variance be approved for the owner occupancy provisions or number of units allowed per property. (Ord. 14-10: Ord. 09-23 § 2)~~

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## Chapter 17.78 ACCESSORY DWELLING UNITS

### 17.78.010: PURPOSE:

The city recognizes that accessory dwelling units (ADUs) in primarily residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.

### 17.78.020: DEFINITIONS:

**ATTACHED ACCESSORY DWELLING UNIT (AADU):** A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is incorporated within the single-family residence which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

**DETACHED ACCESSORY DWELLING UNIT (DADU):** A self-contained dwelling unit separated from a single-family residence but located on an owner occupied property which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

**OWNER OCCUPANCY:** When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

### 17.78.030: ACCESSORY DWELLING UNIT PERMIT REQUIRED:

An ADU meeting the development standards, as specified within this chapter, may be allowed in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Community and Economic Development Director or their designee.

**17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section 17.78.020 of this chapter.
- B. Only one ADU may be created per lot or property.
- C. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
- D. The ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. Installing separate utility meters and separate addresses for the ADU is prohibited.
- F. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- G. In addition to the parking required for the primary unit, one (1) additional off-street parking space shall be provided. In no case shall fewer than three (3) total off-street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On-street parking shall be reserved for visitors only.
- H. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks.

**17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section 17.78.020 of this chapter.
- B. Only one ADU may be created per lot or property.
- C. ADUs are allowed on properties that are zoned to allow single-family dwellings as a permitted use.
- D. The ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- E. Installing separate utility meters and separate addresses for the ADU is prohibited.
- F. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of

the principal residence.

- G. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.
- H. Detached ADUs shall not contain more than two (2) bedrooms.
- I. In addition to the parking required for the primary unit, two (2) additional off-street parking spaces shall be provided. In no case shall fewer than four (4) total off-street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On-street parking shall be reserved for visitors only.
- J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
- K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.
- M. Construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') in height.
- P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.
- Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.

**17.78.060: AFFIDAVIT:**

Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU.

**17.78.070: INSPECTION:**

Following the issuance of an accessory dwelling unit permit, the community and economic development department may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued.

#### **17.78.080: ENFORCEMENT AND TERMINATION:**

- A. Termination of ADU and Reversion to Non-ADU Single Family Residence. In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence.
- B. Property Lien.
  - 1. In addition to any other legal or equitable remedies available to the City, the City may hold a lien against an AADU if:
    - a. The owner violates any of the provisions of this chapter or section 10-9a-530 of the Utah Code;
    - b. The City provides a written notice of violation as required under this section;
    - c. The City holds a hearing and determines that the violation has occurred if the owner files a written objection to the notice of violation;
    - d. The owner fails to cure the violation within the time period described in this section;
    - e. The City provides a written notice of lien; and
    - f. The City records a copy of the written notice of lien with the Salt Lake county recorder.
  - 2. Notice of Violation. The written notice of violation shall:
    - a. Describe the specific violation;
    - b. Provide the owner with a reasonable opportunity to cure the violation that is:
      - i. No less than 14 days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than 30 consecutive days; or
      - ii. No less than 30 days after the day on which the City sends the written notice of violation for any other violation;
    - c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
    - d. Notify the owner:
      - i. That the owner may file a written objection to the notice of violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
      - ii. The name and address of the Community and Economic

- Development Director, with whom the written objection may be filed;
- e. Be mailed to:
  - i. The property owner of record; and
  - ii. Any other individual designated to receive notice in the owner's license or permit records; and
- f. Be posted on the property.
- 3. Notice of Lien. The written notice of lien shall:
  - a. Comply with the requirements of Title 38 Chapter 12 of the Utah Code, Notice of Lien Filing;
  - b. State that the property is subject to a lien;
  - c. Specify the lien amount, in an amount up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Be mailed to:
    - i. The property owner of record; and
    - ii. Any other individual designated to receive notice in the owner's license or permit records; and
  - e. Be posted on the property.
- 4. Written Objection and Hearing.
  - a. If an owner files a written objection to the notice of violation, the City shall:
    - i. Within ten (10) business days after the written objection is received, hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and
    - ii. Notify the owner in writing of the date, time and location of the hearing described above, no less than 14 days before the day on which the hearing is held.
  - b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.
  - c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.
  - d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
  - e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.
- 5. Curing a Violation. If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.

**17.78.090: SHORT TERM RENTALS NOT ALLOWED:**

- A. By applying for an ADU, the property owner shall agree that the main dwelling



- and the proposed ADU will not be used as a short-term rental.
- B. Short-term rental means the same as defined in Chapter 17.23 and is defined here as renting all or a portion of a property for less than thirty (30) days at a time.
  - C. Any violation of this section shall fall under Chapter 17.23: Short Term Rentals.

**17.78.100 BUSINESS LICENSE REQUIRED:**

A residential rental business license is required to rent out either the main or accessory dwelling unit.

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 6/2021

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

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
669 West 200 South  
SLC UT 84101

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

CHAMBER OF COMMERCE  
ATTN: SKYLAR GALT  
5411 South Vine Street, Unit 3B  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: DAVID ROBERTS  
5102 S Commerce Drive  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
7505 S HOLDEN STREET  
MIDVALE UT 84047

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

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

ROCKY MOUNTAIN POWER  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

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

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

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

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

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

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

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

Comcast  
Attn: Joseph Silverzweig  
9602 South 300 West  
Sandy, UT 84070

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

Comcast  
Attn: Shane, Dave or Matt  
1350 E Miller Ave  
SLC UT 84106

CENTURYLINK  
250 E 200 S  
Salt Lake City, Utah 84111

OLYMPUS SEWER  
3932 S 500 E  
MILLCREEK 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



## **Notice of Public Hearing**

**July 1, 2021 6:30 PM**

The Murray City Planning Commission will hold a public hearing regarding the following application: Murray City Planning Division Staff is requesting a Text Amendment regarding Chapter 17.78 Accessory Dwelling Units. This is to update the text to comply with House Bill 82, passed by the Utah Legislature.

The public may view the meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. You may submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov), please include your name and contact information.

*Comments are limited to 3 minutes or less and written comments will be read into the meeting record.*

This notice is being sent to you because you own property nearby the subject property. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Planning 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.

**MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 1st day of July 2021, 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. The 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 for Section 17.78, Accessory Dwelling Units. You may attend the meeting or submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov). If you would like to view the meeting only you may watch via livestream at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/).

Jared Hall, Manager  
Planning Division

# Chapter 17.78, Accessory Dwelling Units

## Land Use Ordinance Text Amendment

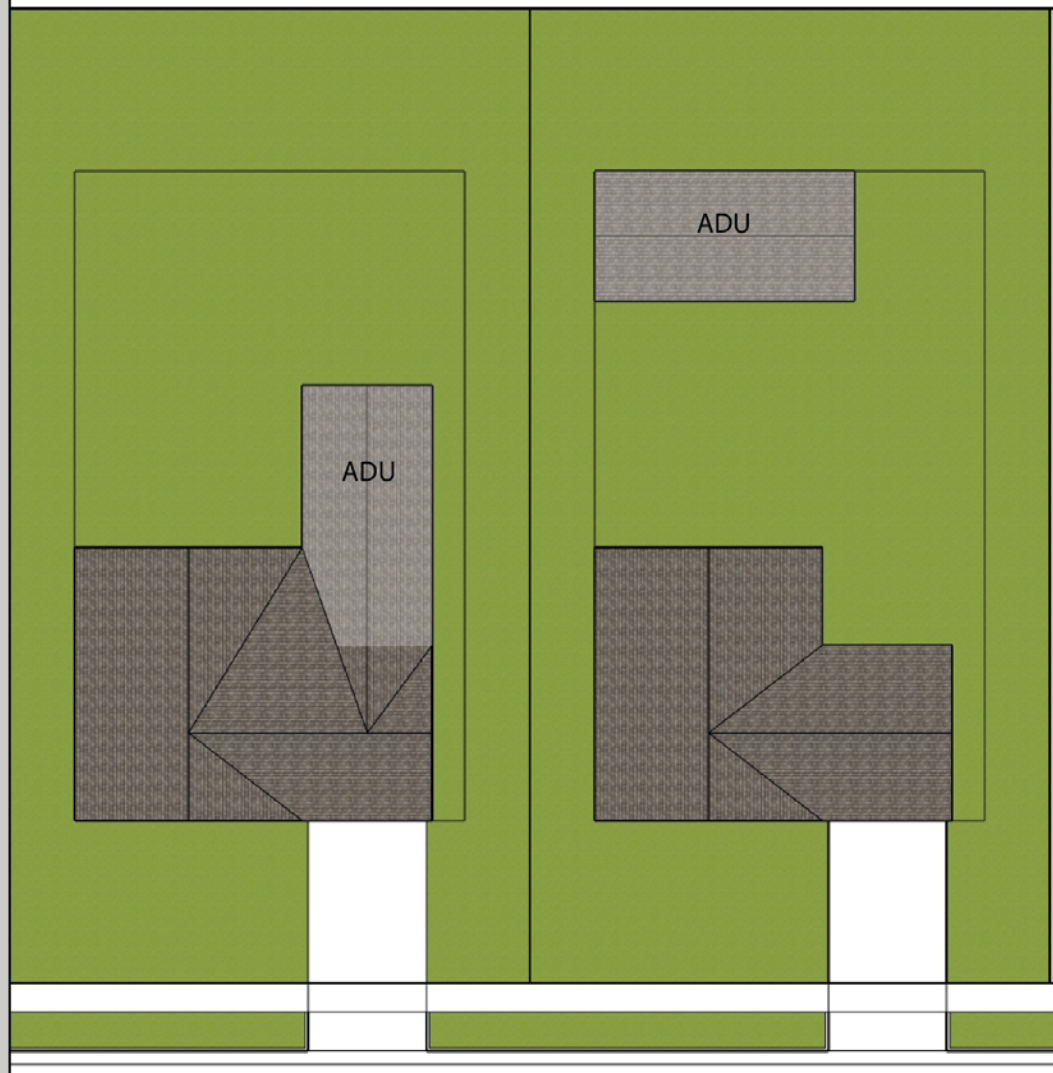


# Why Are We Here?

## State Mandate

- House Bill 82
  - Legislature attempting to help with the housing issues in the state
  - Goes into effect October 1, 2021





## ADUs Defined

### Attached (left)

- A part of the main dwelling; basement, addition, etc.

### Detached (right)

- Wholly separated from the existing dwelling





## Attached ADUs

- Removed size limitation
- Removed allowed number of bedrooms
- Reduced parking required to one additional space



## Detached ADUs

- All requirements stay the same
  - 12,000 sq ft lot required
  - 1,000 sq ft or 40% of main dwelling
  - No more than 2 bedrooms
  - Two additional off-street parking spaces
- Changed from Conditional Use Permit to ADU Permit



## ADUs & Short-Term Rentals

- Property owner must sign an affidavit that no short-term renting of ADUs will occur
- If found operating, will occur penalties that are outlined in the Short-Term Rental Ordinance (coming soon)
  - 1<sup>st</sup> Occurrence = \$500
  - 2<sup>nd</sup> Occurrence = \$750
  - 3<sup>rd</sup> Occurrence = \$750 (unable to obtain license)
  - Any additional occurrence = class B misdemeanor and \$1,000 fine



## Accessory Dwelling Unit Permit

- Application Form
  - Type of ADU
  - Owner information
- Site plans
- Floorplans
- Affidavits
  - Acknowledging the owner will live on property
  - Acknowledging the prohibition of short-term rentals
- This would be a staff level administrative permit that does not require Planning Commission approval

## Staff Findings

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to “provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income” by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to “stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community” by reducing the requirements needed to operate an ADU.
3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states “encourage housing options for a variety of age, family size and financial levels” supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective 1 of the Moderate Income Housing Element states “ensure housing affordability targets are achievable using a range of strategies”. One of the strategies in this objective states to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.
5. The Planning Commission voted 5-0 to forward a recommendation of approval.

## Staff Recommendation

Based on the background, staff review, and the Planning Commission recommendation, staff recommends **APPROVAL** of the proposed text amendment for Section 17.78, Accessory Dwelling Units.



# Discussion Item #4





**MURRAY**

## City Council

### Police Salaires

#### Council Action Request

Committee of the Whole

Meeting Date: September 7, 2021

<b>Department Director</b> Jennifer Kennedy  <b>Phone #</b> 801-264-2622  <b>Presenters</b> Dale Cox Robyn Colton     <b>Required Time for Presentation</b> 15 Minutes  <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b>     <b>Date</b> September 2, 2021	<b>Purpose of Proposal</b> Discussion on Police Salaries  <b>Action Requested</b> Raise red-line pay for police salaries  <b>Attachments</b> Step adjustments, police pay chart  <b>Budget Impact</b> \$185,295.00    <b>Description of this Item</b>
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		STEP 0	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11	STEP 12
OLD	POLICE OFFICER	\$23.82	\$25.02	\$26.27	\$27.58	\$28.95	\$30.40	\$31.16	\$31.95	\$32.75	\$33.56	\$34.40	\$35.26	\$36.13
	MASTER OFFICER	\$25.83	\$27.12	\$28.48	\$29.90	\$31.40	\$32.96	\$33.79	\$34.63	\$35.50	\$36.39	\$37.30	\$38.23	\$39.18
NEW	POLICE OFFICER	\$27.58	\$28.96	\$30.41	\$31.93	\$32.73	\$33.54	\$34.38	\$35.24	\$36.12	\$37.03	\$37.95		
	MASTER OFFICER	\$29.90	\$31.40	\$32.96	\$34.61	\$35.48	\$36.37	\$37.27	\$38.21	\$39.16	\$40.14	\$41.14		

### POLICE OFFICER PAY

	Minimum	Maximum
So. Salt Lake	\$28.34	\$43.64
Sandy (Proposed)	\$28.36	\$42.01
West Valley	\$27.15	\$41.90
South Jordan	\$27.04	\$39.72
Salt Lake City	\$26.93	\$39.29
West Jordan	\$27.00	\$39.00
Taylorsville	\$27.40	\$37.06
<b>Average</b>	<b>\$27.46</b>	<b>\$40.37</b>
<b>Murray</b>	<b>\$23.82</b>	<b>\$39.18</b>
<b>Difference</b>	<b>-15.28%</b>	<b>-3.05%</b>

### PROPOSAL

Average	\$27.46	\$40.37
Murray (New Steps)	\$27.58	\$41.14
<b>Difference</b>	<b>0.44%</b>	<b>1.87%</b>
Total Annual Cost	\$597,362.24	
Old Proposal	\$412,067.07	
<b>Difference</b>	<b>\$185,295.17</b>	

### SERGEANT PAY

	Minimum	Maximum
So. Salt Lake	\$45.69	\$49.42
West Valley	\$44.41	\$47.57
Riverton	\$32.27	\$48.41
South Jordan	\$43.21	\$47.22
Salt Lake City	\$43.24	\$46.00
West Jordan	\$41.64	\$44.85
Draper	\$36.67	\$41.27
Cottonwood Heights	\$39.56	\$45.31
Herriman	\$39.34	\$45.05
Taylorsville	\$42.36	\$45.20
Sandy	\$44.53	\$48.66
UPD	\$36.70	\$43.18
<b>Average</b>	<b>\$40.80</b>	<b>\$46.01</b>
<b>Murray</b>	<b>\$38.96</b>	<b>\$46.31</b>
<b>Difference</b>	<b>-4.73%</b>	<b>0.64%</b>

### LIEUTENANT PAY

	Minimum	Maximum
So. Salt Lake	\$52.48	\$56.76
West Valley	\$51.85	\$55.01
South Jordan	\$43.78	\$62.17
Salt Lake City	\$50.92	\$54.16
West Jordan	\$49.77	\$54.94
Draper	\$43.34	\$47.36
Cottonwood Heights	\$48.82	\$52.57
Herriman	\$43.32	\$52.15
Taylorsville	\$52.41	\$52.41
Sandy	\$51.57	\$56.36
UPD	\$45.95	\$51.22
<b>Average</b>	<b>\$48.56</b>	<b>\$54.10</b>
<b>Murray</b>	<b>\$46.40</b>	<b>\$55.14</b>
<b>Difference</b>	<b>-4.66%</b>	<b>1.88%</b>



**MURRAY**  
CITY COUNCIL

**Adjournment**



**MURRAY**  
CITY COUNCIL

# Council Meeting 6:30 p.m.

Call to Order

Pledge of Allegiance



**MURRAY**  
CITY COUNCIL

# Special Recognition



**MURRAY**

# Power Department Forestry Division

## 2021 Jim and Jean Hendrickson Beautification Awards

### Council Action Request

Council Meeting

Meeting Date: September 7, 2021

<b>Department Director</b> Blaine Haacke  <b>Phone #</b> 801-264-2728  <b>Presenters</b> Matt Erkelens and Shade Tree Commission          <b>Required Time for Presentation</b> 10 Minutes  <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b> Doug Hill <small>Digitally signed by Doug Hill DN: cn=Doug Hill, o=Murray City Corporation, ou=Mayor's Office, email=dhill@murray.utah.gov, c=US Date: 2021.08.26 09:00:54 -06'00'</small> <b>Date</b> August 3, 2021	<b>Purpose of Proposal</b> To announce the 2021 Beautification Awards  <b>Action Requested</b> Announce and recognize the 2021 Beautification Awards  <b>Attachments</b> None  <b>Budget Impact</b> None  <b>Description of this Item</b> The Shade Tree & Beautification Commission chose the 2021 Jim and Jean Hendrickson Beautification Awards and will announce the winners.
--	--



# Murray City's 37<sup>th</sup> Annual Jim and Jean Hendrickson Beautification Awards Program

September 2021



Sponsored by:  
Murray City Shade Tree & Beautification Commission  
and **Murray City Power**

# Murray City Shade Tree & Beautification Commission Members

(Appointed by the Mayor)

- Judith Payne
- Darin Bird
- Geneal Nelson
- Connie Fong
- Dr. Janice Evans

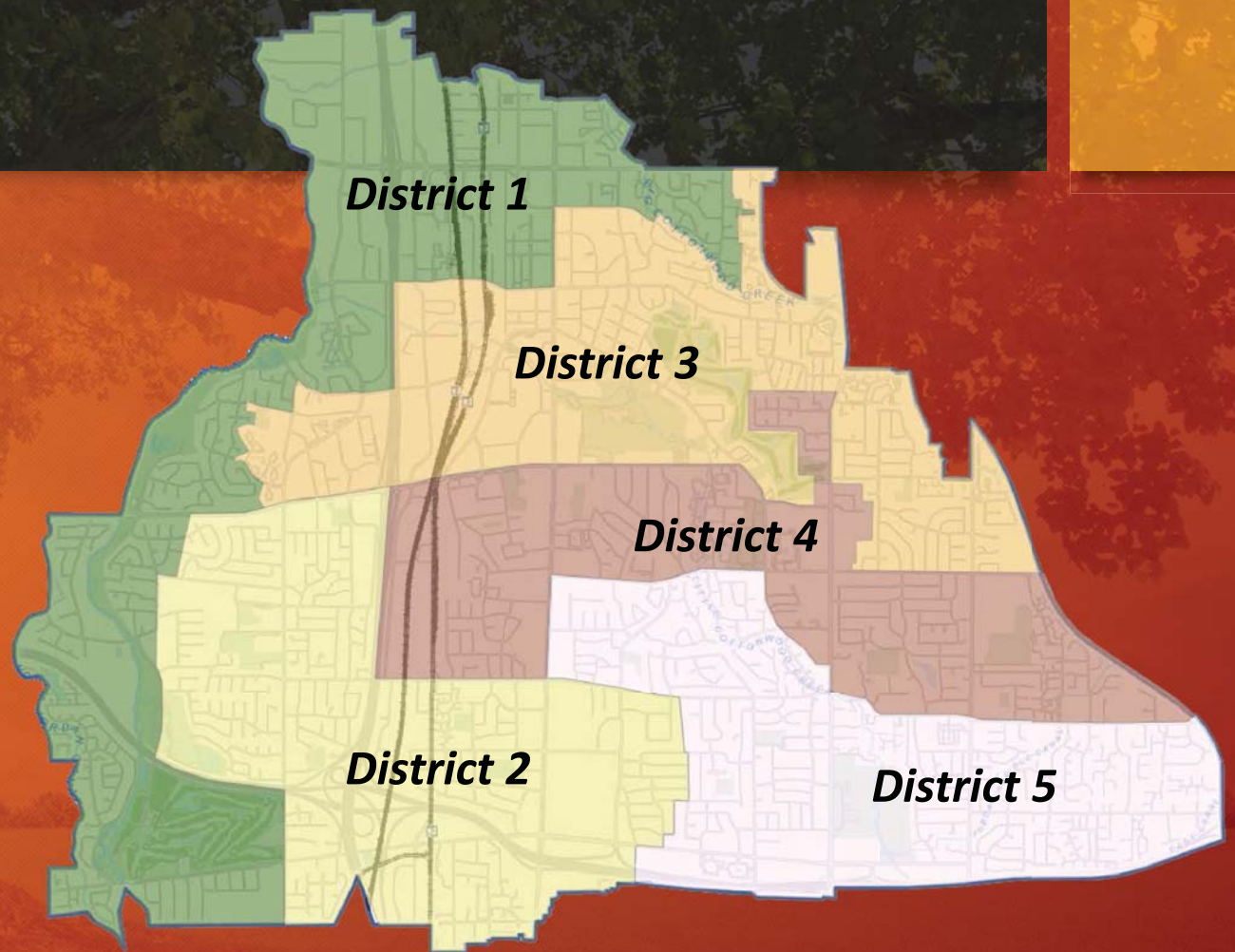


**TREE CITY USA**



# District Awards

(Beautification Districts are the same as  
the Murray City Council Districts)





# District 1 - Winner

**Richards Residence**  
1134 West Pitchfork Rd.





## District 2 - Winner

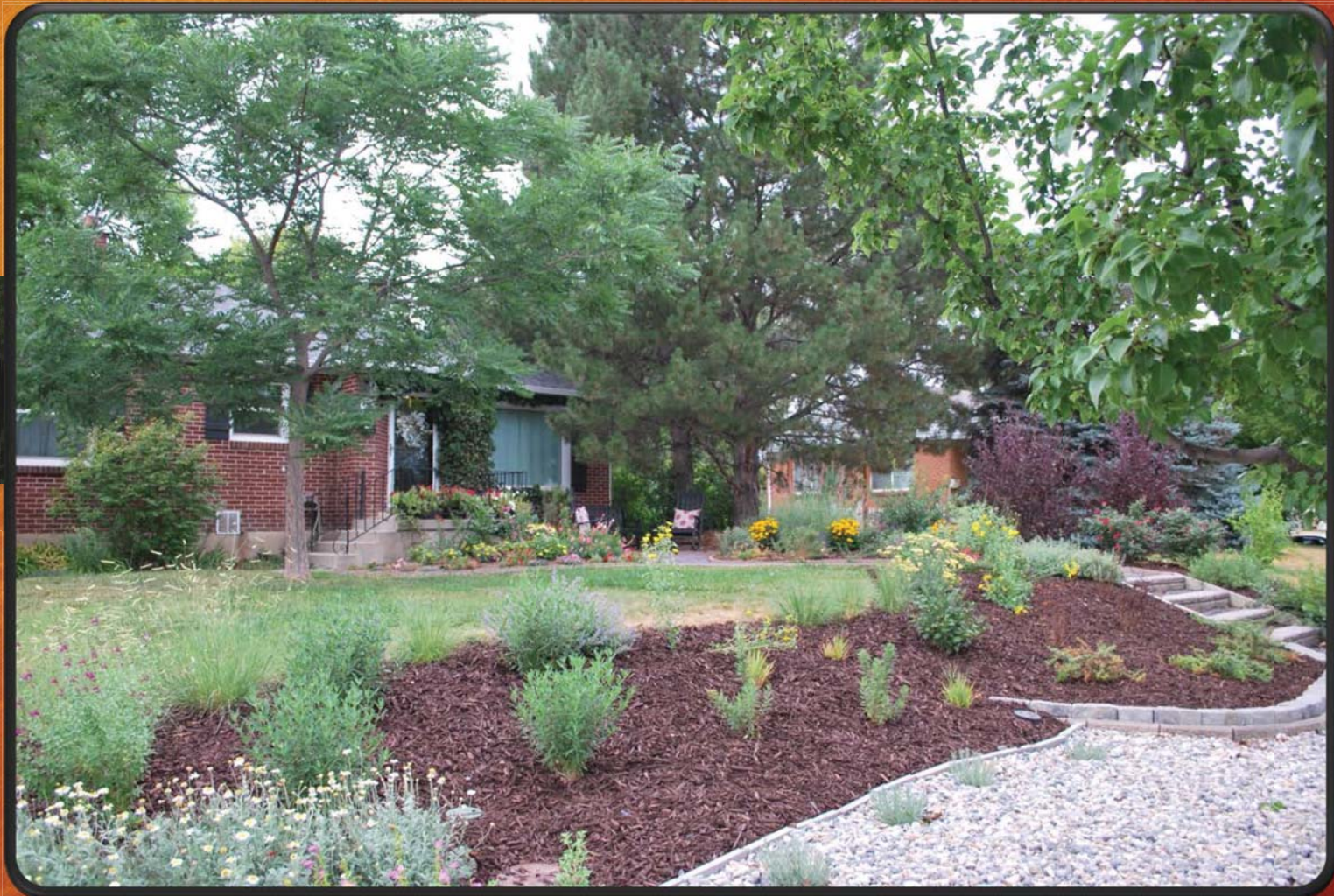
Grandinetti Residence  
932 West Bryanston Cv.





# District 3 - Winner

Larson Residence  
4780 South Atwood Blvd.





## District 4 - Winner

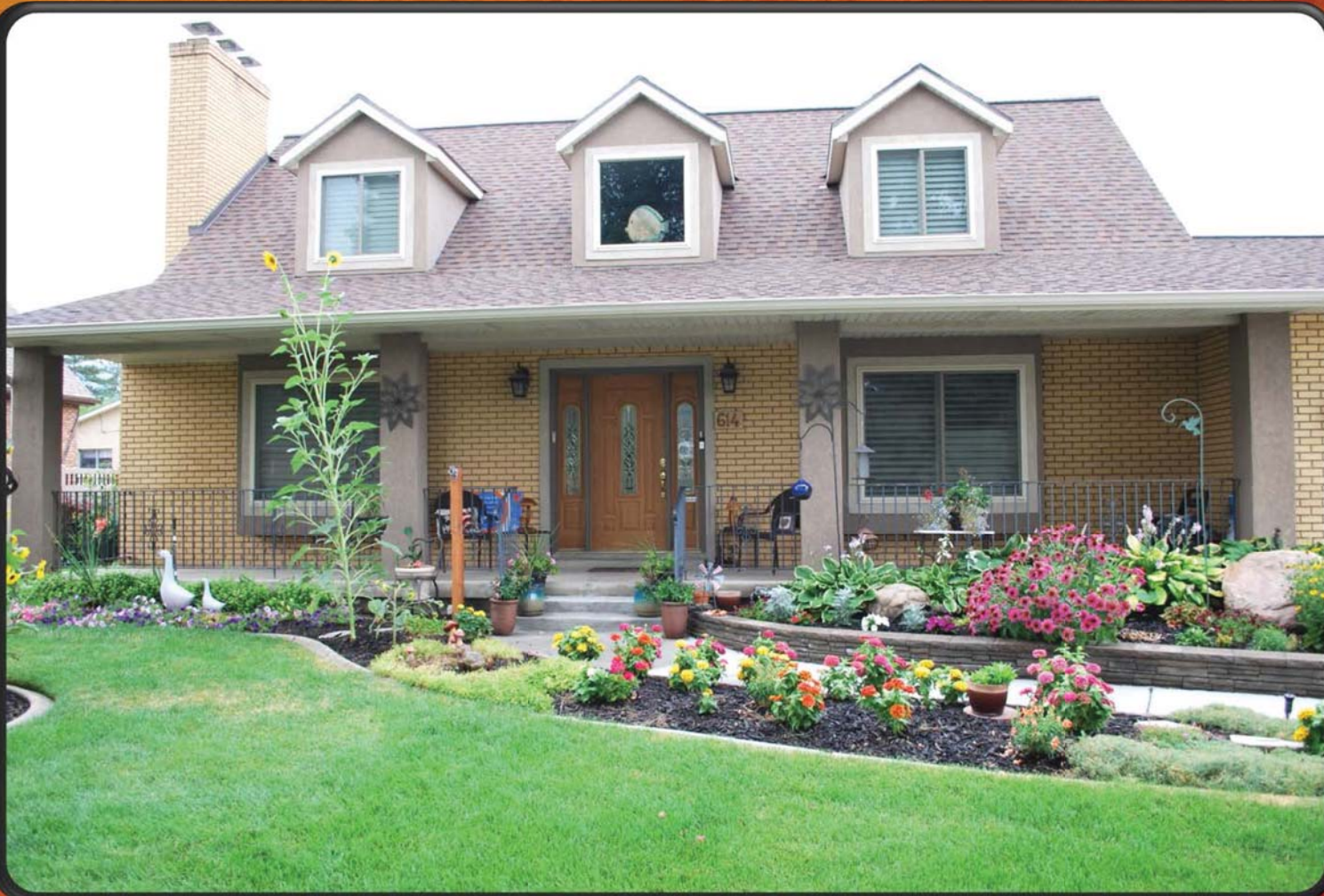
Brady Residence  
5889 South Utahna Dr.





# District 5 - Winner

Gill Residence  
614 East Evesham Dr.





# Citywide Xeriscape

Burnett/Yu Residence  
981 West Walden Ridge Dr.





# Citywide Commercial

Enginuity Automotive Services  
5926 South Stratler Dr.





# Citywide Multi-Family Residential

Springtree Condominiums





# Special Recognition

**Salt Lake County  
Environmental Health**  
788 East Woodoak Dr.





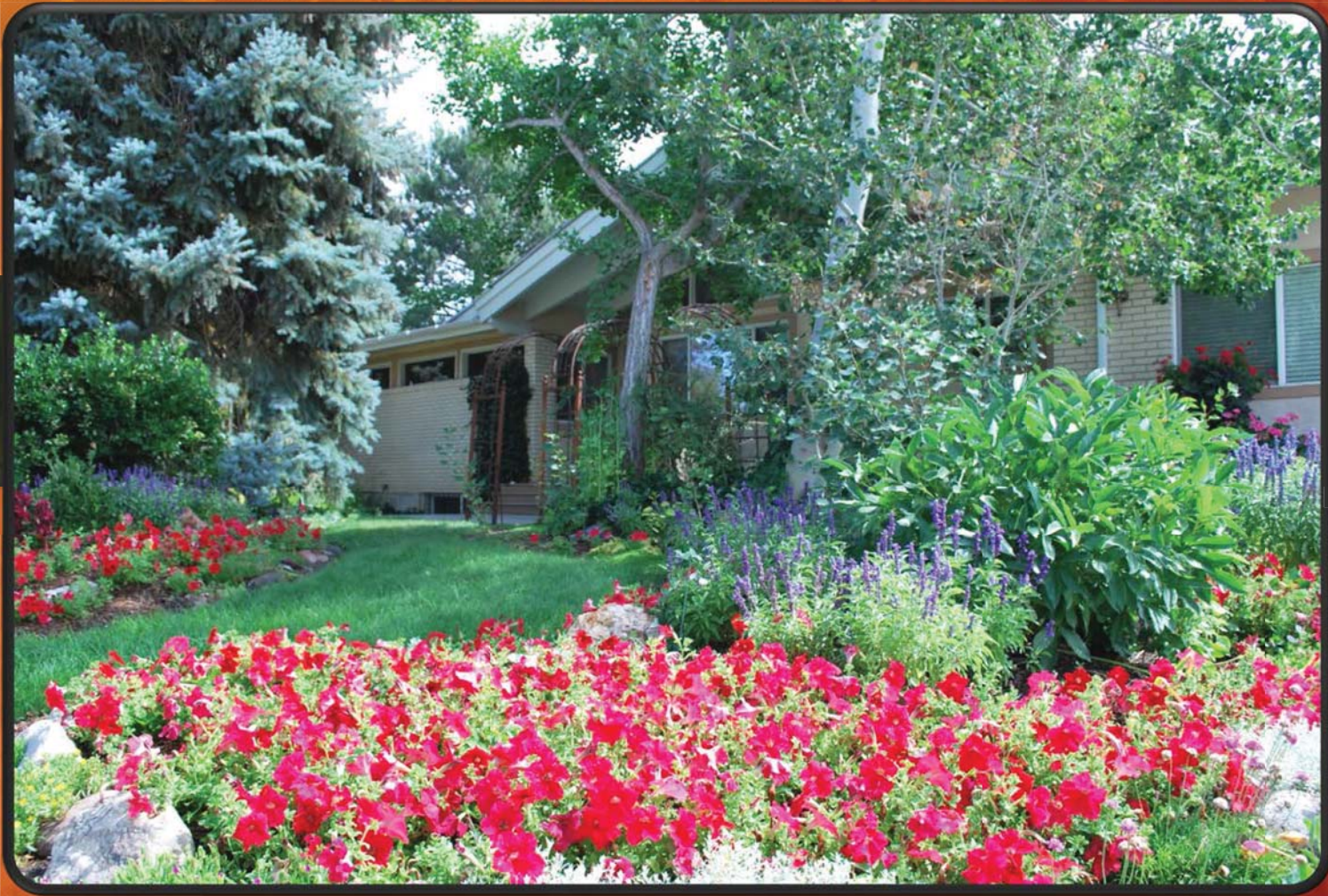
# Mayor's Award





# Mayor's Award

Reynolds Residence  
5945 South Fontaine Bleu Dr.







**MURRAY**  
CITY COUNCIL

# Citizen Comments

Limited to three minutes, unless otherwise approved by Council



**MURRAY**  
CITY COUNCIL

# Public Hearing



**MURRAY**

# Finance & Administration

## FY 2021-2022 Budget Amendment

### Council Action Request

### Council Meeting

Meeting Date: September 7, 2021

<b>Department Director</b> Brenda Moore  <b>Phone #</b> 801-264-2513  <b>Presenters</b> Brenda Moore	<b>Purpose of Proposal</b> Amend the FY 2021-2022 budget  <b>Action Requested</b> Public hearing and consideration of an ordinance.  <b>Attachments</b> Memo outlining changes to the budget and proposed ordinance  <b>Budget Impact</b> Budget amendment  <b>Description of this Item</b> This is the annual roll forward of projects and specific items from the FY2021 budget to FY2022, along with new grant receipts and insurance adjustments due to open enrollment changes. The number of items is lengthy and outlined in the attached memo. Some of the projects and amounts in the attached memo may change between now and the Sept. 7 public hearing. The budget change for the police compensation plan is included.
<b>Required Time for Presentation</b>  <b>Is This Time Sensitive</b> Yes  <b>Mayor's Approval</b> Doug Hill <small>Digitally signed by Doug Hill DN: cn=Doug Hill, o=Murray City Corporation, ou=Mayor's Office, email=dhill@murray.utah.gov, c=US Date: 2021.08.26 09:02:36 -06'00'</small> <b>Date</b> August 24, 2021	

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

Notice is hereby given that on September 7, 2021, at the hour of 6:30 p.m. in the Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public input regarding budget amendments transferring funds from the City's Fiscal Year 2020 - 2021 budget to the City's 2021 - 2022 budget.

A copy of the proposed Budget Amendments may be reviewed by interested persons in the Murray City Department of Finance and Administration, Room 115, Murray City Center, 5025 South State Street, Murray, Utah during normal business hours beginning August 27, 2021.

DATED this 25<sup>th</sup> day of August, 2021.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "Brooke Smith", written over a horizontal line.

Brooke Smith  
City Recorder

DATE OF PUBLICATION: August 30, 2021  
PH21-33

Note: Proposed amendments must be made available to the public at least 10 days prior to the hearing.

1. Post in three public places
2. Utah Public Notice website
3. Homepage, City Website



TO: Murray City Municipal Council

From: Brenda Moore, Finance & Administration Director

Date: August 25, 2021

Re: Fiscal Year 2022 Budget Opening

A budget opening public hearing has been scheduled for September 7. The opening will request funds and budget adjustments for the following purposes:

- Projects in-progress at FY 2021 Year-end (CIP annual roll-forward)
- Receive and allocate several grant awards
- Reconcile changes in wages and benefits due to health insurance open enrollment changes
- Correct fleet assessment for Streets in FY22 budget due to an error entering data

The city is still receiving and paying invoices for work performed in fiscal 2021. The amounts below may change.

**Grants Received/rolled forward (All General Fund unless indicated otherwise)**

1. Appropriate \$1,833 Jimmy Johns sponsorship money not spent by the Park Center for recreation programs.
2. Receive FY2022 \$250 donation and roll \$500 from FY2021 donations to Park Center.
3. Appropriate \$696 beard donation money not spent by the victim advocates.
4. Receive and appropriate \$30,551 VOCA grant, for victim's assistance.
5. Receive and appropriate a \$32,824 US Department of Justice (JAG) grant used to purchase car cameras.
6. Receive and appropriate \$6,450 from the State Asset Forfeiture Grant (SAFG) to purchase Narcan nasal spray.
7. Receive and appropriate \$4,479 from the Utah Department of Health EMS grant for small equipment.
8. In the Library Fund, receive and appropriate \$12,000 Utah State Department of Cultural and Community Engagement ARPA physical collection support grant.
9. In the Library Fund, receive and appropriate \$21,281 State Library Division Large Library ARPA OverDrive grant.
10. In the Capital Projects Fund, receive and appropriate \$272,557 for Vine St. project, 900 E. to Van Winkle, SLCO transportation grant.

**Revenue-Expense Neutral**

11. In General Fund reallocate insurance expenditures among departments due to open enrollment.

**From Reserves**

12. Appropriate insurance changes due to open enrollment from reserves: Risk Fund \$397. Water Fund total is \$4,769.



13. General Fund – total \$617,505
  - a. In General Fund appropriate from reserves \$30,000 in the streets department for the fleet assessment.
  - b. In General Fund from reserves appropriate \$175,438 of prior years' alcohol taxes received for police equipment.
  - c. In General Fund from reserves appropriate \$412,067 for police salaries and benefits due to changes in the step plan.

**Rollover Projects from FY21 to FY22 – All from reserves**

**General Fund Class C – total \$609,264**

14. Vine St., 1300 E. to Van Winkle matching funds \$123,227
15. College Drive & 5300 S. intersection – matching funds \$85,037
16. Various road sealing projects \$30,000
17. Century Drive and other street overlays \$371,000

**Enterprise Funds**

18. Water Fund – total \$639,707
  - a. F250 pickup truck on order \$50,470
  - b. Water Fund – Walden/Whitmore & 9<sup>th</sup> E. wells \$589,237
19. Wastewater Fund – infrastructure lining project \$400,000
20. Storm Water Fund – Walden Meadow to Jordan River \$623,861
21. Murray Parkway Golf Course – golf carts on order \$379,775
22. Central Garage – electric vehicle pusher \$5,788
23. Power Fund - total \$464,528
  - a. Downtown undergrounding project \$98,108
  - b. Two F550 4X4 48' bucket trucks, one personnel only, one with a material handling jib \$306,420
  - c. Osmose pole testing \$60,000

**Capital Improvement Projects Fund – total moved forward \$5,072,537**

24. Clean energy vehicle/equipment \$27,995
25. Court equipment replacement plan \$19,110
26. Non departmental city hall equipment replacement plan \$30,000
27. Cell tower land purchase \$100,000
28. Police equipment replacement plan \$303,257
29. Fire equipment replacement plan \$494,942
30. Parks Department
  - a. Parks maintenance \$47,690
  - b. Parks parking lot repairs \$160,000
  - c. Parks equipment replacement program \$42,612
  - d. Park Center equipment replacement plan \$2,251
  - e. Recreation equipment replacement plan
    - i. Breakaway basketball hoops Park Center \$5,000
    - ii. Install adjustable hoops north side Park Center \$8,000

- iii. Replace scoreboard at Christ Lutheran church \$6,000 (used for recreation programs)
  - f. Senior Recreation Center equipment replacement plan \$4,300
  - g. Cemetery equipment replacement plan \$28,676
  - h. Parks pavilion #5 replacement project \$403,722
  - i. Murray Theater renovation project \$1,256,888
  - j. Facilities – savings plan for various projects as needed \$754,682
- 31. Community Development
  - a. Vehicle/equipment replacement plan \$20,730
- 32. Information Technology
  - a. Spillman server migration \$35,000
  - b. IVR (interactive voice response system) \$5,000
  - c. Equipment replacement plan \$119,147
  - d. Two factor authentication – police \$20,000
  - e. Document management system training \$20,000
  - f. GIS equipment replacement plan \$17,117
  - g. I-Works software – building and fire permits \$43,500
- 33. Engineering transportation master plan \$1,999
- 34. Radar speed signs \$1,501
- 35. Streets equipment replacement plan \$33,752
- 36. Streets projects
  - a. Bridge evaluation – SLCO transportation grant \$20,000
  - b. Shiloh Way and Woodshire Ave. reconstruction \$240,000
  - c. Cedar Street reconstruction UDOT TAP \$94,804
  - d. Vinecrest reconstruction \$290,000
  - e. 700 W. overlay, Winchester St. to city boundary \$210,000
  - f. Hanauer St. \$204,862

Please contact me if you would like further explanation of any of these items.

## ORDINANCE NO.

### AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2021-2022 BUDGET

On June 15, 2021, the Murray City Municipal Council adopted the City's budget for Fiscal Year 2021-2022. It has been proposed that the Fiscal Year 2021-2022 budget be amended as follows:

1. Appropriate the following items from General Fund reserves:
  - a. \$609,264 for prior year Class C road maintenance and infrastructure projects in process, and;
  - b. \$412,067 for police salaries and benefits due to changes in the compensation step plan, and;
  - c. \$175,438 for state alcohol funds for police equipment, and;
  - d. \$30,000 for the Streets departments fleet assessment, and;
  - e. \$1,833 for Jimmy Johns sponsorship money for recreation programs contributed and unspent in the previous year, and;
  - f. \$696 for beard donations for victim advocates emergency fund contributed and unspent in the previous year, and;
  - g. \$500 for donations contributed and unspent in the previous year by the Park Center.
2. Receive and appropriate the following grants and/or reimbursements in the General Fund with no financial impact:
  - a. \$32,824 Justice Department JAG grant for in Car Cameras, and;
  - b. \$30,551 VOCA grant for Salaries and related expenses to help crime victims, and;
  - c. \$6,450 from the Utah State Asset Forfeiture Grant for Narcan spray, and;
  - d. \$9,000 CLG grant from the Utah Division of State history for Murray Mansion window restoration, and;
  - e. \$4,479 from the Utah Department of Health EMS grant for equipment, and;

- f. \$250 from donations to the Murray Park Center for supplies or equipment, and;
  - g. Transfer health insurance expenditures between General fund departments as necessary due to open enrollment changes.
- 3. In the Library Fund receive and appropriate with no financial impact:
  - a. \$12,000 for the State Department of Cultural and Community Engagement ARPA physical collection support grant, and;
  - b. \$21,281 from the State Library Division Large Library ARPA OverDrive grant.
- 4. In the Capital Projects Fund receive and appropriate \$272,557 from the Salt Lake County Transportation grant for the 900 E to Vanwinkle Vine street project.
- 5. Appropriate \$5,072,537 from the Capital Improvement Projects (CIP) Fund reserves for projects in progress from the previous year's budget including:
  - a. \$21,999 for professional services, and;
  - b. \$1,256,888 for building construction and improvement, and;
  - c. \$100,000 for the Verizon cell tower land, and;
  - d. \$802,372 for maintenance of City buildings and equipment, and;
  - e. \$1,287,890 for vehicle and equipment replacement, and;
  - f. \$1,603,388 for streets infrastructure.
- 6. Appropriate \$644,476 from the Water Fund reserves for the following:
  - a. Increase the budget by \$4,769 for employee insurance due to open enrollment changes, and;
  - b. Increase the budget by \$50,470 for a service truck on order, and;
  - c. Increase the budget by \$589,237 for well and pipeline replacement projects in progress from the previous year's budget.
- 7. Appropriate \$400,000 from the Wastewater Fund reserves for sewer lining maintenance projects.
- 8. Appropriate \$464,528 from the Power Fund reserves for the following:

- a. Increase the budget by \$60,000 for OSMOSE pole testing, and;
  - b. Increase the budget by \$98,108 for infrastructure improvements, and;
  - c. Increase the budget by \$306,420 for buckets trucks and equipment replacement.
9. Appropriate \$379,775 from the Murray Parkway Fund reserves golf carts on order from the previous year's budget.
10. Appropriate \$623,861 from the Stormwater Fund reserves for infrastructure.
11. Appropriate \$5,788 from Central Garage Fund reserves for equipment.
12. Appropriate \$397 from the Risk Fund reserves for health insurance.

Section 10-6-128 of the Utah Code states that the budget for the City may be amended by the Murray City Municipal Council following a duly noticed public hearing. Pursuant to proper notice, the Murray City Municipal Council held a public hearing on September 7, 2021 to consider proposed amendments to the Fiscal Year 2021-2022 budget. After considering public comment, the Murray City Municipal Council wants to amend the Fiscal Year 2021-2022 budget.

*Section 1. Enactment.* The City's Fiscal Year 2021-2022 budget shall be amended as follows:

1. Appropriate the following items from General Fund reserves:
  - a. \$609,264 for prior year Class C road maintenance and infrastructure projects in process, and;
  - b. \$412,067 for police salaries and benefits due to changes in the compensation step plan, and;
  - c. \$175,438 for state alcohol funds for police equipment, and;
  - d. \$30,000 for the Streets departments fleet assessment, and;
  - e. \$1,833 for Jimmy Johns sponsorship money for recreation programs contributed and unspent in the previous year, and;
  - f. \$696 for beard donations for victim advocates emergency fund contributed and unspent in the previous year, and;



- g. \$500 for donations contributed and unspent in the previous year by the Park Center.
- 2. Receive and appropriate the following grants and/or reimbursements in the General Fund with no financial impact:
  - a. \$32,824 Justice Department JAG grant for in Car Cameras, and;
  - b. \$30,551 VOCA grant for Salaries and related expenses to help crime victims, and;
  - c. \$6,450 from the Utah State Asset Forfeiture Grant for Narcan spray, and;
  - d. \$9,000 CLG grant from the Utah Division of State history for Murray Mansion window restoration, and;
  - e. \$4,479 from the Utah Department of Health EMS grant for equipment, and;
  - f. \$250 from donations to the Murray Park Center for supplies or equipment, and;
  - g. Transfer health insurance expenditures between General fund departments as necessary due to open enrollment changes.
- 3. In the Library Fund receive and appropriate with no financial impact:
  - a. \$12,000 for the State Department of Cultural and Community Engagement ARPA physical collection support grant, and;
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- 4. In the Capital Projects Fund receive and appropriate \$272,557 from the Salt Lake County Transportation grant for the 900 E to Vanwinkle Vine street project.
- 5. Appropriate \$5,072,537 from the Capital Improvement Projects (CIP) Fund reserves for projects in progress from the previous year's budget including:
  - a. \$21,999 for professional services, and;
  - b. \$1,256,888 for building construction and improvement, and;
  - c. \$100,000 for the Verizon cell tower land, and;
  - d. \$802,372 for maintenance of City buildings and equipment, and;

- e. \$1,287,890 for vehicle and equipment replacement, and;
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- a. Increase the budget by \$4,769 for employee insurance due to open enrollment changes, and;
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8. Appropriate \$464,528 from the Power Fund reserves for the following:
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10. Appropriate \$623,861 from the Stormwater Fund reserves for infrastructure.
11. Appropriate \$5,788 from Central Garage Fund reserves for equipment.
12. Appropriate \$397 from the Risk Fund reserves for health insurance.

*Section 2. Effective Date.* This Ordinance shall take effect on first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_ day of \_\_\_\_\_, 2021.

MURRAY CITY MUNICIPAL COUNCIL

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Diane Turner, Chair

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
D. Blair Camp, Mayor

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder

#### CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Brooke Smith, City Recorder



**MURRAY**  
CITY COUNCIL

# Business Item



**MURRAY**

# Finance & Administration

## Bond Issuance Discussion

### Council Action Request

### Council Meeting

Meeting Date: September 7, 2021

<b>Department Director</b> Brenda Moore  <b>Phone #</b> 801-264-2513  <b>Presenters</b> Brenda Moore	<b>Purpose of Proposal</b> Bond issuance request  <b>Action Requested</b> Consideration of bond resolution and setting the public hearing date for October 5  <b>Attachments</b> Draft of resolution, potential project list, COW presentation PowerPoint  <b>Budget Impact</b> There will be a budget amendment to receive and allocate funds after the bonds are sold.  <b>Description of this Item</b> HB244 allocated \$500,000 a year for 15 yrs to Murray City for street/transportation projects. It is proposed that the city issue bonds using this allocation to fund the payment. There are a number of street projects needed with estimated costs over \$500,000. With costs of materials and labor rising, and interest rates at record lows, it seems more fiscally prudent to bond instead of saving multiple years of allocations to finance the projects.  The interest rate will be lower if we pledge sales tax receipts rather than the HB244 allocation, so staff is proposing sales tax bonds. The bonds will be designed to keep the yearly payments slightly below \$500,000.
<b>Required Time for Presentation</b>  <b>Is This Time Sensitive</b> Yes  <b>Mayor's Approval</b> Doug Hill <small>Digitally signed by Doug Hill DN: cn=Doug Hill, o=Murray City Corporation, ou=Mayor's Office, email=dhill@murray.utah.gov, c=US Date: 2021.08.26 09:01:50 -06'00'</small> <b>Date</b> August 24, 2021	



**Continued from Page 1:**

The bond parameters summary:

Principal Amount : \$6,750,000

Maturity in Years: 16 years

Sales Price: 98% (meaning no discount more than 2%)

Interest Rate: 5.0%

Designated Officer: Mayor and Finance & Administration Director

The interest rate stated would be the coupon rate on the bonds. The investors will likely pay a premium and the true interest cost should be below 2%. The bonds will be sold either as a private placement or public sale, whichever provides the city with the best terms.

The Mayor and the Finance & Administration Director would be authorized to execute the contracts and agreements necessary to issue the road project bonds at any level below the bond parameters listed above.

The city is using Stifel, Nicolaus & Company, Inc as financial advisors and Gilmore and Bell as bond counsel on this debt issuance project.

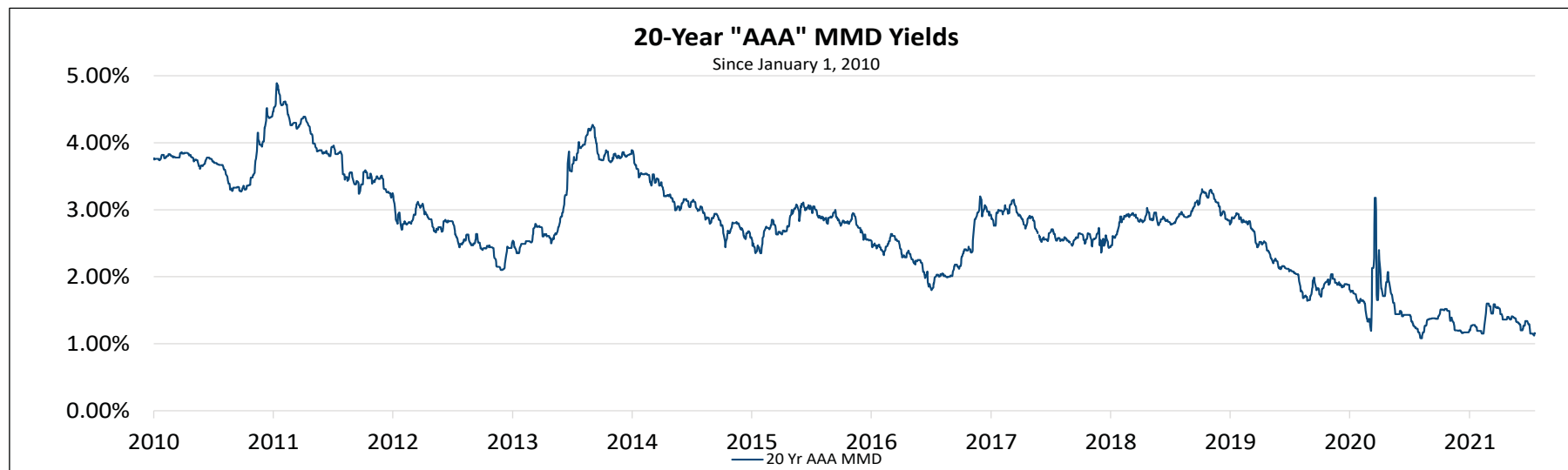


# Financing Overview

Sales Tax Revenue Bonds, Series 2021

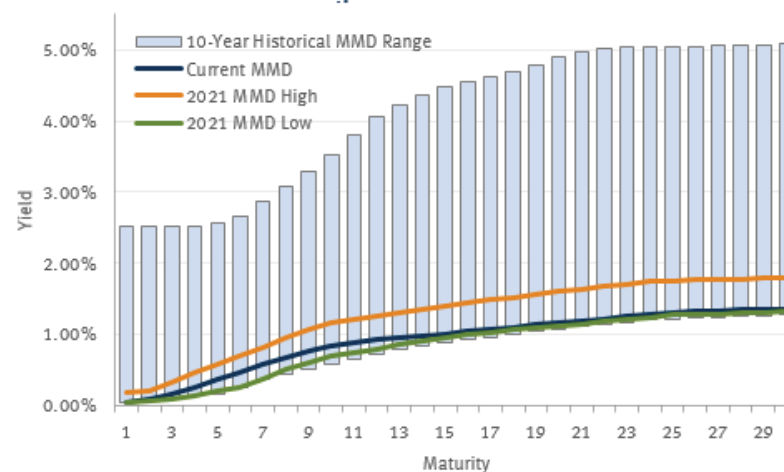


August 24, 2021



Market Consensus Yield Curve Projections					
	Current	Q3 2021	Q4 2021	Q1 2022	Q2 2022
Fed Funds	0.25%	0.25%	0.25%	0.25%	0.30%
2-Yr UST	0.20%	0.27%	0.32%	0.40%	0.48%
10-Yr UST	1.28%	1.68%	1.80%	1.89%	1.96%
30-Yr UST	1.92%	2.30%	2.39%	2.51%	2.58%

**Long-End AAA MMD Yields Remain Near The Low of the 2021 MMD Range**  
10-Year Historical AAA MMD Range vs. Current AAA MMD



# BOND PARAMETERS

- **Maximum Par Amount:** \$6,750,000

This is the maximum par amount of bonds that can be issued. If construction costs rise, the City can accept market premium (additional proceeds) in addition to the par amount.

- **Maximum Discount:** 2%

This City will not accept purchase offers that are less than 98% of the par amount.

- **Maximum Interest Rate:** 5.00%

This is the maximum interest rate that the City would pay. The actual rate will be lower. The parameters resolution sets the maximum rate high in case there is major market movement.

- **Designated Officers:**

These individuals will be authorized to approve the final bond sale results and ensure that the results fit within the parameters the Council has approved.

Mayor  
Mayor Pro Tem  
Finance Director

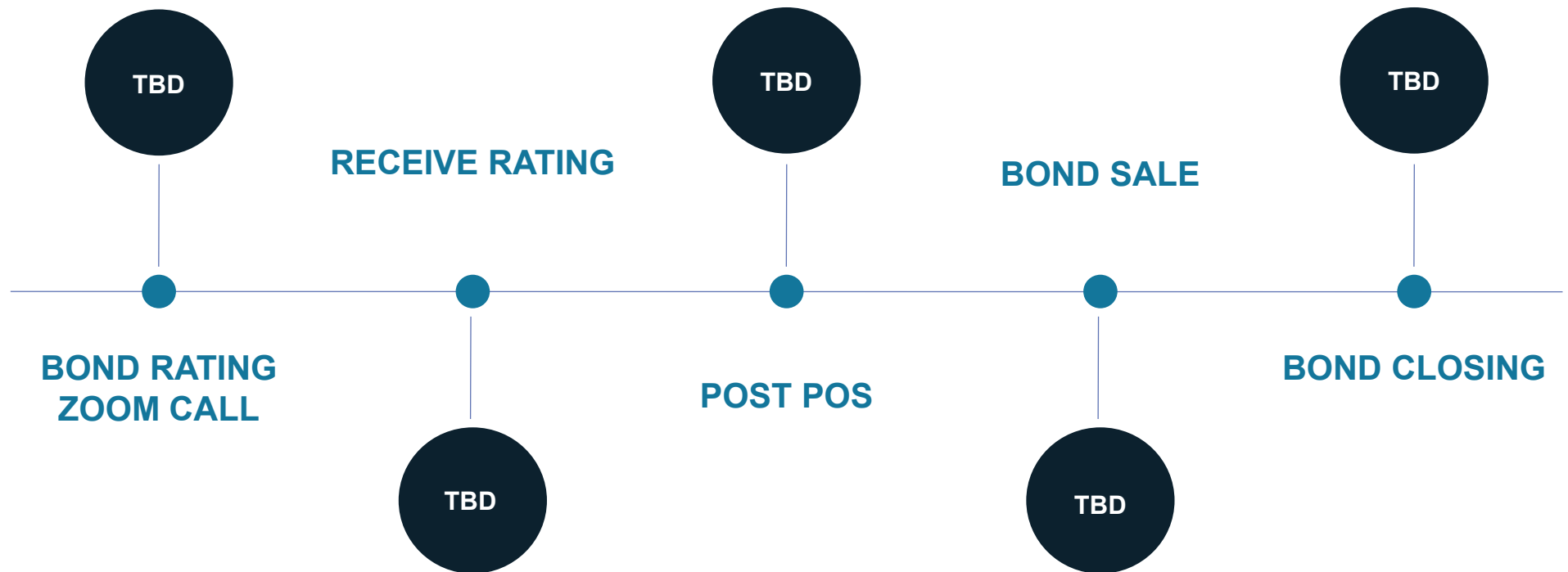
- **Maximum Term:** 16 Years

This is the maximum term (years) over which the bonds would be amortized. Depending on the timing of the closing on the bonds, the term of the bonds may be slightly over 15 years (i.e. 15 years + 2 months).

## WHAT IS THE PROCESS?

1. City adopts and authorizes bond parameters resolution, Notice of Bonds to be Issues, and Notice of Public Hearing
2. City holds Public Hearing
3. City undertakes typical bonding activities:
  1. Drafting of Preliminary Official Statement
  2. Procuring bond ratings
  3. Selling and closing on bonds
4. City must utilize bond proceeds within 3 years





RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MUNICIPAL COUNCIL OF MURRAY CITY, UTAH (THE "CITY"), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$6,750,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2021 (THE "SERIES 2021 BONDS"); FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE SERIES 2021 BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE SERIES 2021 BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE SERIES 2021 BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE SERIES 2021 BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE CITY THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE SERIES 2021 BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD AND SETTING OF A PUBLIC HEARING DATE; AUTHORIZING AND APPROVING A SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the Municipal Council (the "Council") of the City desires to finance public transportation and road improvements and other related improvements (the "Project"); and

WHEREAS, to accomplish the purposes set forth in the preceding recital, and subject to the limitations set forth herein, the City desires to issue the Series 2021 Bonds (to be issued from time to time as one or more series and with such other series or title designation(s) as may be determined by the City), pursuant to (a) the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), (b) this Resolution, and (c) the General Indenture of Trust, dated as of April 1, 2002 (the "General Indenture"), as previously supplemented, and as further supplemented by a Supplemental Indenture to be entered into in connection with the Series 2021 Bonds (the "Supplemental Indenture" and together with the General Indenture, the "Indenture"), with such Indenture in substantially the form attached hereto as Exhibit B; and

WHEREAS, pursuant to the provisions of the Act, the City has the authority to finance improvements, facilities or property that the City is authorized by law to acquire, improve or extend; and

WHEREAS, the Act provides that prior to issuing bonds, an issuing entity must (a) give notice of its intent to issue such bonds and (b) hold a public hearing to receive input

from the public with respect to (i) the issuance of the bonds and (ii) the potential economic impact that the improvement, facility or property for which the bonds pay all or part of the cost will have on the private sector; and

WHEREAS, the City desires to call a public hearing for these purposes and to publish a notice of such hearing with respect to the Series 2021 Bonds, including a notice of bonds to be issued, in compliance with the Act; and

WHEREAS, there has been presented to the Council at this meeting a form of a bond purchase agreement (the “Bond Purchase Agreement”), in substantially the form attached hereto as Exhibit C, to be entered into between the City and the underwriter or the purchaser (the “Underwriter/Purchaser”) selected by the City; and

WHEREAS, in order to allow the Underwriter/Purchaser (with the consultation and approval of Stifel, Nicolaus & Company, Incorporated, acting as the City’s municipal advisor (the “Municipal Advisor”)) flexibility in setting the pricing date of the Series 2021 Bonds to optimize debt service costs to the City, the Council desires to grant to any one of the Mayor (including his/her designee or any Mayor pro tem) or the Finance Director of the City (the “Designated Officer”) the authority to (a) determine whether all or a portion of the Series 2021 Bonds should be sold pursuant to a private placement or a public offering (including via a negotiated underwriting or public bid); (b) approve the principal amounts, interest rates, terms, pledged revenues, maturities, redemption features, and purchase price at which the Series 2021 Bonds shall be sold; and (c) make any changes with respect thereto from those terms which were before the Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in this Resolution (the “Parameters”);

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of Murray City, Utah, as follows:

Section 1. For the purpose of (a) financing the Project, (b) funding a deposit to a debt service reserve fund, if desirable and (c) paying costs of issuance of the Series 2021 Bonds, the City hereby authorizes the issuance of a series of bonds which shall be designated “Murray City, Utah Sales Tax Revenue Bonds, Series 2021” (to be issued from time to time as one or more series and with such other series or title designation(s) as may be determined by the City) in the aggregate principal amount of not to exceed \$6,750,000. The Series 2021 Bonds shall mature in not more than sixteen (16) years from their date or dates, shall be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, shall bear interest at a rate or rates of not to exceed five percent (5.0%) per annum, as shall be approved by the Designated Officer, all within the Parameters set forth herein.

Section 2. The Designated Officer is hereby authorized to specify and agree as to the method of sale, the final principal amounts, terms, pledged revenues, discounts, maturities, interest rates, redemption features, and purchase price with respect to the Series 2021 Bonds for and on behalf of the City, provided that such terms are within the Parameters set by this Resolution. The Designated Officer is hereby authorized to select the Underwriter/Purchaser for the Series 2021 Bonds. The selection of the method of sale

via a private placement, negotiated underwriting, or competitive sale, the selection of the Underwriter/Purchaser and the determination of the final terms and redemption provisions for the Series 2021 Bonds by the Designated Officer shall be evidenced by the execution of the Bond Purchase Agreement, if the Series 2021 Bonds are sold at a private or negotiated underwriting sale, in substantially the form attached hereto as Exhibit C.

Section 3. The Indenture and the Bond Purchase Agreement, in substantially the forms presented to this meeting and attached hereto as Exhibits B and C, respectively, are hereby authorized, approved, and confirmed. The Mayor and City Recorder are hereby authorized to execute and deliver the Supplemental Indenture and the Bond Purchase Agreement in substantially the forms and with substantially the content as the forms presented at this meeting for and on behalf of the City, with final terms as may be established by the Designated Officer within the Parameters set forth herein, and with such alterations, changes or additions as may be necessary or as may be authorized by Section 4 hereof.

Section 4. The Mayor or other Designated Officer or other appropriate officials of the City are authorized to make any alterations, changes or additions to the Indenture, the Series 2021 Bonds, the Bond Purchase Agreement or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2021 Bonds (within the Parameters), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

Section 5. The form, terms, and provisions of the Series 2021 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Mayor and the City Recorder (or any deputy City Recorder, collectively, the “City Recorder”) are hereby authorized and directed to execute and seal the Series 2021 Bonds and to deliver said Series 2021 Bonds to the Trustee for authentication. The signatures of the Mayor and the City Recorder may be by facsimile or manual execution.

Section 6. The Mayor or other Designated Officer or other appropriate officials of the City are hereby authorized and directed to execute and deliver to the Trustee the written order of the City for authentication and delivery of the Series 2021 Bonds in accordance with the provisions of the Indenture.

Section 7. Upon their issuance, the Series 2021 Bonds will constitute special limited obligations of the City payable solely from and to the extent of the sources set forth in the Series 2021 Bonds and the Indenture. No provision of this Resolution, the Indenture, the Series 2021 Bonds, or any other instrument, shall be construed as creating a general obligation of the City, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the City or its taxing powers.

Section 8. The Mayor or other Designated Officer and other appropriate officials of the City, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the City any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 9. After the Series 2021 Bonds are delivered by the Trustee to the Underwriter/Purchaser and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Series 2021 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 10. The City shall hold a public hearing on October 5, 2021 to comply with the Act and to receive input from the public with respect to (a) the issuance of the Series 2021 Bonds, and (b) the potential economic impact that the improvements to be financed with the proceeds of the Series 2021 Bonds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is published and such publication shall be made (i) once in the Deseret News, a newspaper of general circulation in the City, (ii) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The City Recorder shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the City offices, for public examination during the regular business hours of the City until at least thirty (30) days from and after the date of the newspaper publication thereof. The City directs its officers and staff to publish a "Notice of Public Hearing and Bonds to be Issued" in substantially the following form:



## NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), that on September 7, 2021, the Municipal Council (the “Council”) of Murray City, Utah (the “City”), adopted a resolution (the “Resolution”) in which it authorized the issuance of the City’s Sales Tax Revenue Bonds, Series 2021 (the “Series 2021 Bonds”) (to be issued in one or more series and with such other series or title designation(s) as may be determined by the City), and called a public hearing to receive input from the public.

### TIME, PLACE, LOCATION AND PURPOSE OF PUBLIC HEARING

The City shall hold a public hearing on October 5, 2021, at the hour of 6:30 p.m. at 5025 South State Street, Murray City, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2021 Bonds for the Project described herein and (b) any potential economic impact that the public infrastructure to be financed with the proceeds of the Series 2021 Bonds may have on the private sector. All members of the public are invited to attend and participate.

### PURPOSE FOR ISSUING THE SERIES 2021 BONDS

The Series 2021 Bonds will be issued for the purpose of (a) financing public transportation and road improvements and other related improvements (the “Project”), (b) funding any debt service reserve funds, as desirable and (c) paying costs of issuance of the Series 2021 Bonds.

### PARAMETERS OF THE SERIES 2021 BONDS

The City intends to issue the Series 2021 Bonds in the aggregate principal amount of not more than Six Million Seven Hundred Fifty Thousand Dollars (\$6,750,000), to mature in not more than sixteen (16) years from their date or dates, to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof and bearing interest at a rate or rates not to exceed five percent (5.0%) per annum. The Series 2021 Bonds are to be issued and sold by the City pursuant to the Resolution and a General Indenture of Trust and a Supplemental Indenture to be entered into in connection with the Series 2021 Bonds (together, the “Indenture”) which were before the Council in substantially final form at the time of the adoption of the Resolution and said Supplemental Indenture is to be executed by the City in such form and with such changes thereto as shall be approved by the City; provided that the principal amount, interest rate or rates, maturity, and discount of the Series 2021 Bonds will not exceed the maximums set forth above. The City reserves the right to not issue the Series 2021 Bonds for any reason and at any time up to the issuance of the Series 2021 Bonds.

### REVENUES PROPOSED TO BE PLEDGED

The City proposes to pledge all or a portion of (i) the local sales and use tax revenues received by the City pursuant to the Local Sales and Use Tax Act, Title 59, Chapter 12, Part 2 of the Utah Code Annotated 1953, as amended and (ii) the revenues received by the City from the County of the First Class Highway Projects Fund pursuant

to Section 72-2-121, Utah Code Annotated 1953, as amended, for payment of the Series 2021 Bonds (collectively, the “Revenues”).

#### OUTSTANDING BONDS SECURED BY REVENUES

The City currently has \$10,555,000 of parity bonds outstanding secured by the Revenues.

#### OTHER OUTSTANDING BONDS OF THE CITY

Additional information regarding the City’s outstanding bonds may be found in the City’s financial report (the “Financial Report”) at: <http://secure.utah.gov/auditor-search/>. For additional information, including any information more recent than as of the date of the Financial Report, please contact Brenda Moore, Finance and Administration Director at (801) 264-2513.

#### TOTAL ESTIMATED COST OF SERIES 2021 BONDS

Based on the City’s current plan of finance and a current estimate of interest rates, the total principal and interest cost of the Series 2021 Bonds, if held until maturity, is \$7,531,600.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder at 5025 South State Street, Murray City, Utah, where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. Monday through Friday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution, the Indenture (only as it pertains to the Series 2021 Bonds), or the Series 2021 Bonds, or any provision made for the security and payment of the Series 2021 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever and (ii) registered voters within Murray City, Utah may sign a written petition requesting an election to authorize the issuance of the Series 2021 Bonds. If written petitions which have been signed by at least 20% of the registered voters of Murray City, Utah are filed with the City during said 30-day period, the City shall be required to hold an election to obtain voter authorization prior to the issuance of the Series 2021 Bonds. If fewer than 20% of the registered voters of Murray City, Utah file a written petition during said 30-day period, the City may proceed to issue the Series 2021 Bonds without an election.

DATED this September 7, 2021.

/s/ Brooke Smith  
City Recorder

Section 11. The City hereby reserves the right to opt not to issue the Series 2021 Bonds for any reason, including without limitation, consideration of the opinions expressed at the public hearing.

Section 12. The City hereby declares its intention and reasonable expectation to use proceeds of tax-exempt bonds to reimburse itself for initial expenditures for costs of the Project. The Series 2021 Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid. The maximum principal amount of the Series 2021 Bonds which will be issued to finance the reimbursed costs of the Project is not expected to exceed \$6,750,000.

Section 13. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this September 7, 2021.

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

EXHIBIT A

CERTIFICATE OF RESOLUTION OF MUNICIPAL COUNCIL



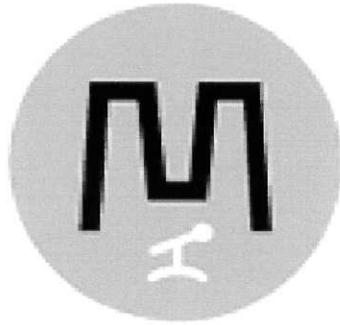
(attach Proof of Publication of  
Notice of Public Hearing and Bonds to be Issued)

EXHIBIT B

FORM OF INDENTURE

EXHIBIT C

FORM OF BOND PURCHASE AGREEMENT



**MURRAY**  
CITY COUNCIL

# Mayor's Report And Questions



**MURRAY**  
CITY COUNCIL

**Adjournment**