



**MURRAY**  
CITY COUNCIL

# Committee of the Whole Meeting October 15, 2024



# Murray City Municipal Council

## Committee of the Whole

### Meeting Notice

October 15, 2024

**PUBLIC NOTICE IS HEREBY GIVEN** that the Murray City Municipal Council will hold a Committee of the Whole meeting beginning at 4:00 p.m. on Tuesday, October 15, 2024 in the Poplar Meeting Room #151 located at Murray City Hall, 10 East 4800 South, Murray, Utah.

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

#### **Meeting Agenda**

**4:00 p.m.**      **Committee of the Whole** – Poplar Meeting Room #151  
Pam Cotter conducting.

#### **Approval of Minutes**

Committee of the Whole – September 17, 2024

#### **Discussion Items**

1. Presentation on the Main Street USA Program. Jenn Kikel-Lynn presenting. (20 minutes)
2. Discuss an ordinance amending Sections 17.78.040, 17.78.050, and 17.78.090 of the Murray City Municipal Code relating to standards for detached accessory Dwelling Units. Zachary Smallwood presenting. (10 minutes)
3. Discuss an ordinance amending Sections 17.64.020 and 17.064.090 of the Murray City Municipal Code relating to residential fencing regulations and setbacks and fencing between residential and non-residential zoning districts. Zachary Smallwood presenting. (10 minutes)
4. Reports from the Utah League of Cities and Towns Conference.. Paul Pickett, Pam Cotter, Diane Turner, Adam Hock and Jennifer Kennedy presenting. (10 minutes)

#### **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 Poplar Meeting Room will be able to hear all discussions.

On Friday, October 11, 2024, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Hall, 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 Minutes

**MURRAY CITY MUNICIPAL COUNCIL  
COMMITTEE OF THE WHOLE**

Work Session Minutes of Tuesday, September 17, 2024  
Murray City Hall, 10 East 4800 South, Poplar Meeting Room, Murray, Utah 84107

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**Attendance:**

Council Members:

Pam Cotter	District #2 – Council Chair
Rosalba Dominguez	District #3
Diane Turner	District #4
Adam Hock	District #5 – Council Vice-Chair

Others:

Brett Hales	Mayor	Jennifer Kennedy	Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
Mark Richardson	City Attorney	Brenda Moore	Finance Director
Craig Burnett	Police Chief	Phil Markham	CED Director
Joey Mittelman	Fire Chief	Zac Smallwood	Planning Manager
Rob White	IT Director	Kim Sorenson	Parks and Recreation Director
Elvon Farrell	CED Specialist	Camron Kollman	IT
Citizens			

Excused: Paul Pickett – District #1

**Conducting:** Council Chair Cotter called the meeting to order at 4:15 p.m.

**Discussion Item:**

- **An ordinance enacting Section 17.76.190 of the Murray City Municipal Code relating to residential short-term rentals.** Planning Manager Zac Smallwood said research was complete and multiple meetings were held with the City Attorney's office to complete the draft ordinance. Feedback from the City Council STR (short term rental) Workshop was also used in preparation. He said whether the City decides on a complete ban on STRs or permits them under specific conditions, associated costs should be expected for things like additional code enforcement, a software purchase to monitoring host compliant STRs, and systems for processing permits and licensing.

Mr. Smallwood said once new Code is adopted all new STRs must comply with new regulations. All existing STRs would be allowed to continue and operate with a business license until property owners decide to abandon the use. Staff will work with IT to find the right software that will also allow online registration and track business licenses linked to transient room tax identification numbers.

Current data compiled by the City's GIS (Geographic Information System) division was analyzed that identified 15,121 residential parcels in the city, and of those 511 are corporately owned. The data also confirmed that not all corporate owned parcels are used as STRs. Mr. Smallwood noted that since 2022 the City only received 13 complaints about STRs. He expected to present the proposed ordinance to the Planning Commission in October, the City Council on December 1, 2024, and have it implemented by January 1, 2025.

Mr. Hock noted Section D 2A of the draft ordinance and asked if apartments could be subleased as a



STR. Mr. Smallwood said no because apartments are not owner occupied and clarified that the proposed ordinance only pertains to single-family residential zones. Any residential lease longer than 30 consecutive days is already allowed and considered long-term. Ms. Dominguez asked if the ordinance could include language to prevent properties sold to corporations from being subleased as STRs. Mr. Smallwood said the owner-occupied requirement prevented corporate ownership. Ms. Cotter asked if inspections would still be required for new STRs. Mr. Smallwood confirmed inspections would be required for annual business license renewals.

- **Salt Lake County Public Bond presentation.** Salt Lake County Council Member Aimee Winder Newton explained that the upcoming November 2024 election will allow voters to decide whether Salt Lake County can purchase a \$507 million Public Safety Bond. Money would be used to address the Oxbo jail that is no longer a good long-term high security facility and currently houses low-level offenders. The County would like to close Oxbo and add to the adult detention a new Accountability Center that would provide a step-down program. The intention is to help those with mental disorders and substance abuse, transition from jail to better housing and successful jobs.

Salt Lake County Associate Deputy Mayor Katherine Fife said the bond is part of a larger plan created by Salt Lake County Mayor Jenny Wilson, the Salt Lake County Council and others to address gaps in the criminal justice system. The hope is to improve jail operations, stop the incarceration cycle, hold people accountable in the right way that would address community safety and homelessness. Overall the public would weigh in on the need to improve the criminal justice system, the jail system and balance public safety and human service needs.

Ms. Newton agreed the bond would incorporate other components of Mayor Wilson's Homeless Plan that expands housing units, works with the United States Drug Enforcement Administration Task Force and allows for the new Justice and Accountability Center.

Ms. Fife said the total cost for the project would be \$607 million however, Salt Lake County has already set aside \$100 million to help lessen the burden on tax payers. The \$507 million bond equates to a property tax increase of approximately \$58.94 per year, or \$5 per month on the average home value of \$602,000. The bond proceeds would be used for closing down the Oxbo jail and expanding adult detention with the Justice and Accountability Center. The Center would provide 100 more beds in a less restrictive area for those who have served sentences and need more intense mental support. The focus would be to help inmates reenter public society more successfully by completing programs related to education, treatment and employment.

Ms. Newton added that the County jail population has increased by 300,000, but beds have not been added since 2001. This is why arrests are followed by immediate releases due to the jail reaching capacity that affects community safety.

Ms. Fife noted that educational material would be going out to the public so that an informed decision could be made in November when citizens vote.

**Adjournment:** 5:05 p.m.

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



# Discussion Items



# Discussion Item #1



**MURRAY**

# Mayor's Office

## Presentation on the Main Street USA Program

### Council Action Request

### Council Meeting

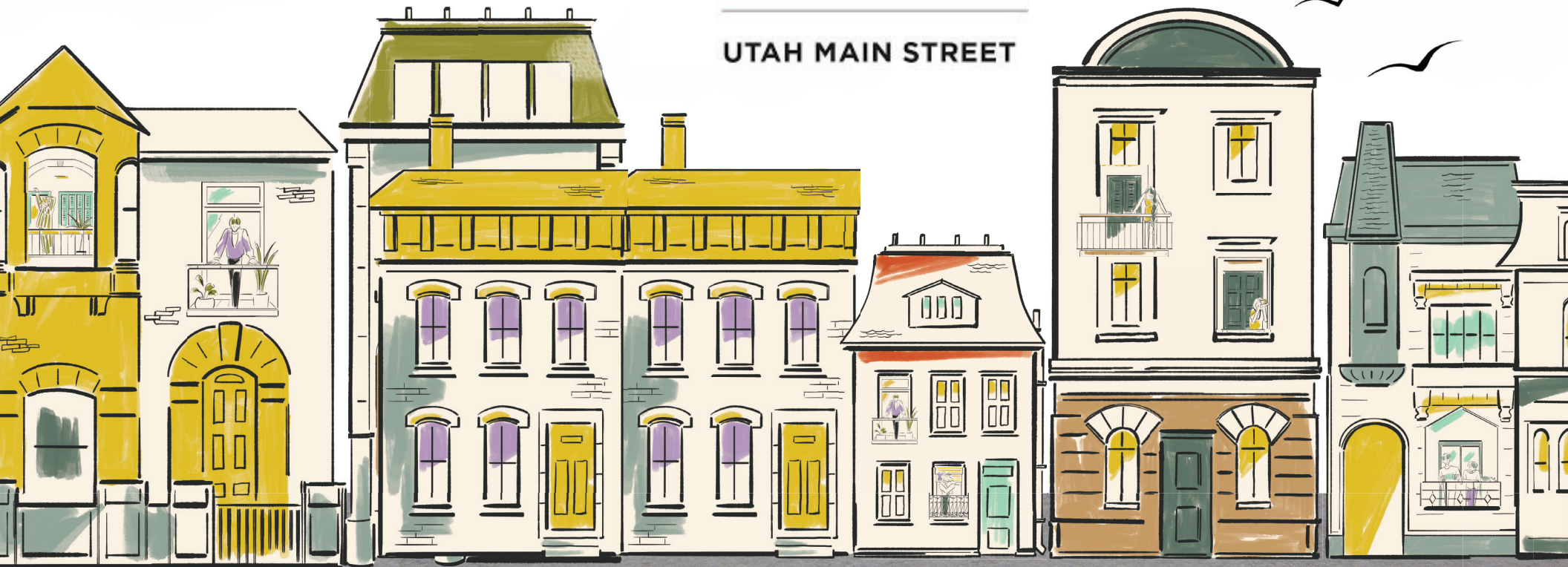
Meeting Date: October 15, 2024

<b>Department Director</b> Mayor Hales	<b>Purpose of Proposal</b> Presentation on the Main Street USA Program
<b>Phone #</b> 801-264-2600	<b>Action Requested</b> None
<b>Presenters</b> Jenn Kikel-Lynn	<b>Attachments</b> None
	<b>Budget Impact</b> None
<b>Required Time for Presentation</b>	<b>Description of this Item</b> An introduction to the Main Street USA program.
<b>Is This Time Sensitive</b> No	
<b>Mayor's Approval</b>	
<b>Date</b> October 1, 2024	

PRESENTED BY:  
JENN KIKEL-LYNN



UTAH MAIN STREET



The background features a stylized, hand-drawn illustration of a town street. On the left, there's a building with a sign that partially shows the letters 'DE'. In the center, a street sign is visible. On the right, a taller building with a window is depicted. The overall style is simple and artistic, using muted colors like purples, yellows, and greys.

## WHAT IS MAIN STREET AMERICA?

**Main Street America leads an inclusive, impact-driven movement dedicated to reenergizing and strengthening older and historic downtowns and neighborhood commercial districts nationwide.**

**Operating for over 40 years with a network of more than 1,600 neighborhoods & communities nationwide (rural and urban)**



# WHAT IS UTAH MAIN STREET?

**Utah Main Street is a Coordinating Program of Main Street America.**

**Piloted in 2019 with Brigham City & Price.**

**Run under the direction of the Department of Cultural and  
Community Engagement, previously the Governor's Office of  
Economic Development**

**Currently partnered with 11 communities that are Tier One Affiliates  
and 7 communities are Tier Two Affiliates**





UTAH MAIN STREET

# Welcome to our new Tier 1 Promising Main Street Communities!



UTAH MAIN STREET



UTAH MAIN STREET

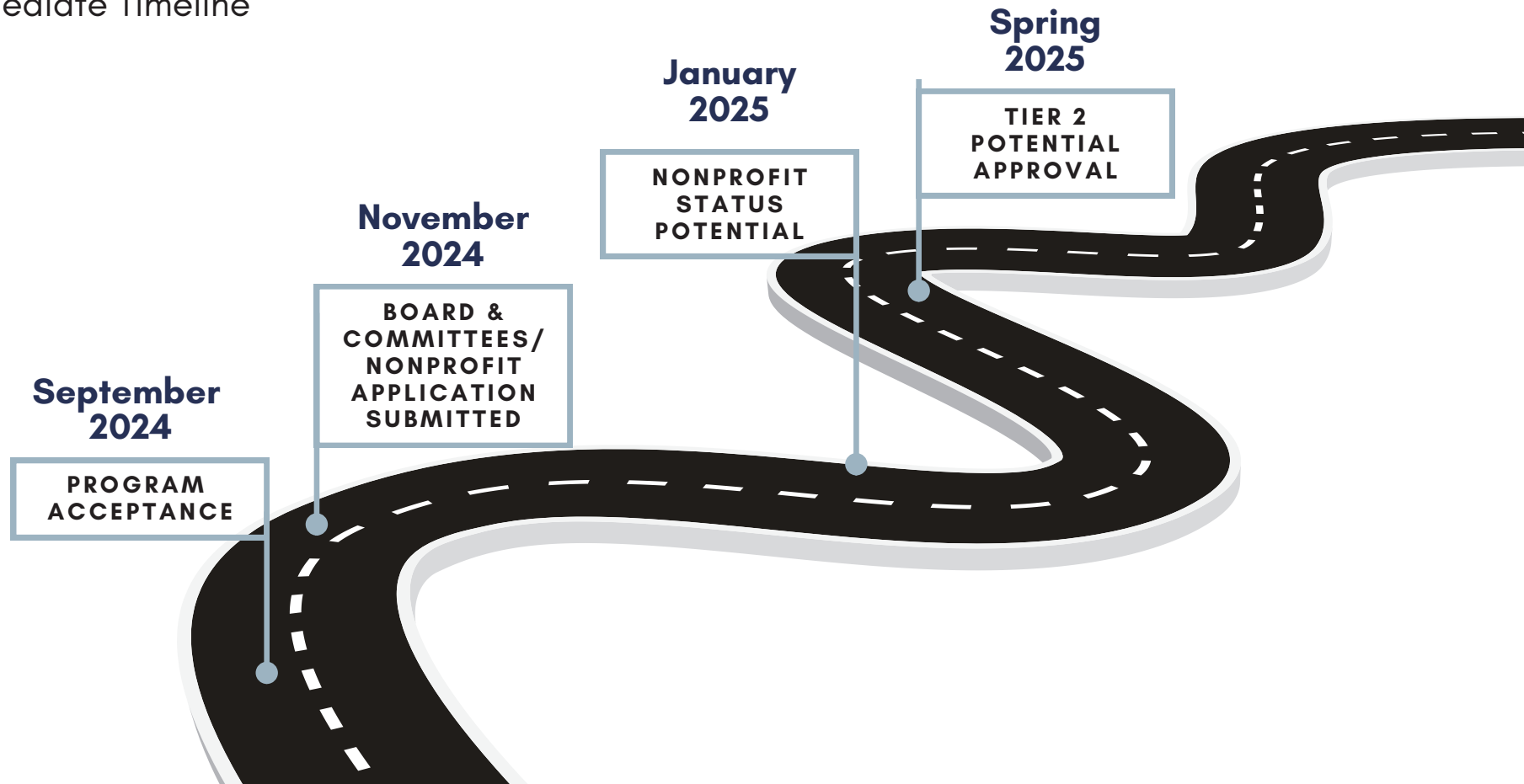
# Murray City Downtown District





# Murray City Downtown District

Re: My Immediate Timeline



# WHY I PURSUED THIS



**MURRAY  
BUSINESS  
OWNER**



**MURRAY  
FOURTH  
GENERATION  
RESIDENT**



**MURRAY  
NONPROFIT  
FOUNDER**



**Thank you everyone at the City for your support  
throughout the application process!**



Jenn Kikel-Lynn   
GIVE BACK CEO

- (801) 641-1571
- [Jenn@thegivebackbrokerage.com](mailto:Jenn@thegivebackbrokerage.com)
- [JENNKIKELLYNN.COM](http://JENNKIKELLYNN.COM)





**MURRAY**  
CITY COUNCIL

# Discussion Item #2



## Chapter 17.78, Detached Accessory Dwelling Units

Meeting Date: October 15, 2024

## Council Action Request

<p><b>Department Director</b></p> <p>Phil Markham</p> <p><b>Phone #</b></p> <p>801-270-2427</p> <p><b>Presenters</b></p> <p>Zachary Smallwood</p>	<p><b>Purpose of Proposal</b></p> <p>Amend Chapter 17.78 Accessory Dwelling Units to allow greater flexibility in developing detached ADUs</p> <p><b>Action Requested</b></p> <p>Land Use Ordinance Text Amendment</p> <p><b>Attachments</b></p> <p>Slides</p> <p><b>Budget Impact</b></p> <p>None Anticipated</p> <p><b>Description of this Item</b></p> <p>Planning Division staff is requesting a text amendment to allow for great access for property owners to develop detached accessory dwelling units in single-family areas. Staff has made a number of suggestions that were reviewed by the Planning Commission.</p> <p>Largely these are for setbacks, allowable size of a detached ADU, and remove specific design requirements.</p> <p>The Planning Commission voted 5-0 to recommend approval of the plan on August 15th, 2024.</p>
<p><b>Required Time for Presentation</b></p> <p>10 Minutes</p> <p><b>Is This Time Sensitive</b></p> <p>No</p> <p><b>Mayor's Approval</b></p>	
<p><b>Date</b></p>	



# MURRAY CITY CORPORATION

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 12 day of November, 2024, at the hour of 6:30 p.m., in the City Council Chambers of the Murray City Hall, 10 East 4800 South, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to text amendments to Sections 17.78.040, 17.78.050, and 17.78.090 of the Murray City Municipal Code relating to standards for detached accessory dwelling units.

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

DATED this 23<sup>rd</sup> day of September 2024.



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 POSTING: November 1, 2024  
PH24-37

LOCATIONS OF POSTINGS – AT LEAST 10 CALENDAR DAYS BEFORE THE PUBLIC HEARING:

1. Utah Public Notice Website
2. Murray City Website
3. Posted at Murray City Hall
4. Mailed to Affected Entities

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

AN ORDINANCE AMENDING SECTIONS 17.78.040, 17.78.050, AND 17.78.090 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO STANDARDS FOR DETACHED ACCESSORY DWELLING UNITS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to amend Sections 17.78.040, 17.78.050, and 17.78.090 of the Murray City Municipal Code relating to standards for detached accessory dwelling units.

*Section 2. Amend Sections 17.78.040, 17.78.050, and 17.78.090 of the Murray City Municipal Code.* Sections 17.78.040, 17.78.050, and 17.78.090 of the Murray City Municipal Code shall be amended to read as follows:

**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 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. ~~A total of In no case shall fewer than~~ three (3) ~~total~~ off street parking spaces shall 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. (Ord. 21-25)

....

**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 unit occupied by 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 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-fifty~~ percent (~~40~~50%) 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.~~

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

I. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be ten thousand (10,000) square feet.

K.J. Detached ADUs shall meet the following standards; ~~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.~~

1. Shall not located in the front yard area as defined in Chapter 17.08

2. Must adhere to the following setbacks:

a. Rear Yard: Ten feet (10') from property line.

b. Side Yard: Ten feet (10') from property line.

c. Corner Side Yard: Twenty feet (20') from property line

~~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.~~

MK. 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.~~

~~OL~~. 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.

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

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

(Ord. 23-03: Ord. 21-25)

....

#### **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.~~  
(Ord. 21-25)

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*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 \_\_\_\_\_, 2024.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Pam Cotter, Chair

ATTEST:

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

MAYOR'S ACTION:

DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brett A. Hales, 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 \_\_\_\_\_, 2024.

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

~DRAFT~

Minutes of the Planning Commission meeting held on Thursday, August 15, 2024, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

A recording of this meeting is available for viewing at <http://www.murray.utah.gov> or in the Community and Economic Development office located at 10 East 4800 South, Suite 260.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item was able to submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov).

Present: Maren Patterson, Chair  
Lisa Milkavich  
Jake Pehrson  
Michael Richards  
Pete Hristou  
Zachary Smallwood, Planning Division Manager  
Mark Richardson, Deputy Attorney  
Members of the Public (per sign-in sheet)

Excused: Ned Hacker, Vice Chair  
Michael Henrie

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Department Office.

#### CALL MEETING TO ORDER

Chair Patterson called the meeting to order at 6:31 p.m.

#### BUSINESS ITEMS

#### APPROVAL OF MINUTES

There were no minutes to approve for this meeting.

#### CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

#### FINDINGS OF FACT

Commissioner Pehrson made a motion to approve the findings of facts and conclusions for Cottonwood Galleria Design Review. Seconded by Commissioner Milkavich. A voice vote was made with all in favor.

## LAND USE ORDINANCE TEXT AMENDMENT – PUBLIC HEARING

### Chapter 17.78 Accessory Dwelling - Project # 24-076 - Amending Standards for Detached Accessory Dwelling Units and general text clean-up.

This is a continuation of the agenda item for the amendment presented on July 18, 2024. Staff made corrections to the text based on comments made by the Planning Commission. Zachary Smallwood presented this request to make amendments to Chapter 17.78 Accessory Dwelling Units (ADUs). The request addresses changes to the detached accessory dwelling unit standards. He said that this text amendment was a result of the moderate-income housing plan that was adopted by the City Council as required by the Utah State Legislature. They expect to see progress each year in reduced regulations for internal or detached accessory dwelling units in residential zones. He summarized the changes that staff made to the language, which included removing the language prohibiting the door on corner side yards, increasing the allowable area, reducing the parking requirements, reduction of rear and side setbacks, and removing the language relating to matching materials with the existing home. Mr. Smallwood said that language was added regarding corner yard setbacks. Staff recommends that the Planning Commission forward a recommendation of approval for the changes.

Commissioner Pehrson and Mr. Smallwood had a discussion regarding receiving rental income for the owner-occupied unit. The language states that the property owner cannot receive rental income for the unit they are occupying.

The commissioners and Mr. Smallwood had a discussion regarding utility meters and that the units must not be metered separately, or it could be considered a duplex. The units may have separate heating systems and be on the same meter.

Commissioner Milkavich asked if a roll-up door would be allowed. Mr. Smallwood wasn't sure but believed that building code would not permit it.

Chair Patterson asked Mr. Smallwood if he believes the changes to the code will result in an increase in the amount of ADU's. Mr. Smallwood said he feels that it will. He said he anticipates coming forward with changes each year after a review of the currently proposed changes. He speculated that having ADU's above attached garages will be the next issue to be addressed.

The Commissioners and Mr. Smallwood had a discussion regarding the report to the state each year on the moderate-income housing requirements. They agreed that it may slow down overall progress because they may hold off on projects so that they have something to report on for a given year.

Chair Patterson opened the agenda item for public comment.

Robert, a resident of Salt Lake City and Master's of City Planning student at the University of Utah spoke in support of the proposed ADU amendments. He said he's following the development of ADU's as a project for his master's degree. He said he's seen a lot of great advancements in ADU's including prefabricated units. He feels it's an effective way to provide more housing. He lives in a neighborhood in Salt Lake City that has several ADU's and has seen it as a successful scenario.

Chair Patterson closed the public comment period.

Commissioner Richards made a motion the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Chapter 17.78 Accessory Dwelling Units as reviewed in the Staff Report.

Seconded by Commissioner Milkavich. Roll call vote:

A Patterson  
A Milkavich  
A Pehrson  
A Hristou  
A Richards

Motion passes: 5-0

Chapter 17.48 Sign Code Sections 17.48.040 & 17.48.200 - Project # 24-086  
Adding Definition and Regulations Regarding Screen Signs

Zachary Smallwood presented the request from planning division staff to propose amendments to Sections 17.48.040 & 17.48.200 of the Sign Code. The request defines and allows screen signs in commercial and manufacturing zones. He provided a definition and local examples of screen signs. He cited benefits of screen signage to residents and business, including reduced impact on the community and increased aesthetics. He discussed the code for screen sign installation. He said that this request is within Objective Five of the Economic Development Element of the General Plan.

Chair Patterson opened the agenda item for public comment. Seeing none, the public comment period was closed.

Commissioner Pehrson made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Sections 17.48.040 and 17.48.200 within the Sign Code as reviewed in the Staff Report.

Seconded by Commissioner Hirstou. Roll Call Vote:

A Patterson  
A Milkavich  
A Pehrson  
A Hristou  
A Richards

Motion passes: 5-0

Chapter 17.64 Fence Regulations Sections 17.64.020 & 17.64.090 - Project #24-087 - Reducing setbacks, allowing additional height when next to nonresidential and general clean up.

Zachary Smallwood presented this request by planning division staff to propose amendments to Sections 17.64.020 & 17.64.090 of the Fence Regulations. The request clarifies residential fencing, reduces side yard fencing setbacks, and allows additional height for fencing between residential and



non-residential zoning districts. He described fencing limitations that exist with corner lots when a neighbor has an adjacent driveway that is within twelve feet of a property, the homeowners may not install fencing. He said that planning and engineering staff with the city attorney's office drafted an amendment to reduce that distance to ten feet. Another proposal includes having a site triangle to accommodate fencing. He showed illustrations of both scenarios. Either option would still provide site visibility. Findings are the proposed text amendment promotes individual property rights and does not conflict with the General Plan. The proposed text amendment has been thoroughly reviewed to ensure the health, safety and general welfare of the community are maintained, and staff finds that continuing to support single-family neighborhoods by allowing additional privacy provides owners with greater use of their property. Staff recommends forwarding a recommendation of approval to the City Council for the proposed amendment.

Commissioner Pehrson asked for clarification on the proposal. He and Mr. Smallwood discussed the details of the proposals, as well as fence heights based upon materials used, specifically for the triangle of fencing. Mr. Smallwood emphasized that the requirements have to do with site visibility.

Chair Patterson opened the agenda item for public comment. Seeing none, the public comment period was closed.

Commissioner Milkavich made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Sections 17.64.020 and 17.64.090 within the Fence Regulation Code as reviewed in the Staff Report

Seconded by Commissioner Richards. Roll call vote:

A Patterson  
A Milkavich  
A Pehrson  
A Hristou  
A Richards

Motion passes: 5-0

#### ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, September 5<sup>th</sup>, 2024, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

#### ADJOURNMENT

Commissioner Pehrson made a motion to adjourn the meeting at 7:14 p.m.



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Philip J. Markham, Director  
Community & Economic Development Department



## AGENDA ITEM # 04

### Chapter 17.78 Accessory Dwelling Units Text Amendment

<b>ITEM TYPE:</b>	Text Amendment		
<b>ADDRESS:</b>	Citywide	<b>MEETING DATE:</b>	August 15, 2024
<b>APPLICANT:</b>	Community & Economic Development Department	<b>STAFF:</b>	Zachary Smallwood, Planning Division Manager
<b>PARCEL ID:</b>	N/A	<b>PROJECT NUMBER:</b>	24-076
<b>REQUEST:</b>	Planning Division Staff proposes amendments to Chapter 17.78 Accessory Dwelling Units(ADUs). The request mainly addresses changes to the detached accessory dwelling unit standards.		

## I. STAFF REVIEW & ANALYSIS

### History & Background

The Utah State Legislature passed House Bill 462 (HB 462) in March of 2022, requiring that municipalities take additional steps to ensure that each jurisdiction is planning for and reducing barriers to moderate income housing. Moderate income is defined as those persons/families with household incomes less than eighty percent (80%) of the area median income (AMI).

HB 462 requires that municipalities include certain strategies in the Moderate Income Housing (MIH) elements of their general plans and provides a list of twenty-four “menu” items to select them from. HB 462 also requires that cities develop actionable implementation plans for each of those strategies and provide the state a yearly report on steps the city has made to make affordable housing more attainable.

In subsequent years since its passage the legislature has made additional modifications to the language. Some of these include additional menu items, penalties for noncompliance, and incentives for going above and beyond.

One of the menu items that was selected by Murray City states the following:

**STRATEGY: CREATE OR ALLOW FOR, AND REDUCE REGULATIONS RELATED TO, INTERNAL OR DETACHED ACCESSORY DWELLING UNITS (ADU) IN RESIDENTIAL ZONES.**

**Action Plan:** The Community and Economic Development Department by December 31<sup>st</sup>, 2023 will review regulations to facilitate the construction of additional detached accessory dwelling units, including a review of the following items:

- Determine whether the city should allow a second ADU to be located on residential properties.
- Conduct a review of the setback requirements for detached ADUs and propose changes.
- Consider allowing a second level for appropriately located accessory structures when the second story would be used as an ADU.

Within the action plan shown above, it states that the Community and Economic Development Department will review the setback requirements for detached ADUs and propose changes. As we continue towards implementation of the Moderate-Income Housing Plan, staff has conducted a review of the standards for detached accessory dwelling units.

The Planning Commission heard the proposed changes to the ADU ordinance on July 18, 2024. There was discussion about some amendments to the code and that the commission would like to see those incorporated before making a decision.

#### Review of Research

Staff conducted public policy research and benchmarked against multiple cities across Utah. Below is a summarization of the information found.

City	Detached ADU Setback	Distance from Main Dwelling	Max Square footage	Minimum Lot Area
Millcreek	5 feet	6 feet	50% up to 850 square feet	8,000
Midvale	2 feet	6 feet	900 sq ft	None
Taylorsville	10 feet	6 feet	75% no max	15,000
Draper	Same as Main Dwelling	6 feet	50% max	None
Holladay	Same as Main Dwelling	6 feet	None	Double underlying zone
South Salt Lake	5 feet	10 feet	50% up to 1,000 sq ft	

Both the American Planning Association and AARP's Public Policy Institute recommends detached setbacks at four feet (4'). Both also recommend no limit on size except that it be smaller than the primary dwelling on the property.

### Review of Proposed Changes

In February of 2023 the City Council with the recommendation of the Planning Commission amended the Detached ADU standards for a minimum lot size of 12,000 square feet to a minimum of 10,000 square feet. This was the first step in loosening restrictions on Detached ADUs. Since that was code was approved, we have had approximately four (4) applications for Detached ADUs among the total of twenty-four (24) ADU applications.

Planning staff has conducted thorough research into neighboring city regulations regarding detached ADUs as well as industry standards. Based on our observations we have suggested the following modifications:

1. Reduce the requirement of entrances to ADUs on the Corner Side Yard area.
  - a. Staff finds that often times residents are allowed accessory uses such as sheds, and garages that have doors that face the corner side yard area. This requirement allows for greater flexibility in someone to design an appropriate ADU.
2. Allowed square footage.
  - a. Staff is proposing to keep the limit on a maximum of 1,000 square feet in all instances. The proposed change is the allowable area percentage being increased from forty percent (40%) to fifty percent (50%). Many single family homes in Murray City are post-war bungalows with 1,000 square feet or less that could utilized their large lots to provide additional housing. As an example staff found a home on the County Assessor's Website that is 852 square feet. It is located on a .33 acre (14,375 sq foot) piece of property. The current code would allow a 340 square foot detached ADU. The proposed code would allow 426, which though still small, would be more beneficial and allows homeowners to better plan for a usable ADU.
3. Detached ADU Setbacks
  - a. Currently the ADU code states that a detached ADU must meet the same setbacks as a dwelling in the zone. This has proven to be exceptionally limiting to most homeowners. In most instances a detached ADU is required to have a twenty-five foot (25') setback from the rear property line and a minimum of eight feet (8') from the side. There is an additional section of the code that states any detached accessory structure be a minimum of six feet (6') away from the dwelling.
  - b. Staff is proposing to reduce the rear yard setback to ten feet (10') and increase the side yard to ten feet (10'). This is largely consistent with neighboring cities and industry standards. Staff is not recommending a change to the distance to the main dwelling because it is for fire safety.
4. Removal of design criteria
  - a. Staff is proposing removing the requirement that the ADU be compatible with exterior color and materials of the principal dwelling. This has been used in the past to disallow for changes in architectural style and personal expression on one's property.

#### Clean Up Items

Staff has made a few housekeeping modifications to the code to clear up some ambiguity. Specifically, under Section 17.78.090: Short Term Rentals Not Allowed. At the time of drafting the previous changes to the ADU code, staff was also drafting a short term rental ordinance. The City Council decided to table the code at that time until a future date. Because it has never been adopted Chapter 17.23 does not exist and should not be cited in the code.

The remaining changes are grammatical in nature and have no effect on the ordinance.

#### July 18, 2024, Planning Commission Items

During the review of the application at the July 18<sup>th</sup> Planning Commission meeting Staff was informed that there was not a setback for the corner side yard. Staff updated the code to reflect a twenty foot (20') side yard setback. This is consistent with other accessory uses in the ordinance currently. There was a discussion about the removal of the definition for short-term rentals. Staff agreed that it should remain in the code and have re-added it in the draft form.

An additional point was discussed regarding compatibility with exterior colors and materials as the principal dwelling. Doing further research into other cities there did not seem to be a provision that brought this forward and staff feels that it was not clear at the Planning Commission one way or another whether it should be included. Staff is recommending to omit this section at this time.

## **II. DEPARTMENT REVIEWS**

The draft changes were provided to each department for their reviews the week of July 2<sup>nd</sup>. The Power Department stated that property owners will still need to comply with Public Utility Easements and not being located underneath power lines. Other departments did not have any additional information to add or change.

## **III. PUBLIC INPUT**

Notices were sent to Affected Entities for this amendment. As of the date of this report, there have been no comments or questions.

## **IV. FINDINGS**

Based on the analysis of the proposed amendments and review of the Murray City General Plan, staff concludes the following:

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 minimum setbacks for detached ADUs.

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 additional residents that own a home that may be struggling to pay their mortgage or have a family member, friend or caretaker to reside on the same property.
4. Staff finds that reviewing and updating the setback requirements and other adjustments will further the City’s priority of providing Moderate Income Housing options for residents of the city.

## V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed amendments to Chapter 17.78 Accessory Dwelling Units as reviewed in the Staff Report.**



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## NOTICE OF PUBLIC HEARING

August 15th, 2024, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 10 East 4800 South, Murray, UT to receive public comment on the following applications:

**Amendments to Chapter 17.78 Accessory Dwelling Units.** This request by Murray City Planning Staff to amend the ADU Code for Detached Accessory Dwelling Units and general text clean-up was tabled at the July 18<sup>th</sup>, 2024, Meeting. The Planning Commission will review suggested edits to the code to allow for reduced regulations on detached accessory dwelling units.

**Amendments to Chapter 17.48 Sign Code.** The request by Murray City Planning Staff to amend the Sign Ordinance to allow for screen signs in Commercial and Manufacturing Zones.

**Amendments to Chapter 17.64 Fence Regulations.** The request by Murray City Planning Staff to amend the residential fencing regulations for clarity and to allow for a reduction in setbacks when located next to a driveway.

The meeting is open, and the public is welcome to attend in person 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 online, you may watch via livestream at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/).

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

If you have questions or comments concerning any of these items, please contact the Murray City Planning Division at 801-270-2430, or e-mail [planning@murray.utah.gov](mailto:planning@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

SECTION:

17.78.010: Purpose

17.78.020: Definitions

17.78.030: Accessory Dwelling Unit Permit Required

17.78.040: Attached Accessory Dwelling Development Standards

17.78.050: Detached Accessory Dwelling Development Standards

17.78.060: Affidavit

17.78.070: Inspection

17.78.080: Enforcement And Termination

17.78.090: Short Term Rentals Not Allowed

17.78.100: Business License Required

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. (Ord. 21-25: 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 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. (Ord. 21-25: Ord. 09-23 § 2)

#### **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. (Ord. 21-25: 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.

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 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. (Ord. 21-25)

#### 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 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 ten thousand (10,000) 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.

(Ord. 23-03: Ord. 21-25)

#### 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. (Ord. 21-25)

#### 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. (Ord. 21-25: Ord. 09-23 § 2)

#### 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:

(1) No less than fourteen (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 thirty (30) consecutive days; or

(2) No less than thirty (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 one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;

d. Notify the owner:

(1) That the owner may file a written objection to the notice of violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property; and

(2) The name and address of the Community and Economic Development Director, with whom the written objection may be filed;

e. Be mailed to:

(1) The property owner of record; and

(2) 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 one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;

d. Be mailed to:

(1) The property owner of record; and

(2) 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:

(1) 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

(2) Notify the owner in writing of the date, time and location of the hearing described above, no less than fourteen (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 one hundred dollars (\$100.00) 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. (Ord. 21-25: Ord. 09-23 § 2)

#### 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. (Ord. 21-25)

#### 17.78.100: BUSINESS LICENSE REQUIRED:

A residential rental business license is required to rent out either the main or accessory dwelling unit. (Ord. 21-25)

CHAPTER 17.78  
ACCESSORY DWELLING UNITS

SECTION:

17.78.010: Purpose

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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. (Ord. 21-25: 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 incorporated within the single-family residence which maintains complete independent living facilities for one or

## REDLINE CHANGES

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. 21-25: Ord. 09-23 § 2)

### 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. (Ord. 21-25: 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.

C. ADUs are allowed on properties that 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 for the ADU is prohibited.

F. A separate entrance to the ADU shall not be allowed on the front 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. A total of three (3) off street parking spaces shall 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. (Ord. 21-25)

### 17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:



## REDLINE CHANGES

A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence and at no time receive rent for the unit occupied by the owner. 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 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 for the ADU is prohibited.

F. A separate entrance to the ADU shall not be allowed on the front 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 fifty percent (50%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.

I. In addition to the parking required for the primary unit, one (1) additional off street parking spaces shall be provided. A total of three (3) off street parking spaces shall 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 ten thousand (10,000) square feet.

K. Detached ADUs shall meet the following standards:

1. Not located in the front yard area as defined in Chapter 17.08

2. Must adhere to the following setbacks:

- a. Rear Yard: Ten feet (10') from property line.

- b. Side Yard: Ten feet (10') from property line.

- c. Corner Side Yard: Twenty-feet (20') from property line.

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.

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 set forth herein.

(Ord. 23-03: Ord. 21-25)

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. (Ord. 21-25)

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. (Ord. 21-25; Ord. 09-23 § 2)

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:

## REDLINE CHANGES

- a. Describe the specific violation;
  - b. Provide the owner with a reasonable opportunity to cure the violation that is:
    - (1) No less than fourteen (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 thirty (30) consecutive days; or
    - (2) No less than thirty (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 one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Notify the owner:
    - (1) That the owner may file a written objection to the notice of violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property; and
    - (2) The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
  - e. Be mailed to:
    - (1) The property owner of record; and
    - (2) 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 one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Be mailed to:
    - (1) The property owner of record; and
    - (2) 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:

## REDLINE CHANGES

(1) 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

(2) Notify the owner in writing of the date, time and location of the hearing described above, no less than fourteen (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 one hundred dollars (\$100.00) 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. (Ord. 21-25: Ord. 09-23 § 2)

### 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 is defined here as renting all or a portion of a property for less than thirty (30) days at a time.

### 17.78.100: BUSINESS LICENSE REQUIRED:

A residential rental business license is required to rent out either the main or accessory dwelling unit. (Ord. 21-25)

## REDLINE CHANGES

### CHAPTER 17.78 ACCESSORY DWELLING UNITS

#### SECTION:

17.78.010: Purpose

17.78.020: Definitions

17.78.030: Accessory Dwelling Unit Permit Required

17.78.040: Attached Accessory Dwelling Development Standards

17.78.050: Detached Accessory Dwelling Development Standards

17.78.060: Affidavit

17.78.070: Inspection

17.78.080: Enforcement And Termination

17.78.090: Short Term Rentals Not Allowed

17.78.100: Business License Required

#### 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. (Ord. 21-25; 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 incorporated within the single-family residence which maintains complete independent living facilities for one or

## REDLINE CHANGES

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. 21-25: Ord. 09-23 § 2)

### 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. (Ord. 21-25: 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.

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 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. ~~A total of in no case shall fewer than~~ three (3) ~~total~~ off street parking spaces ~~shall~~ 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. (Ord. 21-25)

### 17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

## REDLINE CHANGES

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 ~~unit occupied by 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 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-fifty~~ percent (450%) 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, ~~one two (21)~~ additional off street parking spaces shall be provided. ~~A total of in no case shall fewer than four three (43) total~~ off street parking spaces ~~shall~~ 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 ten thousand (10,000) square feet.

K. Detached ADUs shall ~~not meet the following standards: 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.~~

~~1. Not located in the front yard area as defined in Chapter 17.08~~

~~2. Must adhere to the following setbacks:~~

~~a. Rear Yard: Ten feet (10') from property line.~~

~~b. Side Yard: Ten feet (10') from property line.~~

~~1.c. Corner Side Yard: Twenty-feet (20') from property line.~~

~~—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.~~

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## REDLINE CHANGES

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 ~~set forth herein for a primary residence in the zone and meets the applicable building code.~~

(Ord. 23-03: Ord. 21-25)

### 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. (Ord. 21-25)

### 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. (Ord. 21-25: Ord. 09-23 § 2)

### 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;



## REDLINE CHANGES

- 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:
    - (1) No less than fourteen (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 thirty (30) consecutive days; or
    - (2) No less than thirty (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 one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Notify the owner:
    - (1) That the owner may file a written objection to the notice of violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property; and
    - (2) The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
  - e. Be mailed to:
    - (1) The property owner of record; and
    - (2) 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 one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
  - d. Be mailed to:

## REDLINE CHANGES

(1) The property owner of record; and

(2) 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:

(1) 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

(2) Notify the owner in writing of the date, time and location of the hearing described above, no less than fourteen (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 one hundred dollars (\$100.00) 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. (Ord. 21-25: Ord. 09-23 § 2)

### 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. (Ord. 21-25)~~

### 17.78.100: BUSINESS LICENSE REQUIRED:

## REDLINE CHANGES

A residential rental business license is required to rent out either the main or accessory dwelling unit. (Ord. 21-25)





# MURRAY CITY COUNCIL





# Agenda Item # 4

## Chapter 17.78 ADU

Staff proposed modifications to the  
Detached ADU standards.





## General Plan

***STRATEGY: CREATE OR ALLOW FOR, AND REDUCE REGULATIONS RELATED TO, INTERNAL OR DETACHED ACCESSORY DWELLING UNITS (ADU) IN RESIDENTIAL ZONES.***

**Action Plan:** The Community and Economic Development Department by December 31<sup>st</sup>, 2023 will review regulations to facilitate the construction of additional detached accessory dwelling units, including a review of the following items:

- Determine whether the city should allow a second ADU to be located on residential properties.
- Conduct a review of the setback requirements for detached ADUs and propose changes.
- Consider allowing a second level for appropriately located accessory structures when the second story would be used as an ADU.



## Proposed Changes

Attached and Detached

Removed language prohibiting door on the corner side yard area.



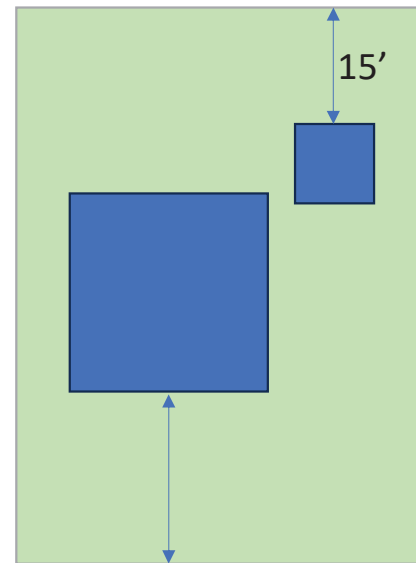


## Proposed Changes

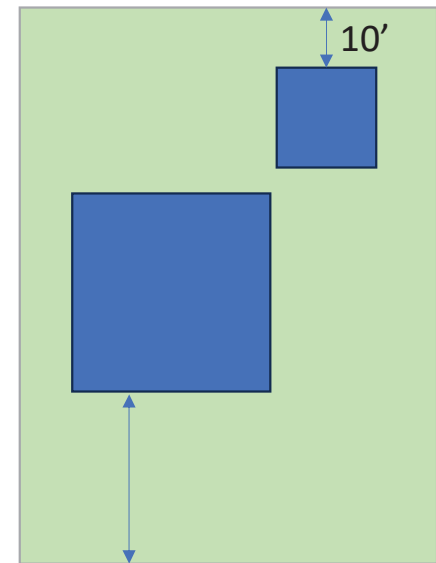
### Detached

- Increased allowable area up to 50% from 40% to a max of 1,000 sq ft.
- Reduced the parking requirement to match the attached ADU standards of one (1) additional space.
- Reduced the setbacks from 15-25' to 10' on the rear. Increased setbacks from 8' to 10' on the side.
- Removed requirement for the ADU to match the existing dwelling.

### Pre-1987 Home



Current



Proposed



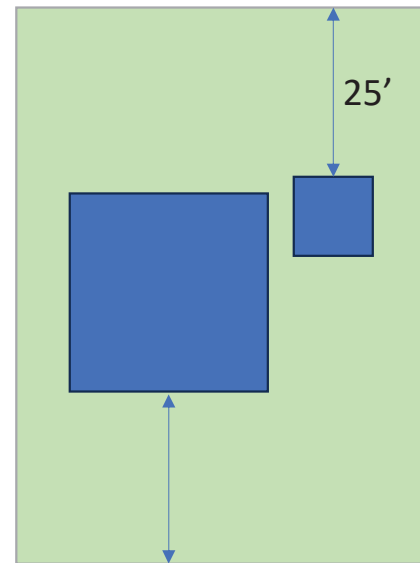


## Proposed Changes

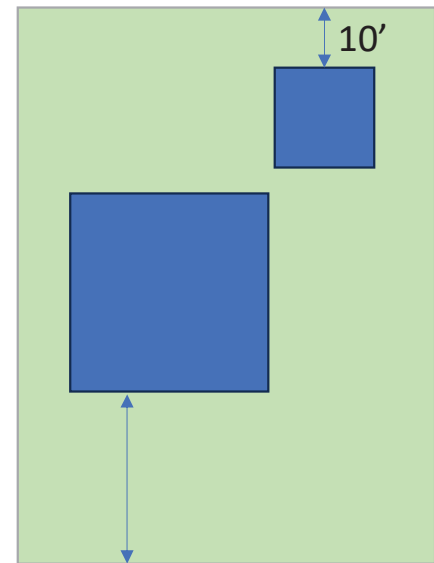
### Detached

- Increased allowable area up to 50% from 40% to a max of 1,000 sq ft.
- Reduced the parking requirement to match the attached ADU standards of one (1) additional space.
- Reduced the setbacks from 15-25' to 10' on the rear. Increased setbacks from 8' to 10' on the side.
- Removed requirement for the ADU to match the existing dwelling.

### Post-1987 Home



Current



Proposed



## July 18, Planning Commission Meeting

### Requests from the Planning Commission

- The Setback from the Corner Yard was not in place.
- Add the Short Term Rental Definition.
- Looking into compatibility with existing dwelling materials and colors.
  - Staff reviewed other cities and could not find this as a requirement.



## 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 minimum setbacks for detached ADUs.
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 additional residents that own a home that may be struggling to pay their mortgage or have a family member, friend or caretaker to reside on the same property.
4. Staff finds that reviewing and updating the setback requirements and other adjustments will further the City’s priority of providing Moderate Income Housing options for residents of the city.
5. The Planning Commission held a Public Hearing on August 15<sup>th</sup> 2024 and voted 5-0 to recommend approval.



## Staff Recommendation

Staff and the Planning Commission recommend that the City Council **APPROVE** the proposed amendments to Chapter 17.78 Accessory Dwelling Units as reviewed in the Staff Report.



# Discussion Item #3



## Chapter 17.64, Residential Fencing Regulations

Meeting Date: October 15, 2024

## Council Action Request

<p><b>Department Director</b></p> <p>Phil Markham</p> <p><b>Phone #</b></p> <p>801-270-2427</p> <p><b>Presenters</b></p> <p>Zachary Smallwood</p> <p><b>Required Time for Presentation</b></p> <p>10 Minutes</p> <p><b>Is This Time Sensitive</b></p> <p>No</p> <p><b>Mayor's Approval</b></p> <p><b>Date</b></p>	<p><b>Purpose of Proposal</b></p> <p>Amend Chapter 17.64 Fencing Ordinance to clarify and allow additional areas of residential fencing.</p> <p><b>Action Requested</b></p> <p>Land Use Ordinance Text Amendment</p> <p><b>Attachments</b></p> <p>Slides</p> <p><b>Budget Impact</b></p> <p>None Anticipated</p> <p><b>Description of this Item</b></p> <p>Planning Division staff is requesting a text amendment to allow for clarity in residential fencing regulations and to allow additional fencing areas in relation to corner lots.</p> <p>The Planning Commission voted 5-0 to recommend approval of the plan on August 15th, 2024.</p>
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# MURRAY CITY CORPORATION

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 12<sup>th</sup> day of November, 2024, at the hour of 6:30 p.m., in the City Council Chambers of the Murray City Hall, 10 East 4800 South, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to text amendments to Sections 17.64.020 and 17.64.090 of the Murray City Municipal Code relating to residential fencing regulations and setbacks, and fencing between residential and non-residential zoning districts.

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

DATED this 23<sup>rd</sup> day of September 2024.



MURRAY CITY CORPORATION

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

Brooke Smith  
City Recorder

DATE OF POSTING: November 1, 2024  
PH24-38

LOCATIONS OF POSTINGS – AT LEAST 10 CALENDAR DAYS BEFORE THE PUBLIC HEARING:

1. Utah Public Notice Website
2. Murray City Website
3. Posted at Murray City Hall
4. Mailed to Affected Entities

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

AN ORDINANCE AMENDING SECTIONS 17.64.020 AND 17.64.090 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO RESIDENTIAL FENCING REGULATIONS AND SETBACKS AND FENCING BETWEEN RESIDENTIAL AND NON-RESIDENTIAL ZONING DISTRICTS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to amend Sections 17.64.020 and 17.64.090 of the Murray City Municipal Code relating to residential fencing regulations and setbacks and fencing between residential and non-residential zoning districts.

*Section 2. Amend Sections 17.64.020 and 17.64.090 of the Murray City Municipal Code.* Sections 17.64.020 and 17.64.090 of the Murray City Municipal Code shall be amended to read as follows:

**17.64.020: FENCE HEIGHT; INTERIOR LOT RESIDENTIAL FENCING REGULATIONS:**

A. Front Yard Setback Area: ~~No fence~~Fences, walls~~s~~, hedges~~s~~, or other screening materials~~s are allowed in the front yard area subject to the following standards:~~

1. A maximum of shall be erected, allowed, or maintained higher than four feet (4') in height when utilizing nonsolid fencing which is seventy-five percent (75%) open and presents no visual barriers to adjoining properties and streets. -within any required front yard setback area in all residential zones.

2. A maximum of three feet (3') in height when utilizing solid ~~Solid or~~ opaque type fencing, walls, hedges, or screens. -are limited to three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4').

B. Interior Side Yard Area: In any a side or rear-yard area, fencing may be constructed to a maximum height of six feet (6') with standard type fencing material up to the minimum required front setback line within the zoning district that the property is located, or the front of the dwelling, whichever is less.

BC. Fence Height; Corner Side Yard Area-Lot: Fences, walls, hedges, or other screening material greater than three feet (3') in height are permitted within the street side yard setback area, provided, that such fence fences, walls~~s~~, hedges~~s~~, or other screening materials are allowed up -does not exceed six feet (6') in height except in the following situations:

1. When located within ten feet (10') to a driveway on an abutting property, fencing may not be located within a triangular area formed by the property lines and a line connecting them at points ten feet (10') behind the sidewalk.



a. If sidewalk is not present, the setback shall be measured from the property line. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line.

2. Fencing may be allowed in the ten foot (10') triangular area subject to the following:

a. Three feet (3') in height for solid or opaque material; or

b. Four feet (4') in height for nonsolid material that is seventy-five (75%) open and presents no visual barriers.

~~, is not adjacent to a driveway on an abutting lot, and is not located within a triangular area formed by the property lines and a line connecting them at points twenty five feet (25') from the intersection of the property lines. Fencing which is located within the twenty five foot (25') triangular area is limited to solid opaque type fencing, walls, hedges, or screens, no higher than three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). If adjacent to a driveway on an adjoining lot, the maximum fence height shall be three feet (3') if solid, or four feet (4') if an open type fence within the minimum side yard setback area of the zone.~~

~~"Adjacent", as used in this chapter, means any distance from the corner lot property line to the driveway of the adjoining lot which does not exceed twelve feet (12').~~

D. Rear Yard Area: Fencing may be constructed to a maximum height of six feet (6') with standard type fencing material except in the following situations:

1. When located within ten feet (10') to a driveway on an abutting property, fencing may not be located within a triangular area formed by the property lines and a line connecting them at points ten feet (10') behind the sidewalk.

a. If sidewalk is not present, the setback shall be measured from the property line. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line.

2. Fencing may be allowed in the ten foot (10') triangular area subject to the following:

a. Three feet (3') in height for solid or opaque material; pr

b. Four feet (4') in height for nonsolid material that is seventy-five percent (75%) open and presents no visual barriers.

*[NOTE – Current Drawings of Example 1 and Example 2 as shown in Section 17.64.020 shall be replaced with the new Drawings attached hereto as Exhibit A]*

....

**17.64.090: FENCE HEIGHT EXCEPTIONS:**

A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').

B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right-of-way.

C. Residential zoned properties adjacent to the UTA light rail commuter rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right-of-way subject to all fencing permit requirements and traffic visibility setback requirements.

D. Residentially zoned properties that abut non-residentially zoned properties may construct a fence~~The Planning Commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts~~ to a maximum height of eight feet (8') and must meet any setback requirements.

E. Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding eight feet (8') on the side or rear property line adjacent to the collector or arterial street right-of-way.

F. Properties exceeding one-half (1/2) acre in size may erect a fence to a height not exceeding eight feet (8').

G. Residential and nonresidential properties located between Fontaine Bleu Drive and Wheeler Historic Farm that are adjacent to the Jordan and Salt Lake City Canal right-of-way may erect a fence on the property line adjacent to the right-of-way to a height not exceeding eight feet (8') subject to all building permit requirements and any traffic visibility setback requirements.

H. Fences over seven feet (7') in height shall be subject to all building permit requirements. (Ord. 17-28)

....

*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 \_\_\_\_\_, 2024.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Pam Cotter, Chair

ATTEST:

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

MAYOR'S ACTION:

DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brett A. Hales, 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 \_\_\_\_\_, 2024.

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

Commissioner Richards made a motion the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Chapter 17.78 Accessory Dwelling Units as reviewed in the Staff Report.

Seconded by Commissioner Milkavich. Roll call vote:

A Patterson  
A Milkavich  
A Pehrson  
A Hristou  
A Richards

Motion passes: 5-0

Chapter 17.48 Sign Code Sections 17.48.040 & 17.48.200 - Project # 24-086  
Adding Definition and Regulations Regarding Screen Signs

Zachary Smallwood presented the request from planning division staff to propose amendments to Sections 17.48.040 & 17.48.200 of the Sign Code. The request defines and allows screen signs in commercial and manufacturing zones. He provided a definition and local examples of screen signs. He cited benefits of screen signage to residents and business, including reduced impact on the community and increased aesthetics. He discussed the code for screen sign installation. He said that this request is within Objective Five of the Economic Development Element of the General Plan.

Chair Patterson opened the agenda item for public comment. Seeing none, the public comment period was closed.

Commissioner Pehrson made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Sections 17.48.040 and 17.48.200 within the Sign Code as reviewed in the Staff Report.

Seconded by Commissioner Hirstou. Roll Call Vote:

A Patterson  
A Milkavich  
A Pehrson  
A Hristou  
A Richards

Motion passes: 5-0

Chapter 17.64 Fence Regulations Sections 17.64.020 & 17.64.090 - Project #24-087 - Reducing setbacks, allowing additional height when next to nonresidential and general clean up.

Zachary Smallwood presented this request by planning division staff to propose amendments to Sections 17.64.020 & 17.64.090 of the Fence Regulations. The request clarifies residential fencing, reduces side yard fencing setbacks, and allows additional height for fencing between residential and

non-residential zoning districts. He described fencing limitations that exist with corner lots when a neighbor has an adjacent driveway that is within twelve feet of a property, the homeowners may not install fencing. He said that planning and engineering staff with the city attorney's office drafted an amendment to reduce that distance to ten feet. Another proposal includes having a site triangle to accommodate fencing. He showed illustrations of both scenarios. Either option would still provide site visibility. Findings are the proposed text amendment promotes individual property rights and does not conflict with the General Plan. The proposed text amendment has been thoroughly reviewed to ensure the health, safety and general welfare of the community are maintained, and staff finds that continuing to support single-family neighborhoods by allowing additional privacy provides owners with greater use of their property. Staff recommends forwarding a recommendation of approval to the City Council for the proposed amendment.

Commissioner Pehrson asked for clarification on the proposal. He and Mr. Smallwood discussed the details of the proposals, as well as fence heights based upon materials used, specifically for the triangle of fencing. Mr. Smallwood emphasized that the requirements have to do with site visibility.

Chair Patterson opened the agenda item for public comment. Seeing none, the public comment period was closed.

Commissioner Milkavich made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Sections 17.64.020 and 17.64.090 within the Fence Regulation Code as reviewed in the Staff Report

Seconded by Commissioner Richards. Roll call vote:

A Patterson  
A Milkavich  
A Pehrson  
A Hristou  
A Richards

Motion passes: 5-0

#### ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, September 5<sup>th</sup>, 2024, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

#### ADJOURNMENT

Commissioner Pehrson made a motion to adjourn the meeting at 7:14 p.m.



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Philip J. Markham, Director  
Community & Economic Development Department



## AGENDA ITEM # 06

### Chapter 17.64 Fence Regulations Text Amendment

<b>ITEM TYPE:</b>	Text Amendment		
<b>ADDRESS:</b>	Citywide	<b>MEETING DATE:</b>	August 15, 2024
<b>APPLICANT:</b>	Community & Economic Development Department	<b>STAFF:</b>	Zachary Smallwood, Planning Division Manager
<b>PARCEL ID:</b>	N/A	<b>PROJECT NUMBER:</b>	24-087
<b>REQUEST:</b>	Planning Division Staff proposes amendments to Sections 17.64.020 & 17.64.090 of the Fence Regulations. The request clarifies residential fencing, reduces side yard fencing setbacks and allows additional height for fencing between residential and non-residential zoning districts.		

## I. STAFF REVIEW & ANALYSIS

### History & Background

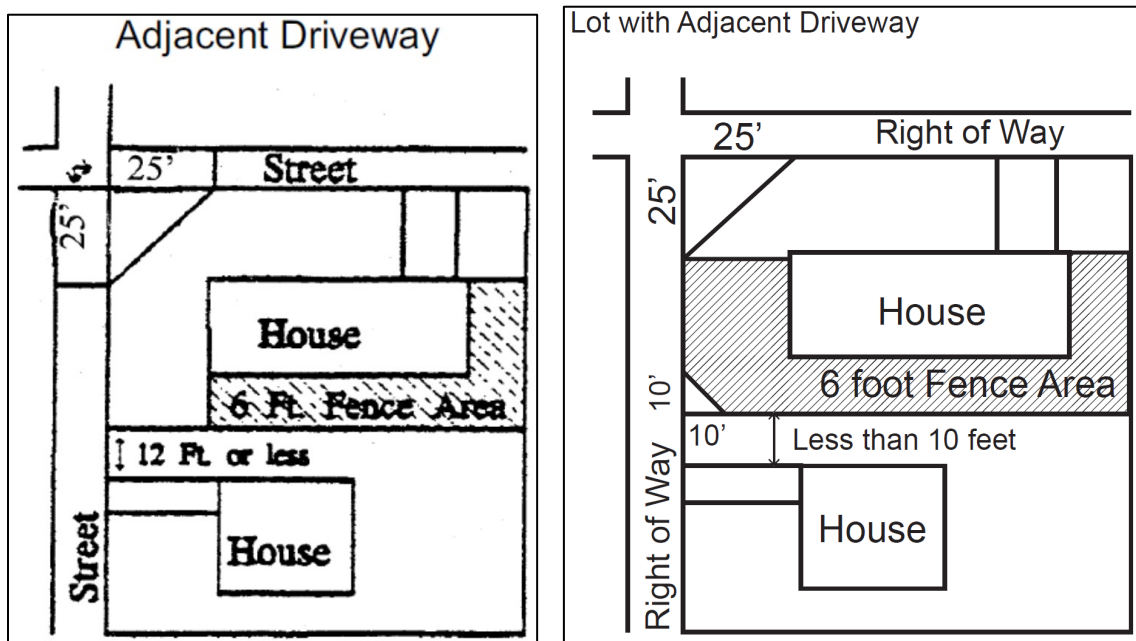
The Planning Division has received numerous questions regarding the fencing standards in the Land Use Ordinance for many years. The fencing regulations for residential property are stated awkwardly and are not easy for people to read and comprehend. It has been a long time goal to update these regulations for ease of use and applicability.

There have been questions from the public about fencing on corner lots specifically and a feeling that it is unfair that if someone installs a driveway adjacent to their property their ability to install fencing is reduced. Staff empathizes with this sentiment and working with other departments we are proposing amendments to allow additional fencing while maintaining safety to the public.

### Review of Proposed Changes

The proposed amendment has been drafted in coordination with the City Engineer and Attorney's offices. The main purpose of the changes is to allow for greater flexibility when property owners have a neighbor who installs a driveway near the owner's property lines. Currently the code requires that if a driveway is within twelve feet (12') of a property owner's property they are restricted to a minimum twenty-five foot setback for fencing (see figure 1). This was originally put in place for sight distance.

Numerous property owners have approached the city and feel that it is unfair that they are restricted by the actions of their neighboring property owner. Staff sympathizes with these citizens and have been working on changes to facilitate greater usability of their property. The City Engineer, City Attorney, and Planning Staff worked on an amendment that ensures public safety and allows for additional fencing. Staff is proposing reducing the setback and distance to driveways to allow property owners to fence more of their property if they wish. During the drafting process staff made sure that sight distance on residential properties will be maintained. The City Engineer determined that the sight distance needed for a residential driveway is less than what would be required on commercial properties or at intersecting streets.



Other changes to 17.64.020 include renaming the section to clarify that they are residential fencing regulations and breaking out where fencing is allowed by yard type. This helps a layperson to easily read the code and understand what type of fencing is allowed.

At the May 16, 2024 Planning Commission Meeting the commission heard a request from a property owner that is adjacent to G-O, General Office zoning. The Land Use Ordinance allows for property owners to build up to an eight foot (8') fence with Planning Commission approval. At the meeting staff discussed bringing a text amendment forward to allow for these types of fences without Planning Commission review. Staff has drafted language that would allow this by-right for residentially zoned property that is adjacent to non-residentially zoned (anything not beginning with R) property.

## II. DEPARTMENT REVIEWS

The draft changes were provided to each department for their review the week of July 30th. All departments recommended approval with no comments or concerns.

## III. PUBLIC INPUT

Notices were sent to Affected Entities for this amendment. As of the date of this report, no comments have been received.

## IV. FINDINGS

Based on the analysis of the proposed amendments and review of the Murray City General Plan, staff concludes the following:

1. The proposed text amendment promotes individual property rights and does not conflict with the General Plan.
2. The proposed text amendment has been thoroughly reviewed to ensure that the health, safety, and general welfare of the community are maintained.
3. Staff finds that continuing to support single-family neighborhoods by allowing additional privacy provides owners with greater use of their property.

## V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed amendments to Sections 17.64.020 and 17.64.090 within the Fence Regulation Code as reviewed in the Staff Report.**





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## NOTICE OF PUBLIC HEARING

August 15th, 2024, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 10 East 4800 South, Murray, UT to receive public comment on the following applications:

**Amendments to Chapter 17.78 Accessory Dwelling Units.** This request by Murray City Planning Staff to amend the ADU Code for Detached Accessory Dwelling Units and general text clean-up was tabled at the July 18<sup>th</sup>, 2024, Meeting. The Planning Commission will review suggested edits to the code to allow for reduced regulations on detached accessory dwelling units.

**Amendments to Chapter 17.48 Sign Code.** The request by Murray City Planning Staff to amend the Sign Ordinance to allow for screen signs in Commercial and Manufacturing Zones.

**Amendments to Chapter 17.64 Fence Regulations.** The request by Murray City Planning Staff to amend the residential fencing regulations for clarity and to allow for a reduction in setbacks when located next to a driveway.

The meeting is open, and the public is welcome to attend in person 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 online, you may watch via livestream at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/).

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

If you have questions or comments concerning any of these items, please contact the Murray City Planning Division at 801-270-2430, or e-mail [planning@murray.utah.gov](mailto:planning@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.

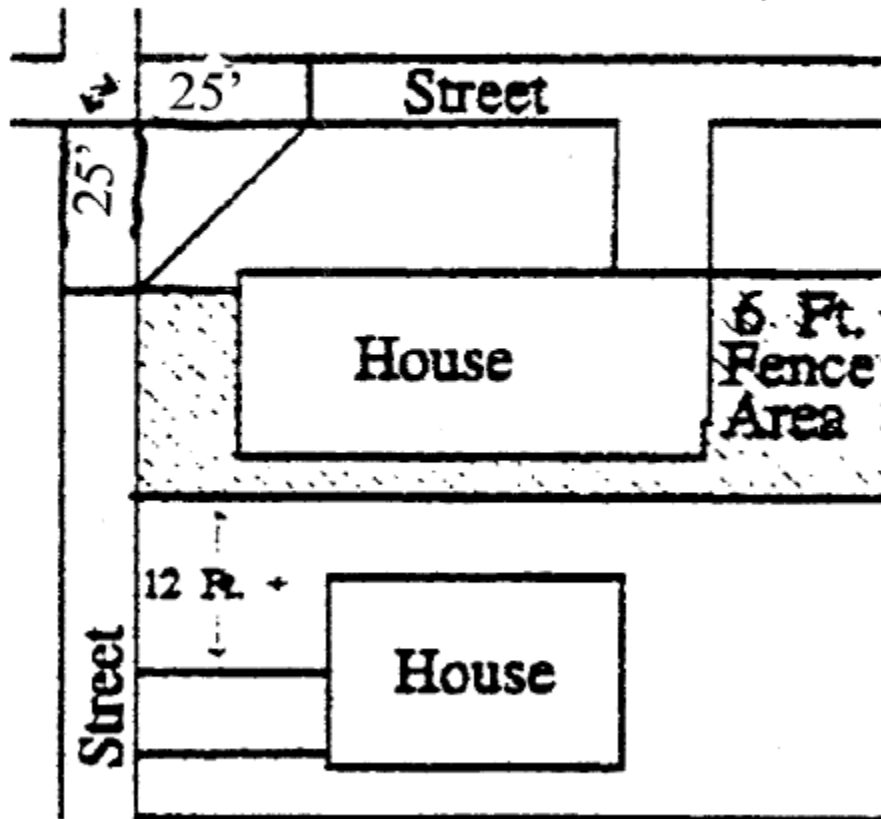
17.64.020: FENCE HEIGHT; INTERIOR LOT:

A. Front Yard Setback Area: No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained higher than four feet (4') within any required front yard setback area in all residential zones. Solid opaque type fencing, walls, hedges, or screens are limited to three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). In any side or rear yard area, fencing may be constructed to a maximum height of six feet (6') with standard type fencing material.

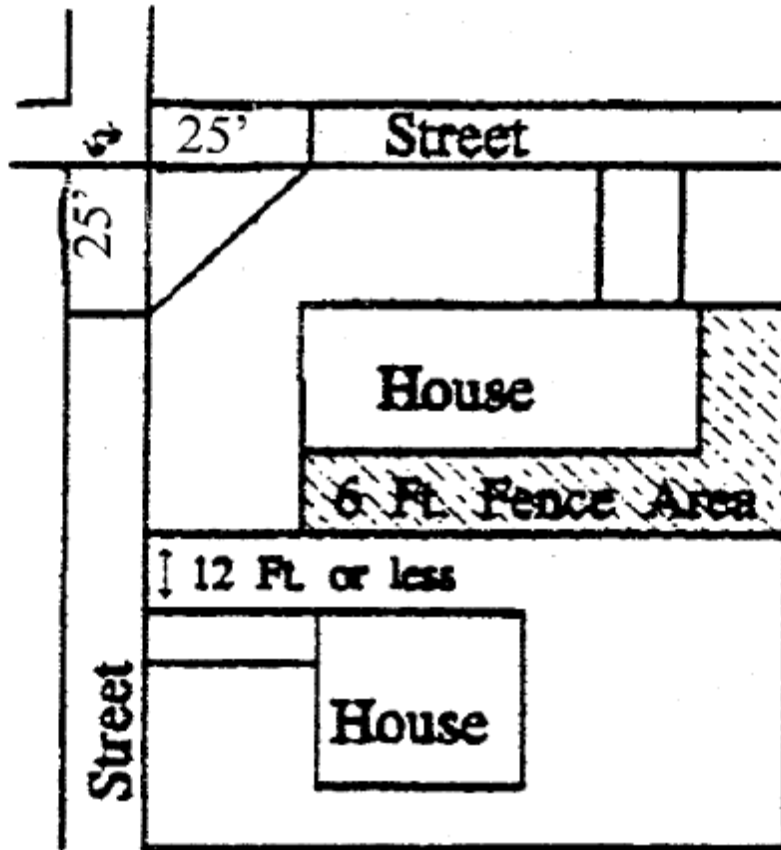
B. Fence Height; Corner Lot: Fences, walls, hedges, or other screening material greater than three feet (3') in height are permitted within the street side yard setback area, provided, that such fence, wall, hedge, or other screening material does not exceed six feet (6') in height, is not adjacent to a driveway on an abutting lot, and is not located within a triangular area formed by the property lines and a line connecting them at points twenty five feet (25') from the intersection of the property lines. Fencing which is located within the twenty five foot (25') triangular area is limited to solid opaque type fencing, walls, hedges, or screens, no higher than three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). If adjacent to a driveway on an adjoining lot, the maximum fence height shall be three feet (3') if solid, or four feet (4') if an open type fence within the minimum side yard setback area of the zone.

"Adjacent", as used in this chapter, means any distance from the corner lot property line to the driveway of the adjoining lot which does not exceed twelve feet (12').

Example 1  
Corner Lot With No  
Adjoining Driveway



Example 2  
Corner Lot With  
Adjacent Driveway



(Ord. 07-30 § 2)

17.64.020: ~~FENCE HEIGHT; INTERIOR LOT; RESIDENTIAL FENCING REGULATIONS~~

~~A) A. Front Yard Setback Area: No fences, walls, hedges, or other screening materials are allowed in the front yard area subject to the following standards:~~

~~1) A maximum of four shall be erected, allowed, or maintained higher than four feet (4') in height within when utilizing nonsolid fencing which is seventy-five percent (75%) open and presents no visual barriers to adjoining properties and streets. any required front yard setback area in all residential zones.~~

~~2) A maximum of three feet (3') in height when utilizing solid or opaque type fencing, walls, hedges, or screens, are limited to three feet (3') in height. Other nonsolid fencing which is seventy-five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4').~~

~~A) Interior Side Yard Area: In any side or rear yard area, fencing may be constructed to a maximum height of six feet (6') with standard type fencing material up to the minimum required front setback line within the zoning district that property is located, or the front of the dwelling, whichever is less.~~

~~B)~~

~~C) B. Fence Height; Corner Side Yard Area Lot: Fences, walls, hedges, or other screening material greater than three feet (3') in height are permitted within the street side yard setback area, provided, that such fences, walls, hedges, or other screening materials are allowed up to a height of does not exceed six feet (6') in height except in the following:~~

~~1) When located, is not within ten feet (10') adjacent to a driveway on an abutting property, fencing may not be located within a triangular area formed by the property lines and a line connecting them at points ten feet (10') behind the sidewalk.~~

~~a) If sidewalk is not present, the setback shall be measured from the property line. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line.~~

~~2) Fencing may be allowed in the ten foot (10') triangular area subject to the following:~~

~~a) Three feet (3') in height for solid or opaque material or;~~

~~b) Four feet (4') in height for nonsolid materials that is seventy-five percent (75%) open and presents no visual barriers.~~

~~If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line. driveway on an abutting lot, and is not located within a triangular area formed by the property lines and a line connecting them at points twenty five feet (25') from the intersection of the property lines. Fencing which is located within the twenty five foot (25') triangular area is limited to solid opaque type fencing, walls, hedges, or screens, no higher than three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). If adjacent to a driveway on an adjoining lot, the maximum fence height shall be three feet (3') if solid, or four feet (4') if an open type fence within the minimum side yard setback area of the zone.~~

~~D) "Adjacent", as used in this chapter, means any distance from the corner lot property line to the driveway of the adjoining lot which does not exceed twelve feet (12'). Rear Yard Area: Fencing may be constructed to a maximum height of six feet (6') with standard type fencing material except in the following:~~

- 1) When located within ten feet (10') to a driveway on an abutting property fencing may not be located within a triangular area formed by the property lines and a line connecting them at points ten feet (10') behind the sidewalk.
  - a) If sidewalk is not present, the setback shall be measured from the property line. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line.
- 2) Fencing may be allowed in the ten foot (10') triangular area subject to the following:
  - a) Three feet (3') in height for solid or opaque material or;
  - a)b) Four feet (4') in height for nonsolid materials that is seventy-five percent (75%) open and presents no visual barriers. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way.

## 17.64.020: RESIDENTIAL FENCING REGULATIONS

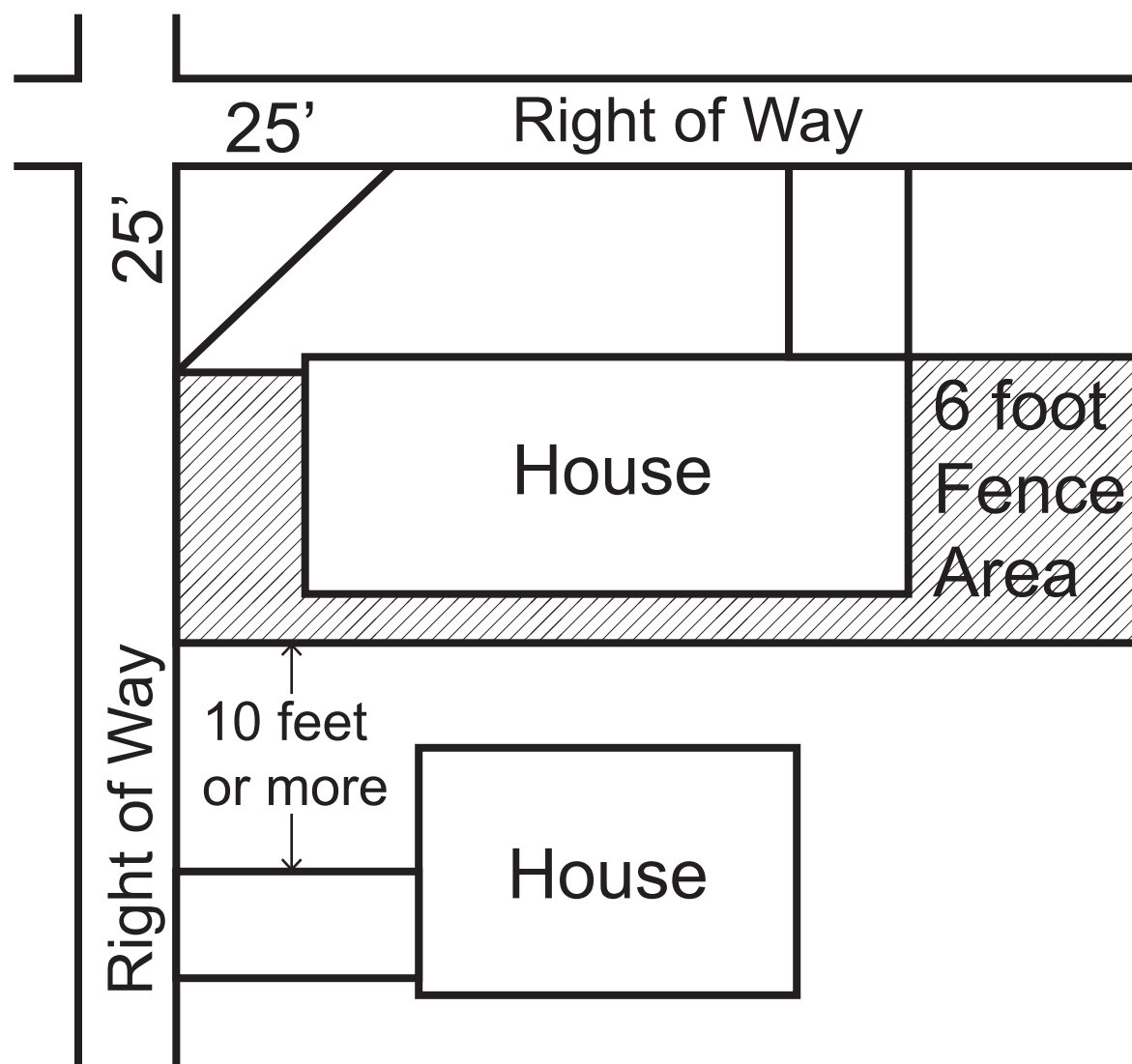
- A) Front Yard Setback Area: Fences, walls, hedges, or other screening materials are allowed in the front yard area subject to the following standards:
  - 1) A maximum of four feet (4') in height when utilizing nonsolid fencing which is seventy-five percent (75%) open and presents no visual barriers to adjoining properties and streets.
  - 2) A maximum of three feet (3') in height when utilizing solid or opaque type fencing, walls, hedges, or screens.
- B) Interior Side Yard Area: In a side yard area, fencing may be constructed to a maximum height of six feet (6') with standard type fencing material up to the minimum required front setback line within the zoning district that property is located, or the front of the dwelling, whichever is less.
- C) Corner Side Yard Area: Fences, walls, hedges, or other screening materials are allowed up to a height of six feet (6') in height except in the following:
  - 1) When located within ten feet (10') to a driveway on an abutting property, fencing may not be located within a triangular area formed by the property lines and a line connecting them at points ten feet (10') behind the sidewalk.
    - a) If sidewalk is not present, the setback shall be measured from the property line. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line.
  - 2) Fencing may be allowed in the ten foot (10') triangular area subject to the following:
    - a) Three feet (3') in height for solid or opaque material or;
    - b) Four feet (4') in height for nonsolid materials that is seventy-five percent (75%) open and presents no visual barriers.
- D) Rear Yard Area: Fencing may be constructed to a maximum height of six feet (6') with standard type fencing material except in the following:
  - 1) When located within ten feet (10') to a driveway on an abutting property fencing may not be located within a triangular area formed by the property lines and a line connecting them at points ten feet (10') behind the sidewalk.
    - a) If sidewalk is not present, the setback shall be measured from the property line. If the property line extends into the established right-of-way, the setback shall be measured from the right-of-way line.
  - 2) Fencing may be allowed in the ten foot (10') triangular area subject to the following:
    - a) Three feet (3') in height for solid or opaque material or;
    - b) Four feet (4') in height for nonsolid materials that is seventy-five percent (75%) open and presents no visual barriers.

## Example 1

### Corner Lot without Adjacent Driveway

## Example 1

### Corner Lot without Adjacent Driveway

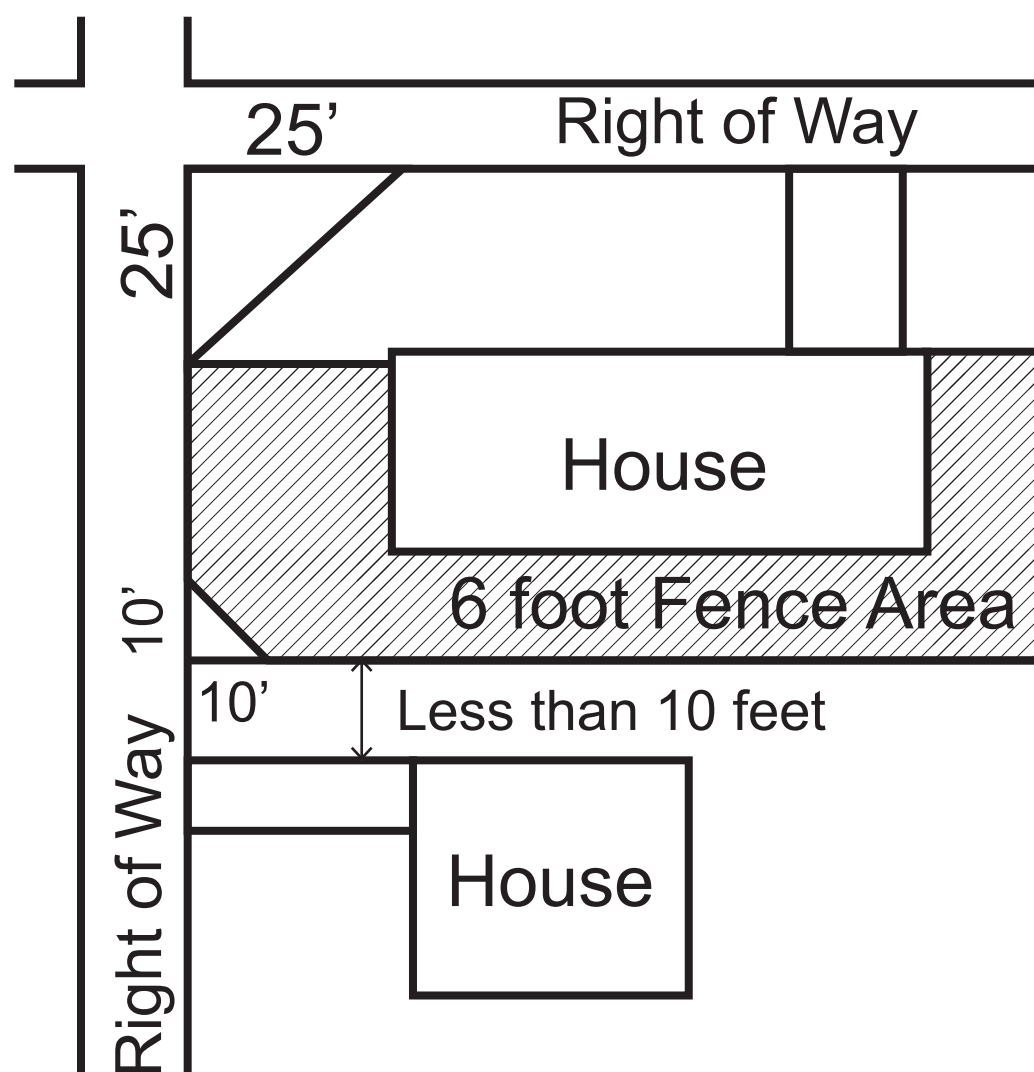


## Example 2

### Lot with Adjacent Driveway

## Example 2

### Lot with Adjacent Driveway





17.64.090: FENCE HEIGHT EXCEPTIONS:

A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').

B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right-of-way.

C. Residential zoned properties adjacent to the UTA light rail commuter rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right-of-way subject to all fencing permit requirements and traffic visibility setback requirements.

D. The Planning Commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts to a maximum height of eight feet (8').

E. Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding eight feet (8') on the side or rear property line adjacent to the collector or arterial street right-of-way.

F. Properties exceeding one-half (1/2) acre in size may erect a fence to a height not exceeding eight feet (8').

G. Residential and nonresidential properties located between Fontaine Bleu Drive and Wheeler Historic Farm that are adjacent to the Jordan and Salt Lake City Canal right-of-way may erect a fence on the property line adjacent to the right-of-way to a height not exceeding eight feet (8') subject to all building permit requirements and any traffic visibility setback requirements.

H. Fences over seven feet (7') in height shall be subject to all building permit requirements. (Ord. 17-28)

## 17.64.090: FENCE HEIGHT EXCEPTIONS:

A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').

B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right-of-way.

C. Residential zoned properties adjacent to the UTA light rail commuter rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right-of-way subject to all fencing permit requirements and traffic visibility setback requirements.

D. Residentially zoned properties that abut non-residentially zoned properties may construct a fence up ~~The Planning Commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts~~ to a maximum height of eight feet (8') and must meet any setback requirements.

E. Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding eight feet (8') on the side or rear property line adjacent to the collector or arterial street right-of-way.

F. Properties exceeding one-half (1/2) acre in size may erect a fence to a height not exceeding eight feet (8').

G. Residential and nonresidential properties located between Fontaine Bleu Drive and Wheeler Historic Farm that are adjacent to the Jordan and Salt Lake City Canal right-of-way may erect a fence on the property line adjacent to the right-of-way to a height not exceeding eight feet (8') subject to all building permit requirements and any traffic visibility setback requirements.

H. Fences over seven feet (7') in height shall be subject to all building permit requirements. (Ord. 17-28)

17.64.090: FENCE HEIGHT EXCEPTIONS:

A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').

B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right-of-way.

C. Residential zoned properties adjacent to the UTA light rail commuter rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right-of-way subject to all fencing permit requirements and traffic visibility setback requirements.

D. Residentially zoned properties that abut non-residentially zoned properties may construct a fence up to a maximum height of eight feet (8') and must meet any setback requirements.

E. Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding eight feet (8') on the side or rear property line adjacent to the collector or arterial street right-of-way.

F. Properties exceeding one-half (1/2) acre in size may erect a fence to a height not exceeding eight feet (8').

G. Residential and nonresidential properties located between Fontaine Bleu Drive and Wheeler Historic Farm that are adjacent to the Jordan and Salt Lake City Canal right-of-way may erect a fence on the property line adjacent to the right-of-way to a height not exceeding eight feet (8') subject to all building permit requirements and any traffic visibility setback requirements.

H. Fences over seven feet (7') in height shall be subject to all building permit requirements. (Ord. 17-28)





# MURRAY CITY COUNCIL





# Agenda Item # 6

## Chapter 17.64 Fence Regulations

Sections 17.64.020 & 17.64.090

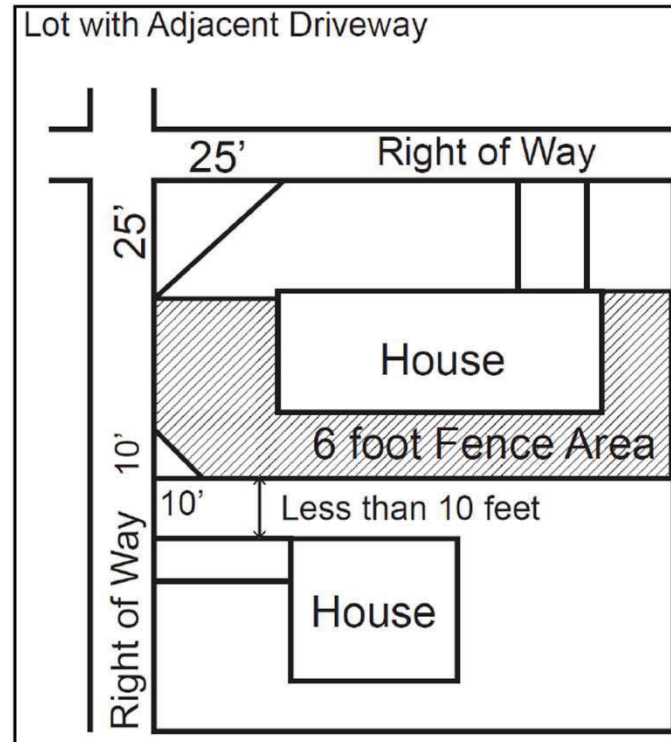
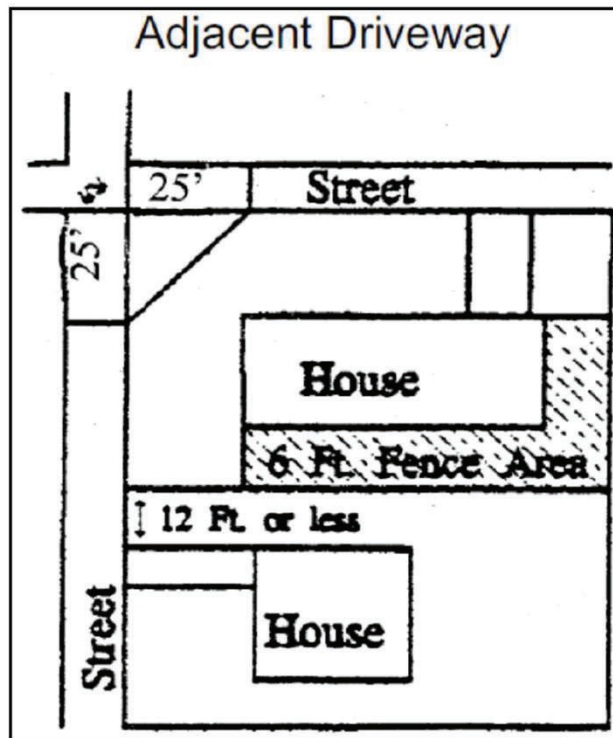
Clarifying Residential Fencing and allows additional height in residential zones.





## Proposed Changes

Allow additional height in residential zones





## Examples







## Examples

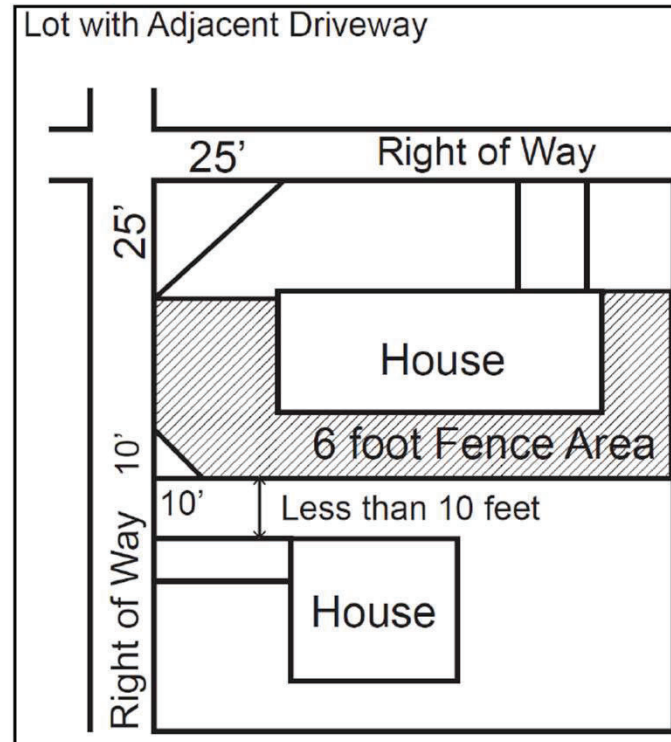
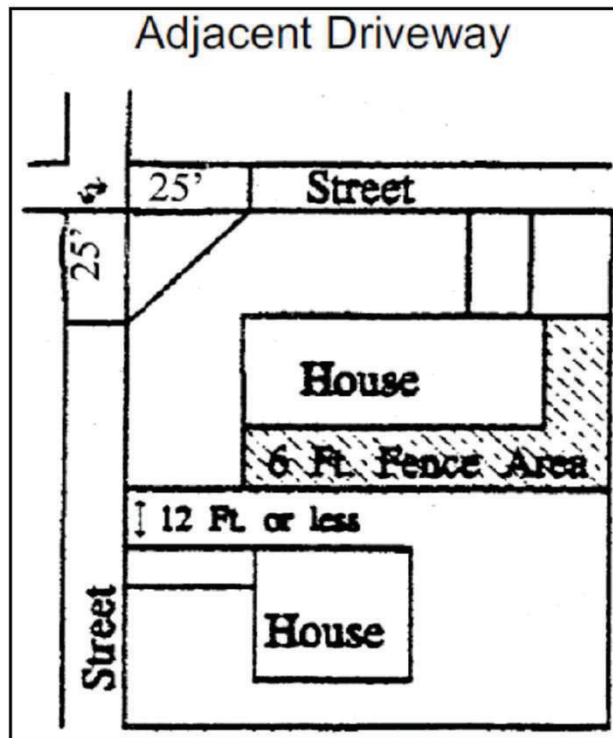






## Proposed Changes

Allow additional height in residential zones





## Examples





## Examples





## Proposed Changes

Allowing additional height between residential and nonresidential zoning.

Residentially zoned properties that abut non-residentially zoned properties may construct a fence up to a maximum height of eight feet (8') and must meet any setback requirements.



## Findings

1. The proposed text amendment promotes individual property rights and does not conflict with the General Plan.
2. The proposed text amendment has been thoroughly reviewed to ensure that the health, safety, and general welfare of the community are maintained.
3. Staff finds that continuing to support single-family neighborhoods by allowing additional privacy provides owners with greater use of their property.
4. The Murray City Planning Commission held a public hearing on August 15<sup>th</sup>, 2024 and voted 5-0 to forward a recommendation of approval for the requested amendments.



## Staff Recommendation

Staff and the Planning Commission recommend that the City Council **APPROVE** the proposed amendments to Sections 17.64.020 and 17.64.090 within the Fence Regulation Code as reviewed in the Staff Report.





THANK YOU!





# Discussion Item #4





**MURRAY**

# City Council

## 2024 ULCT Conference Reports

### Council Action Request

Committee of the Whole

Meeting Date: October 15, 2024

<b>Department Director</b> Jennifer Kennedy  <b>Phone #</b> 801-264-2622  <b>Presenters</b> Paul Pickett Pam Cotter Diane Turner Adam Hock Jennifer Kennedy  <b>Required Time for Presentation</b> 10 Minutes  <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b>     <b>Date</b> September 17, 2024	<b>Purpose of Proposal</b> Information will be shared about the recent ULCT conference.  <b>Action Requested</b> Information and discussion.  <b>Attachments</b>    <b>Budget Impact</b> None  <b>Description of this Item</b> Councilmembers who attended a recent ULCT Conference will report on the conference.
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**MURRAY**  
CITY COUNCIL

**Adjournment**