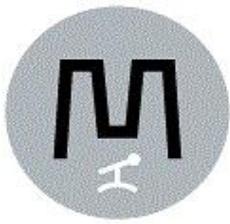




MURRAY
CITY COUNCIL

Council Meeting August 26, 2025



Murray City Municipal Council

City Council Meeting Notice

August 26, 2025

PUBLIC NOTICE IS HEREBY GIVEN that the Murray City Municipal Council will hold a City Council meeting beginning at 6:30 p.m. on Tuesday, August 26, 2025 in the Murray City Council Chambers located at Murray City Hall, 10 East 4800 South, Murray, Utah.

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

Meeting Agenda

6:30 p.m. **Council Meeting** – Council Chambers
Scott Goodman conducting.

Opening Ceremonies

Call to Order
Pledge of Allegiance

Approval of Minutes

Council Meeting – July 15, 2025

Citizen Comments

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

Special Recognition

1. Murray City Employee of the Month, Human Resource Analyst Nadine Brown – Scott Goodman, Mayor Hales and Human Resource Director Robyn Colton presenting.
2. Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah recognizing and celebrating the 50th Anniversary of the Murray Symphony. Mayor Hales and City Council presenting.

Consent Agenda

None scheduled

Public Hearings

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

1. Consider an ordinance amending Sections 17.08.020, 17.68.030, 17.68.040, and 17.68.060 of the Murray City Municipal Code relating to landscaping requirements. Zachary Smallwood presenting.
2. Consider an ordinance amending Sections 17.92.080, 17.96.100, 17.100.100, 17.104.100, 17.108.100, 17.112.100, 17.116.070, 17.120.070, 17.124.070, and 17.128.070 of the Murray City Municipal Code relating to exemptions into setback areas for all residential zones. Zachary Smallwood presenting.

Business Item

1. Consider a resolution approving an Interlocal Cooperation Agreement between the City and the Murray City School District for Murray City Fire Fighters to teach fire education classes offered by the school district. Chief Joey Mittelman presenting.

Mayor's Report and Questions

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.murray.utah.gov.

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

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

On Friday, August 22, 2025, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.



Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



MURRAY
CITY COUNCIL

Call to Order

Pledge of Allegiance



MURRAY
CITY COUNCIL

Council Meeting Minutes

MURRAY CITY MUNICIPAL COUNCIL
COUNCIL MEETING
Minutes of Tuesday, July 15, 2025
Murray City Hall, 10 East 4800 South, Council Chambers, Murray, Utah 84107

Attendance:

Council Members:

Paul Pickett	District #1
Pam Cotter	District #2 – Council Chair
Scott Goodman	District #3
Diane Turner	District #4
Adam Hock	District #5 – Council Vice Chair

Others:

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
G.L. Critchfield	City Attorney	Pattie Johnson	Council Administration
Doug Hill	Chief Administrative Officer	Christopher Castrillo	Murray Cemetery
Kathy White	Chamber of Commerce	Brooke Smith	City Recorder
Craig Burnett	Police Chief	Joey Mittelman	Fire Chief
Kim Sorensen	Parks Director	Bruce Holyoak	Parks Superintendent
Ben Gray	IT Support	Greg Bellon	Power Director
Ben Ford	Wastewater Superintendent	Russ KaKala	Public Works Director
Citizens and Guests			

Call to Order: 6:30 p.m. – Council Member Cotter

Approval of Minutes: Council Meeting, June 3, 2025 and Council Meeting, June 17, 2025.

MOTION: Mr. Pickett moved to approve, and Ms. Turner SECONDED the motion.

Voice vote taken, all “Ayes.” Approved 5-0

Citizen Comments:

Colby Oliverson – Murray Resident

Mr. Oliverson spoke about his neighbor digging a 5' foot deep, 15 by 10 foot pond in his backyard, intended for ducks, fish and crawfish. Mr. Oliverson said other violations at this property were resolved by City Code Enforcement, but since no Code existed for regulating backyard ponds, no further action could be taken. He shared concerns about public health risks and he urged the Council to create an ordinance to manage unregulated ponds.

Bob Van Bibber – Murray Resident

Mr. Van Bibber spoke about his neighbor installing a pond that would be placed directly behind his home. He noted previous issues there, including a woodpile fire, free-range chickens and a rat problem that led him to invest in a rat prevention program. Mr. Van Bibber felt the City should better regulate the number of chickens and beehives allowed at a single residence. He shared concerns about the potential for more mosquitos, foul odors, the pond seeping into a nearby garage and the risk of children falling into the pond. He asked that a solution be found to stop the pond from being completed.

Lena Ayotte – Murray Resident

Ms. Ayotte spoke about a sober living facility located across the street from her home. She questioned why the facility was allowed to operate near a public park, suspected that the facility was federally funded, but believed it was profiting from illegal activity. She also believed people living at the facility were selling and using drugs and the people staying there were drinking alcohol despite the claim that it was a sober living facility.

Trisha Syversen – Murray Resident

Ms. Syversen expressed concern about a sober living facility next to her home urging the Council to protect neighborhood children. She supported recovery efforts but did not feel the facility should be located next to the park entrance. She feared for her child's safety. She thought residents should have been notified before the facility was established and mentioned that a suspected registered sex offender had stayed at the facility, visited the park and was now incarcerated.

Corey Peterson – Murray Resident

Ms. Peterson expressed concern about the sober living facility in her neighborhood, saying she agreed with previous comments. She felt gob smacked that the City had no warning system in place to warn residents and that no written notice of any kind was sent to them.

Chris Brelsford – Murray Resident

Mr. Brelsford opposed having a sober living facility in his neighborhood and said he and his wife visit the park several times a day and they have noticed illicit activity. He was uncomfortable knowing sex offenders might be staying at the house when children are riding bikes around the neighborhood. He asked the City to help ensure the neighborhood was safe.

Marlene Maag – Murray Resident

Ms. Maag said safety concerns for her children began after she noticed unusual activity at a house in her neighborhood, that she later learned was a sober living facility. As a sexual abuse survivor, she was terrified about the possibility of sex offenders living there. Ms. Maag said her children avoid the park now, and she no longer feels safe walking her dog at the park where she witnessed suspicious behavior, including men lingering in park bathrooms. She was upset that residents were not informed about the decision to put the facility in her neighborhood.

Becky Hansen – Murray Resident

Ms. Hansen said as an avid bird watcher she strongly opposed to the City's plan to install solar lighting along the Jordan River Parkway. She spoke about the ecological importance of preserving the dark sky corridor for migratory birds and shared guidelines from the Jordan River Commission that discouraged artificial lighting in natural areas. She noted that the park closes at 11:00 p.m. and feared that all-night lighting would attract unwanted activity and that the lighting would disrupt the park's natural setting. She suggested reallocating funds toward other improvements like repairing the equestrian trail under 5400 South or replacing a long-standing footbridge in Hunter's Woods.

Mike Hlavaty – Murray Resident

Mr. Hlavaty said his neighbor's concerns were not exaggerated about the sober living facility in their neighborhood. Besides constant drug exchanges he suspected prostitution and open needle use, noting that his wife was stalked and his babysitter nearly sexually assaulted. He believed several felons lived at the facility now and he feared for his son's safety. He felt the once nice neighborhood was now a fearful place to live and if issues were not resolved many residents would be moving out of the neighborhood.

Special Recognition: Murray City Employee of the Month, Christopher Castrillo, Parks Cemetery Supervisor.

Ms. Cotter, Mayor Hales and Parks Superintendent Bruce Holyoak presented Mr. Castrillo with a certificate and a \$50 gift card. Mr. Castrillo was acknowledged with gratitude for maintaining the Murray City Cemetery as a beautiful, peaceful and welcoming place for all.

Public Hearings:

1. Consider a resolution of the Murray City Municipal Council approving an adjustment to the wastewater

service boundaries it has in common with Midvalley Improvement District. Wastewater Superintendent Ben Ford said that the Midvalley Improvement District service boundary had not been updated since 1947. A map was displayed to pinpoint the affected boundary near the Murray Sam's Club property and the boundary at the 756 East Winchester property. He shared the approved May 2025 resolution which was the Notice of Intent to adjust the boundary that included the legal description and the Final Local Entity Plan plat map. The Council would consider two resolutions as part of the boundary adjustment: one approving the plat itself and one approving the boundary adjustment.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

MOTION: Ms. Turner moved to approve the resolution. Mr. Goodman **SECONDED** the motion.

Council Roll Call Vote:

Mr. Goodman Aye
Ms. Turner Aye
Mr. Hock Aye
Mr. Pickett Aye
Ms. Cotter Aye
Motion passed: 5-0

2. **Consider a resolution of the Murray City Municipal Council accepting the plat depicting the adjustment to the wastewater service boundaries the City has in common with Midvalley Improvement District.** Mr. Ford reiterated that this second proposed resolution would approve the plat description, the legal description and the plat map.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

MOTION: Mr. Hock moved to approve the resolution. Mr. Pickett **SECONDED** the motion.

Council Roll Call Vote:

Mr. Goodman Aye
Ms. Turner Aye
Mr. Hock Aye
Mr. Pickett Aye
Ms. Cotter Aye
Motion passed: 5-0

Mayor's Report and Questions: Mayor Hales said Murray Theater was closer to completion and the grand opening would be held Friday, September 26, 2025. Tickets would be available on Friday, August 1, 2025 for a musical event. The annual Boards and Commissions event would also be held this year at the Murray Theater.

Adjournment: 7:15 p.m.

Pattie Johnson
Council Office Administrator III



MURRAY
CITY COUNCIL

Citizen Comments

Limited to three minutes, unless otherwise approved by Council



MURRAY
CITY COUNCIL

Special Recognition



MURRAY
CITY COUNCIL

Special Recognition #1



MURRAY

City Council/Mayor

Employee of the Month - Nadine Brown

Council Action Request

Council Meeting

Meeting Date: July 15, 2025

Department Director Jennifer Kennedy	Purpose of Proposal Employee of the Month recognition
Phone # 801-264-2622	Action Requested Informational only
Presenters Pam Cotter Brett Hales Robyn Colton	Attachments Recognition Form
Budget Impact	None
Description of this Item	See Employee of the Month Recognition Form
Required Time for Presentation	
Is This Time Sensitive	
No	
Mayor's Approval	
Date	
August 26, 2025	

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Human Resources

8/12/25

NAME of person to be recognized:

Submitted by:

Nadine Brown

Robyn Colton

DIVISION AND JOB TITLE:

Human Resource Analyst

YEARS OF SERVICE:

6

REASON FOR RECOGNITION:

Nadine has been a vital member of the City's HR team for six years. She handles recruiting, compensation, job descriptions, and records retention with precision and a commitment to 100% accuracy. Nadine's behind-the-scenes efforts, from digitizing old HR files to creating her own excel tracking systems, have made our operations faster and more efficient. Though she avoids the spotlight, her reliability and dedication make her an indispensable member of our team.

COUNCIL USE:

August 2025



MURRAY
CITY COUNCIL

Special Recognition #2



MURRAY

City Council

Murray Symphony 50th Anniversary

Council Action Request

Council Meeting

Meeting Date: August 26, 2025

Department Director Jennifer Kennedy	Purpose of Proposal A Joint Resolution for the Murray Symphony
Phone # 801-264-2622	Action Requested Approve the Joint Resolution
Presenters Mayor Hales Scott Goodman	Attachments Joint Resolution
Budget Impact	Description of this Item None
Required Time for Presentation	This is a Joint Resolution recognizing and celebrating the 50th Anniversary of the Murray Symphony.
Is This Time Sensitive Yes	
Mayor's Approval	
Date August 26, 2025	

JOINT RESOLUTION # 25-15

**A JOINT RESOLUTION OF THE MAYOR AND THE MUNICIPAL COUNCIL OF MURRAY CITY,
UTAH RECOGNIZING AND CELEBRATING THE 50TH ANNIVERSARY OF THE MURRAY
SYMPHONY**

WHEREAS, the Murray Symphony was founded in 1975 by a group of passionate local musicians united by a shared dedication to making quality music by the community, for the community; and

WHEREAS, the Murray Symphony has been dedicated to bringing inspiring and uplifting music to the city of Murray; and

WHEREAS, over the past fifty years, the Murray Symphony has enriched the cultural landscape of Murray and the surrounding region through its commitment to artistic excellence and community engagement; and

WHEREAS, the Symphony has provided countless opportunities for local musicians to develop their talents, collaborate, and share the joy of music with audiences of all ages; and

WHEREAS, through concerts, outreach programs, and special performances, the Murray Symphony has inspired generations, fostered a love of music, and strengthened the bonds of the community; and

WHEREAS, the enduring success of the Murray Symphony is a testament to the dedication of its musicians, conductors, volunteers, board members, and supporters who have worked tirelessly over five decades to sustain and grow this cherished organization;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Murray City do hereby recognize and celebrate the 50th anniversary of the Murray Symphony, express profound gratitude for its remarkable contributions to the cultural life of our community and extend best wishes for many more years of success and harmony.

Passed, Approved and Adopted this _____ day of _____, in the year 2025.

Murray City Corporation

Murray City Municipal Council

Mayor Brett A. Hales

Paul Pickett, District 1

Pam Cotter, District 2

Scott Goodman, District 3

ATTEST:

Diane Turner, District 4

Brooke Smith, City Recorder

Adam Hock, District 5



MURRAY
CITY COUNCIL

Public Hearings



MURRAY
CITY COUNCIL

Public Hearing #1



MURRAY

Council Action Request

Community and Economic Development

Murray City Staff: Landscaping Text Amendments

Council Meeting

Meeting Date: August 26, 2025

Department Director Chad Wilkinson	Purpose of Proposal Amend landscape ordinance to allow residents (and businesses) to qualify for state rebates and minor clarification items.
Phone # 801-270-2427	Action Requested Ordinance Approval
Presenters Zachary Smallwood	Attachments Slides
Required Time for Presentation 15 minutes	Budget Impact None Anticipated
Is This Time Sensitive No	Description of this Item Murray Water Department and CED Staff are requesting amendments to the Landscaping ordinance to allow residents to qualify for the Utah Water Savers rebate program and minor clarification items. In 2024, the Murray City Water Department completed its masterplan and water conservation plan. In the conservation plan specifically, new conservation practices are outlined for planned implementation. Within these recommendations is an update to the landscaping ordinances to meet the qualifications for the Utah Water Savers program offered by the State.
Mayor's Approval	Planning staff has worked with the Water Department to craft amendments to the landscaping ordinance and are prepared to present these items to the City Council for adoption. The Planning Commission held a public hearing on June 5th, 2025 and voted 5-1 to recommend approval of the proposed text.
Date August 26, 2025	

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 26th day of August, 2025, 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 17.08.020, 17.68.030, 17.68.040, and 17.68.060 of the Murray City Municipal Code relating to Landscaping Requirements.

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

DATED this 18th day of July 2025.



MURRAY CITY CORPORATION

A handwritten signature in black ink.

Brooke Smith
City Recorder

DATES OF POSTING: August 15, 2025
PH25-32

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 17.08.020, 17.68.030, 17.68.040, AND 17.68.060 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO LANDSCAPING REQUIREMENTS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Sections 17.08.020, 17.68.030, 17.68.040, and 17.68.060 of the Murray City Municipal Code relating to landscaping requirements.

Section 2. Amend sections 17.08.020, 17.68.030, 17.68.040, and 17.68.060 of the Murray City Municipal Code. Sections 17.08.020, 17.68.030, 17.68.040, and 17.68.060 of the Murray City Municipal Code shall be amended to read as follows:

17.08.020: TERMS DEFINED:

ACCESSORY USE OR STRUCTURE: A use or structure located upon the same lot which is customarily incidental and subordinate to the principal use or structure.

ACTIVE RECREATION AREAS: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. Sports fields and play areas).

ACTIVITY ZONES: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

....

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

LAWN: Ground that is covered with grass or turf that is regularly mowed.

LIVE/WORK UNIT: A dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the owner/occupant. The nonresidential area of the unit shall be limited to the ground floor and shall not occupy greater than fifty percent (50%) of the live/work unit total floor area. The live/work unit shall not be greater than three thousand (3,000) total square feet and no more than five (5) nonoccupant

workers or employees are to occupy the nonresidential area of the live/work unit at any one time.

....

17.68.030: GENERAL PROVISIONS:

A. Installation Of Landscape And Related Improvements; ~~Facade Exemption~~: Landscape and related improvements required by this chapter shall be installed if:

1. A conditional use permit is required; or
2. A site plan review is required; or
3. The cost of construction or remodeling exceeds fifty percent (50%) of the market value of the structure.
 - a. Market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.
 - b. Facade Exemption: For facade improvements or remodeling that involves exterior changes only, the requirement for installation of landscaping and related improvements does not apply.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit, ~~in addition to other materials required by the city, three (3) copies of~~ a formal landscape plan (per phase if the project is multiphased) as indicated on the appropriate application. The ~~plans se copies~~ must be submitted with the site plan, and must include or show:

....

2. Building Permit Application: In association with a building permit application, the applicant shall submit, ~~in addition to other materials required by the city, three (3) copies of~~ a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

....

3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:

a. ~~A building permit for a single family dwelling or for a two-family dwelling.~~

b_a. A building permit for interior remodeling which does not involve a change of use from residential to nonresidential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.

b_b. A permit for the following activities: reroofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home setup, addition of interior plumbing, addition of interior electrical, fencing, on premises sign, and off premises sign.

b_c. A license to encroach upon public utility easement.

b_d. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.

....

17.68.040: LANDSCAPING REQUIREMENTS:

The following standards apply to all commercial, industrial, mixed-use and multifamily developments.

A. Perimeter:

1. Front Setback Areas:

a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at maturity the time of planting. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,

b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,

c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, CC-FBC, MCMU, CMU, and VMU M-U and MCCD districts,

- d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,
- e. Where a park strip is provided, the park strip shall be planted with low growth which may include ground cover and shrubs not exceeding three feet (3') in height, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of plantingmaturity,
- f. Ground cover is required to provide fifty percent (50%) bed coverage at time of plantingmaturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include turf grass/lawn or trees. Evergreen trees may be counted as ground cover if branches reach the ground.

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

- 1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.
- 2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:
 - a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.
 - b. Parking Islands:
 - (1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.
 - (2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.
 - (3) One tree and four (4) shrubs shall be required for each parking island installed.

c. Ground Cover Required: Ground cover is required to have fifty percent (50%) coverage at time of plantingmaturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.

e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.

f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. Lawn Restrictions:

1. Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width.

2. Turf grass/lawn shall not be installed in park strips, paths or on slopes greater than 25% or a 4:1 grade.

3. Turf grass/lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

GD. Concrete Curbing:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

DE. Accommodation Of Bus Benches And Shelters:

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS:

Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width at its narrowest point.

A. Turf grass/lawn shall not be installed in:

1. park strips, or
2. paths, or
3. on slopes greater than 25% or 4:1 grade.

B. Turf grass/lawn shall not exceed 35% of the total landscaped area in the front and side yards of new residential construction.

1. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum eight feet (8') wide lawn area requirements, are exempt from the eight feet (8') minimum width lawn requirement and maximum of 35% lawn requirement.

C. Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30 § 2)

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 26th day of August, 2025.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

MAYOR'S ACTION:

DATED this _____ day of _____, 2025.

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 _____, 2025.

Brooke Smith, City Recorder

LAND USE ORDINANCE TEXT AMENDMENT(S) – LEGISLATIVE ACTION

Chapter 17.08 Definitions & 17.68 Landscape Requirements - Project # 25-055 - Amendments to the landscape requirements to allow residents to qualify for the Utah Water Savers rebate program and minor clarification items

Zachary Smallwood presented this agenda item. He said that this is a text amendment to the landscape requirements allowing residents to qualify for the Utah Water Savers rebate program, as well as some minor modifications of sections that have been needing cleaned up in the code. He discussed adding three definitions to the amendment – active recreation areas, activity zones and turf grass. He said that the requirement for applicants to provide hard copies needs to be removed, since the Building Division only accepts electronic applications now. Mr. Smallwood said they are amending the process to allow for staff to make minor modifications without having to go through the formal process of modifying code. He said they need to remove the exemption for single-family and two-family dwellings; however, staff needs to see landscaping plans when a building permit is applied for. He said they are requesting a modification to the requirement for landscaping to cover 50% at the time of planting to be covered 50% at maturity. He said that staff updated the language used in the code for the landscape setback. He also said the language in the code referring to the MU zone was removed, and the terms for CC-FBC, MCMU, Centers Mixed Use, and Village Mixed Use were added. Mr. Smallwood discussed an addition to the residential section of the code regarding lawn restrictions. He said that lawn shall not be located in areas smaller than eight feet wide. It shall not be installed in park strips, paths or slopes greater than 25% grade. Also, the language stating that lawn shall not exceed 20% of the landscaped area outside of active recreation areas has been increased to 35% on residential in the front and side yards of new residential construction. Notices were sent to affected entities and posted on the city and state public meeting website. One phone call was received from Granite School District with questions regarding grass at Cottonwood High School. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments.

Commissioner Hacker asked if only residents can apply for the Utah Water Savers rebate program. Mr. Smallwood said that commercial properties may apply for it as well.

Commissioner Klinge clarified that the landscaping requirements apply moving forward. Mr. Smallwood said yes, this applies to new or remodeled construction.

Commissioner Pehrson asked if these amendments aren't approved, is the only ramification that residents won't be able to apply for the program. Mr. Smallwood said that's correct. Commissioner Pehrson asked if the eight-foot requirement is something that the city decided. Mr. Smallwood said it's a state standard.

Commissioner Pehrson and Mr. Smallwood had a discussion about what would trigger an existing resident or commercial property to have to comply with the new requirements. Mr. Smallwood said for residential it would be new construction or complete rebuild and for commercial it would be an application for conditional use permit, a 50% improvement or a site plan.

Commissioner Pehrson asked if parking strips are required in Murray City. Mr. Smallwood said they are. Mr. Pehrson asked if the city code could be changed so that they aren't required. Mr. Smallwood said it could, but he would not be in favor of it, as the provide pedestrian safety.

A discussion was had regarding the need to change landscaping requirements so a few residents could take advantage of the program. Mr. Smallwood said that, as water issues across the state increase, more residents are looking to take advantage of the program. Residents haven't been able to apply because Murray City has previously not met the landscaping standards. Adopting the proposed standards will allow Murray City to participate in the program. He said that most other cities have adopted these standards.

Commissioner Hacker and Mr. Smallwood had a discussion regarding the standards as they relate to commercial properties. Commissioner Hacker asked how the standards apply when an applicant is applying for a conditional use permit and needs to meet those landscaping requirements. Mr. Smallwood said that the city still wants to see planted material, they just want to reduce the amount of lawn.

Commissioner Pehrson wanted to confirm that the program is not just applicable to the park strip. Mr. Smallwood said the rebate applies to a park strip as well as landscaping a front lawn. A discussion was had regarding the difference between the Flip Your Strip and Utah Water Saver's programs.

Chair Richards opened the agenda item for public comment.

Rachel Palmer spoke in favor of the proposed amendments to the landscaping code. She is pleased that she'll be able to apply for the Utah Water Saver's program. She added that the standards may seem arbitrary, but they are supported by scientific evidence.

Chair Richards closed the public comment period for this agenda item.

Commissioner Rogers made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Chapters 17.08 Definitions and 17.68 Landscaping Requirements as reviewed in the Staff Report.

Seconded by Commissioner Klinge.

Commissioner Rogers amended her motion to include the definition of lawn to include turfgrass.
Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Klinge
<u>N</u>	Pehrson
<u>A</u>	Richards
<u>A</u>	Rogers

Motion passes: 6-0

Residential Yard Exceptions Amendments - Project # 25-056 - Amendments to the residential yard exception standards in all residential zoning districts allowing roof extensions into the front and rear setback areas



AGENDA ITEM # 5 Landscaping Amendments

ITEM TYPE:	Text Amendment		
ADDRESS:	Citywide	MEETING DATE:	June 5 th , 2025
APPLICANT:	CED Staff	STAFF:	Zachary Smallwood, Planning Manager
PARCEL ID:	N/A	PROJECT NUMBER:	25-055
REQUEST:	Murray Water Department and CED Staff are requesting amendments to the Landscaping ordinance to allow residents to qualify for the Utah Water Savers rebate program and minor clarification items		

I. STAFF REVIEW & ANALYSIS

History & Background

In 2024, the Murray City Water Department completed its masterplan and water conservation plan. In the conservation plan specifically, new conservation practices are outlined for planned implementation. Within these recommendations is an update to the landscaping ordinances to meet the qualifications for the Utah Water Savers Program offered by the state.

Planning staff has worked with the Water Department to craft amendments to the landscaping ordinance and are prepared to present these items for the Planning Commission's review.

Review of Proposed Changes

Staff used the existing language from other water providers and State guidance to insert them into our existing code. Two chapters of the Land Use Ordinance are affected: 17.08 Definitions and 17.68 Landscaping Requirements. The definitions section is being updated to add the following definitions:

- ACTIVE RECREATION AREAS: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).
- ACTIVITY ZONES: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

- **LAWN:** Ground that is covered with grass or turf that is regularly mowed.

Within Chapter 17.68 Landscaping Requirements the following standards were implemented into the code:

- Lawn shall not be less than 8 feet wide at its narrowest point.
- Lawn shall not exceed 35% of the total landscaped area. * Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.
 - Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement, are exempt from the 8 feet minimum width lawn area requirement and maximum of 35% lawn requirement.
- Lawn shall not be installed in park strips, paths, or on slopes greater than 25% or 4:1 grade.
- In commercial, industrial, institutional, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

Staff proposes changing the landscape bed coverage requirement from 50% at the time of planting (meaning 100% at full maturity) to 50% at full maturity. This is an industry standard as staff has largely followed the industry standard.

II. DEPARTMENT REVIEWS

The proposed amendments were provided to each department for their review on May 20th, 2025. All departments recommended approval with no comments or concerns.

III. PUBLIC INPUT

Notices were sent to Affected Entities and posted on City and State Public Meeting website for these amendments. As of the date of this report, no comments have been received.

IV. FINDINGS

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

1. The proposed text amendment promotes water conservancy for both business and residential.
2. The proposed text amendment has been reviewed to ensure that the health, safety, and general welfare of the community are maintained.

3. Staff finds that the proposed amendment does not conflict with any recommendation in the General Plan.
4. The proposed amendments enacts policy goals stated in both the Water Masterplan and Water Conservation plan.

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 Chapters 17.08 Definitions and 17.68 Landscaping Requirements as reviewed in the Staff Report.**



NOTICE OF PUBLIC HEARING

June 5th, 2025, 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 application:

Amendments to Chapter 17.68 Landscape Requirements to implement waterwise landscaping requirements to allow for qualification for the Utah Water Savers program. These include maximum area and widths for lawns in both Residential and Commercial Zones.

Amendments to chapters 17.92: Agricultural A-1; 17.96 Single-Family Medium Density Residential District R-1-6; 17.100 Single-Family Low Density Residential District R-1-8; 17.104 Single-Family Low Density Residential District R-1-10; 17.108 Single-Family Low Density Residential District R-1-12; 17.112 Medium Density Residential District R-2-10; 17.116 Multiple-Family Low Density Residential District R-M-10; 17.120 Multiple-Family Medium Density Residential District R-M-15; 17.124 Multiple-Family High Density Residential District R-M-20; and 17.128 Multiple-Family High Density Residential District R-M-25. The request would allow for non-enclosed roof structures (porches, etc.) to extend into setback areas.

To make comments regarding this proposal, the public may speak at the meeting, call the Murray City Planning Division at (801) 270-2430, or email pc@murray.utah.gov.

The meeting will be streamed online, at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

EXISTING CODE

17.08.020: TERMS DEFINED:

ACCESSORY USE OR STRUCTURE: A use or structure located upon the same lot which is customarily incidental and subordinate to the principal use or structure.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AGENT OF OWNER: Any person who can show written proof that he is acting with/for the property owner's knowledge and permission.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, grazing and keeping or raising of domestic animals and fowl, and not including any agricultural industry or business such as animal feed yards, fur farms, animal hospitals, fruit packing plants, or similar uses.

AISLE SPACE: The area located between or behind off street parking stalls where traffic circulation and access to the parking stalls is provided.

AMUSEMENT DEVICE: Any video game, pinball or other machine whether mechanically or electronically operated, that upon insertion of a coin, trade token, slug, or contest of skill or amusement of any kind or description, and that contains no automatic payoff for the return of money or trade tokens, or that makes no provisions whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus, or contrivance that is based on or that may be used as a game of skill and amusement wherein or whereby the payer initiates, employs, or directs any force generated by the machine. An amusement device shall exclude billiard, pool, or bagatelle tables.

ANTENNAS, LOW POWER RADIO COMMUNICATION TOWERS AND: "Low power radio communication towers and antennas" are defined in chapter 17.80 of this title, and include wall mounted, roof mounted, monopoles with antennas and related support structure less than two feet (2') in width, monopoles with antennas and related support structure greater than two feet (2') in width, and lattice towers. Amateur radio towers, also known as ham radio towers, are not included in this definition.

APARTMENT: A rented room or a suite of two (2) or more rented rooms designated and intended for living and sleeping purposes.

APPEAL AUTHORITY: A land use appeal and variance hearing officer ("hearing officer").

APPLICABLE, RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs): The federal and state statutory and regulatory requirements that a selected remedy must meet for on site activities. ARARs are one of nine (9) criteria used to evaluate remedial alternatives for a site.

EXISTING CODE

ARCADE: Any business catering, though not exclusively, to minors, maintaining four (4) or more amusement devices.

ASSISTED LIVING FACILITY: A congregate residential facility for elderly persons (55 years of age or older), regardless of legal relationship, who receive assistance with activities of daily living or instrumental activities of daily living (ADLs or IADLs). This type of facility is licensed by the State of Utah and as such provides an array of coordinated supportive personal and health care services, available twenty four (24) hours a day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of those services. Services provided include meals, laundry, housekeeping, medication reminders and/or administration of medication, intermittent nursing care, transportation, social/recreation activities, hairdressing, and other services allowed within the state licensure for assisted living facilities. Units may be attached, single or double occupancy, and may include limited or full kitchen facilities.

atrium: An opening through two (2) or more floor levels which is closed at the top by a roof cover.

AUTOMOBILE AUTOMATIC CAR WASH: A facility for automatic or self- service washing and cleaning of automobiles and small trucks not exceeding one and one-half (11/2) tons' capacity.

AUTOMOBILE BODY AND FENDER SHOP: A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (11/2) tons' capacity.

AUTOMOBILE OR TRAILER SALES AREA: An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor and generator service, muffler shop, but not including body or fender work or painting.

AUTOMOBILE REPAIR GARAGE: A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (11/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.

AUTOMOBILE SERVICE CENTER: A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting or upholstering.

AUTOMOBILE SERVICE STATION: A place where automotive fuels and lubricants are sold and dispensed, whether self-service or otherwise, directly into motor vehicles and where

EXISTING CODE

services performed may include tire repair, battery charging, and minor repair work such as replacement of spark plugs, lights, fans and other small parts; this definition does not include automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, nor does it include vehicle or trailer sales or rental. Accessory uses include self-service and minimarket sales.

AUTOMOBILE TIRE SERVICE CENTER: A place which sells, repairs and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.

BARRIERS: A barrier, similar to a cap, must meet specific criteria that will prevent exposure of the underlying material and may include soil and vegetation. Barriers at this site will be placed over category III material.

BASEMENT: A story whose floor is more than twelve inches (12") below the average level of the adjoining ground but where no more than one-half (1/2) of its floor to ceiling height is below the average contact level of the adjoining ground.

BED AND BREAKFAST HOMESTAY: A dwelling which contains a maximum of five (5) guestrooms, is occupied by the owner or individual responsible for operating the facility, and used for accommodations or lodging of guests paying compensation. This use shall not change the character of the dwelling or property for residential purposes and shall meet the requirements of the health department and building and fire codes.

BED AND BREAKFAST INN: A building containing a minimum of six (6) guestrooms, but not more than thirty (30) guestrooms, is used for accommodations or lodging of guests paying compensation where at least a breakfast meal is served, and in which no provision is made for cooking in any individual guestroom. The structure shall have a residential appearance and be limited to two (2) stories in height.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen percent (15%) shall not be considered buildable area unless it is approved by conditional use permit for building construction, after study by a geologist or soils engineer.

BUILDING: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING, ACCESSORY: "Accessory building" means a building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use on the same lot.

BUILDING, HEIGHT OF: "Height of building" means the vertical distance between a reference datum and the highest part of the building excluding roof structures such as chimneys, penthouses, towers and steeples. The reference datum shall be selected by one of the following:

EXISTING CODE

- A. The average elevation of the top back of curb abutting the lot on which the building is to be built;
- B. In the absence of curb and gutter, the average elevation of the centerline of the street abutting the lot on which the building is to be built; or
- C. Where any part of the rear lot line is more than six feet (6') above the average top back of curb, the average elevation of the perimeter of the lot on which the building is being built.

BUILDING, HEIGHT OF ACCESSORY: "Height of accessory building" shall be measured from grade to highest, topmost point peak, if any, of the roof of the accessory building.

BUILDING, MAIN: "Main building" means the principal building or one of the principal buildings upon a lot, or the building or one of the buildings housing a principal use upon a lot.

BUILDING, PUBLIC: "Public building" means a building owned and operated, or owned and intended to be operated, by any subdivision of the federal, state, or local governments.

CAPS: An engineered covering of soils and impermeable surfaces (for example, asphalt, concrete, clay or geosynthetic covering) specifically placed over contaminated and potentially contaminated materials to act as a barrier to exposure of such material and to prevent human contact and percolation of surface water into the ground into one or more repositories on the smelter site.

CARPORT: An attached or unattached parking area enclosed on not more than two (2) sides by walls or doors. For the purposes of this title, a carport shall be subject to all the regulations prescribed for a private garage.

CATEGORY I MATERIAL: Soils and materials with large amounts of diluted arsenic trioxide or flue dust. This material will adversely affect groundwater if significant infiltration of surface water is allowed and thereafter public health if exposed to people. All such material shall be removed from the site (SSOD) in a manner consistent with the approved remediation plan.

CATEGORY II MATERIAL: Soils and materials with large amounts of diluted arsenic trioxide or flue dust. This material could adversely affect groundwater if significant infiltration of surface water is allowed and thereafter public health if exposed to people.

CATEGORY III MATERIAL: Debris from demolition of smelter structures and other materials with levels of arsenic and lead which may be of concern to public health because of the potential long term direct exposure. Material in this category does not pose a concern for groundwater.

CATEGORY IV MATERIAL: Waste material which is slag. Short term or incidental exposure to slag is not considered a health risk at the site.

CHILD:

EXISTING CODE

- A. A child of a person other than the provider of childcare;
- B. A child of a licensed or certified childcare provider who is under the age of four (4);
- C. A child of an employee of a licensed or certified childcare provider who is under the age of four (4).

CHILDCARE: Continuous care and supervision of five (5) or more children through age twelve (12) and children with disabilities through age eighteen (18), in lieu of care ordinarily provided by parents in their own home, for less than twenty four (24) hours a day, for direct or indirect compensation.

CHILDCARE CENTER (COMMERCIAL): Persons, associations, institutions or agencies, licensed by the state which provide childcare and/or educational opportunities for children, in a place other than a residence for less than twenty four (24) hours per day, for direct or indirect compensation.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLEAN SOIL: Growth sustaining soil that is free of contamination. It may include soil and vegetation.

CLINIC, DENTAL OR MEDICAL: "Dental or medical clinic" means a building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and an apothecary, but it shall not include inpatient care.

COMMERCIAL STORAGE FACILITY: A building or facility having one or multiple tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.

CONDITIONAL USE: A use of land for which a conditional use permit is required, pursuant to this title.

CONDOMINIUM: A residential structure consisting of two (2) or more units, each under individual ownership, subject to Utah Code Annotated 57-8-1.

CONGREGATE CARE: See definition of Independent Living.

CONTINUING CARE RETIREMENT COMMUNITY: A housing development designed to provide a full range of accommodations and services for elderly persons (55 years of age or older) including independent living, assisted living and skilled full time nursing or medical care. Residents may move from one level of care to another as needs change.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls or a building.

EXISTING CODE

COVENANT: A written agreement between the buyer and seller of a parcel of land, or between the city and the property owner, to protect the interest of the neighborhood and the community.

COVERAGE: The percent of the total lot area covered by buildings and structures.

CULVERT: Pipe conductor for conveying water.

DAYCARE: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children under fourteen (14) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child daycare.

DAYCARE CENTERS, COMMERCIAL: "Commercial daycare centers" means persons, associations, institutions or agencies, which provide daycare for thirteen (13) or more children and/or educational opportunities for children for periods of more than four (4) hours in any one day.

DETOXIFICATION CENTER: An inpatient facility used exclusively for substance abuse detoxification and ancillary activities; it does not include long term inpatient or outpatient services beyond the detoxification stage of treatment for substance abuse.

DISTRICT: A portion of the territory of the city established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title; includes "zone" and also "zoning district".

DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.

DWELLING GROUP: A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

DWELLING, MULTIPLE-FAMILY: "Multiple-family dwelling" means a building arranged or designed to be occupied by two (2) or more families.

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one, but not more than one, kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

ESSENTIAL FACILITIES: Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead, surface, or underground services,

EXISTING CODE

excluding any building, electrical substation or transmission line of fifty (50) kV or greater capacity, except by conditional use permit.

EXCAVATION: The deliberate disturbance of any soil at a site equal to or greater than four (4) cubic yards (21/2 ton dump truck load), thereby requiring an excavation plan and a city excavation permit.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, and/or a group of not more than four (4) persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FAMILY FOOD PRODUCTION: The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises. The above uses are subject to all board of health restrictions and requirements.

FENCE, SOLID: "Solid fence" means a solid, opaque, rigid fence or wall of wood, metal, fiberglass, vinyl, masonry, or other similar material being no more than ten percent (10%) open.

FINAL REMEDIATION MAP: A map which is filed in the office of the Murray City community development division which shows the locations of all cap and barrier areas of the site as well as location of concentrations of category II, III and IV materials.

FLOOR AREA: The area included within the surrounding walls of a building or portion thereof, exclusive of vents, shafts and courts; of multiple-story buildings, the total area of all occupiable floors, including basements.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GAME COURT: A multiuse recreational facility which may be of varying size, with or without lighting, having an artificial surface, and which is adaptable to multisport functions such as basketball, short court tennis, volleyball, hockey, soccer, roller and street hockey, paddle tennis, badminton, shuffleboard, racquet games, tot wheeling, play area and other related or similar sports and recreational activities. For purposes of determining where a game court may legally be located on a residential lot, a game court shall be considered an accessory structure.

GARAGE, PRIVATE: "Private garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers and boats for each dwelling unit in the premises, each such vehicle having a GVW of one and one-half (11/2) tons or less, provided that nothing herein prohibits storing personal recreational vehicles, such as snowmobiles, personal watercraft and ATVs in addition to other vehicles, boats or trailers herein permitted.

EXISTING CODE

GARAGE, REPAIR: "Repair garage" means a structure or portion thereof used as a business providing repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, and minor collision service, but does not include major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing, or sale of vehicles to satisfy statutory repairmen's liens, as provided by state law.

GRADE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet (6') (1829 mm) from the building, between the building and a point six feet (6') (1829 mm) from the building.

GROUP EDUCATIONAL HOME: A dwelling in which education and related supervision are provided for seven (7) to twelve (12) children, including the children of the person or persons providing the services, at any given time.

GUEST: Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.

HARD SURFACE: A dust free paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the city engineer.

HOSPITAL: An institution providing qualified health, medical and surgical staff and related personnel services for the diagnosis, treatment and recovery care of persons suffering from disease or injury, primarily on an inpatient basis. A hospital may include integral support service facilities.

HOTEL: A building designed for or occupied as the temporary abiding place of individuals who are, for compensation, lodged, with or without meals.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure. Household pets shall not include chickens, rabbits, ducks, pigeons, geese, or other domestic farm variety animals nor any wild animals as defined in the city animal control ordinance.

INDEPENDENT LIVING: Multi-unit senior housing development that provides services (e.g., housekeeping, transportation, meals, social/recreational activities, etc.) as part of a monthly fee or rental rate. The community includes common dining facilities, social and recreational amenities. Residents may receive home healthcare services provided by an outside agency or an affiliate of the property management. Independent living does not include assisted living or skilled nursing, but may be included as part of assisted living or skilled nursing facilities.

INSTITUTIONAL CONTROLS: Public and private restrictions that are placed on a given area of land. The restrictions control how the land and materials or soils on the site may be

EXISTING CODE

used, accessed, managed, handled, modified, or disposed. The purpose of the controls is to limit or prohibit exposure by people to remaining constituents on the surface or subsurface that remain at the site and/or to protect physical barriers or caps that have been placed on the site. Public controls may be imposed, for example, through building permits, subdivision regulations, excavation permits, or zoning ordinances. Private controls are typically imposed through covenants, deed restrictions on the land, or contractual agreements between the property owner and lessee.

KENNEL: Any premises where three (3) or more dogs or cats older than four (4) months are kept.

LAND USE AUTHORITY: The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

LIVE/WORK UNIT: A dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the owner/occupant. The nonresidential area of the unit shall be limited to the ground floor and shall not occupy greater than fifty percent (50%) of the live/work unit total floor area. The live/work unit shall not be greater than three thousand (3,000) total square feet and no more than five (5) nonoccupant workers or employees are to occupy the nonresidential area of the live/work unit at any one time.

LOT: A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

LOT, CONTRACTOR'S: "Contractor's lot" means a fenced, landscaped, illuminated outside area used to store heavy duty construction equipment and construction material. This definition does not include salvage lots, outdoor repair garages, junk, debris, impounded vehicles or inoperable vehicles.

LOT, CORNER: "Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street.

LOT DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines.

LOT, FABRICATION: "Fabrication lot" means a fenced, illuminated, landscaped open area, not a street, used to fabricate metal, masonry, concrete, stone and wood products.

LOT FRONTRAGE: That part of a lot contiguous to the street. For the purposes of determining lot frontage for corner lots and lots fronting on more than one street, all sides of a lot contiguous to a street shall be included when determining total lot frontage.

EXISTING CODE

LOT, INTERIOR: "Interior lot" means a lot other than a corner lot.

LOT LINES: The property lines bounding the lot.

Lot Line, Front: "Front lot line" means the line separating an interior lot from a street. In case a lot abuts on more than one street, the lot owner may elect any street lot line as the front lot line unless previously established.

Lot Line, Rear: "Rear lot line" means, ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore shaped lot, a line ten feet (10') in length within the parcel parallel to and at a minimum distance from the front lot line. In cases where these definitions are not applicable, the building official shall designate the rear lot line.

Lot Line, Side: "Side lot line" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

LOT, PARKING: "Parking lot" means a hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more operable and licensed motor vehicles.

LOT, SALES AND RENTAL: "Sales and rental lot" means a hard surfaced, dust free outside area which is landscaped and illuminated for display for sale or rental of operable motor vehicles, trailers, boats, machinery, tools, and serviceable building materials.

LOT, STORAGE: "Storage lot" means a hard surfaced, dust free, landscaped, fenced illuminated open area, not a street, used to store new or used and serviceable building material, machinery, tools, boats, motor vehicles or trailers.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the required front yard setback line.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. "Manufactured home" does not include a "recreational vehicle".

MEDICAL CLINIC: A facility for the medical or similar examination and treatment of persons as outpatients by physicians or licensed medical specialists practicing medicine as a group during normal office hours.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for residential use where the lots are to be occupied exclusively by mobile homes.

EXISTING CODE

MODULAR HOME: A permanent dwelling structure built of prefabricated units which are assembled and/or erected on the site and which must meet all international building code standards.

MONITORING WELLS: Wells which have been approved by EPA for testing and remediation purposes on the site.

MOTEL: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units and designed and located to serve the motoring public.

MOTOR HOME: A self-contained vehicular portable structure designed for short term occupancy as a temporary dwelling for travel or recreational uses.

MULTIPLE-FAMILY HIGH DENSITY: Twenty (20) and above residential dwelling units per acre.

MULTIPLE-FAMILY LOW DENSITY: Ten (10) or fewer residential dwelling units per acre.

MULTIPLE-FAMILY MEDIUM DENSITY: Eleven (11) to nineteen (19) residential dwelling units per acre.

MULTIUSE WAREHOUSE FACILITY: A building or facility used for storage of personal or commercial commodities or property, or which may be used for the conduct of individual businesses, commerce, sales or service.

MUNICIPAL COUNCIL: The municipal council of Murray City.

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the city engineer.

NONCOMMERCIAL STORAGE FACILITY: A building or facility having one or more units or rooms each not exceeding four hundred (400) square feet in area, and having no sanitation, heating, cooling or culinary water utilities, and which is used or intended for the storage of personal property for noncommercial purposes. This definition does not include facilities used or intended for the display of property held for resale, the conduct of any business on the premises, or the operation of a commercial warehouse.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, together with related improvements, lawfully existing at the time this title became effective, which does not conform to all the height, area, yard and similar site regulations herein prescribed for the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this title became effective and which does not conform with the use regulations of the district in which it is located.

NURSING HOME: An institution other than a hospital for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

EXISTING CODE

OFFICIAL MAP: A map which has been adopted as the official map of the city, showing existing public streets, streets as shown on approved subdivision plats and modifications to streets which have been extended, widened, narrowed or vacated as provided by law and which have been accurately surveyed and definitely located.

OPEN SPACE: The part of a planned unit development which is accessible and usable by all persons occupying dwelling units in the planned unit development. It is any parcel or area of land or water that is improved or unimproved, and serves the purposes of preservation of natural resources, outdoor recreation, or public health and safety. Open space is land permanently set aside for conservation or recreation purposes. It may include woodlands, play areas, walking and riding trails, wetlands and lands in the floodplain as well as land use for passive or active recreation. By way of illustration only, open space shall not be provided from any required front or side yard, parking area, driveway or street.

OUTSIDE STORAGE: The keeping in an unroofed area of materials, goods and/or vehicles for a continuous period in excess of twenty four (24) hours.

PACKAGE AGENCY: A retail liquor location, operated under a contractual agreement with the Utah alcoholic beverage control commission, by a person other than the state, who is authorized by the commission to sell liquor or wine for consumption off the premises of the agency.

PARK STRIP: That part of public property that lies between the curb and sidewalk.

PARKING SPACE: A permanently surfaced area which is designated or marked for the parking of one motor vehicle.

PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

PLANNING AND ZONING COMMISSION: The planning commission of the city as duly appointed under the provision of state law.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES: Nonprofit recreational grounds and facilities operated by a nonprofit corporation or similar association.

PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

PUBLIC USE: A use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public

EXISTING CODE

schools, parks, playgrounds, and other recreational facilities; public administrative or service facilities; and public utilities.

QUASI-PUBLIC USE: A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

RECREATIONAL VEHICLE PARK: Any area where one or more travel trailer lots are rented for a relatively short term occupancy to users of such items as travel trailers, tents, motor homes, etc.

RESIDENTIAL CHILDCARE FACILITY: Childcare given in the home of a provider (other than parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts) for five (5) or more children.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is licensed or certified by:

- A. The Utah department of human services under title 62A, chapter 2 of the Utah code, licensure of programs and facilities, or
- B. The Utah department of health under title 26, chapter 21 of the Utah code, health care facility licensing and inspection act.

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.

RETIREMENT FACILITY: A facility designed for permanent residency by persons of retirement age who are ambulatory and require no nursing care. These facilities do not provide inpatient care for human illness or infirmity. These facilities customarily provide on site recreational, educational support services, and retirement lifestyle amenities for the convenience of the occupants, and are designed with a strong residential style of architecture when located in residential areas. Residential facilities may provide transportation for residents to regularly scheduled healthcare facilities, shopping, church, etc. For purposes of determining housing density, every three (3) beds shall constitute one dwelling unit.

SALVAGE: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or nonferrous metal materials.

SALVAGE YARD: An open area, not a street, used to dismantle, store, display or otherwise hold damaged or inoperable automobiles or trucks or parts thereof, or any variety of salvage, for resale or any other disposition.

SELECTED REMEDY: The selected remedy as fully set forth in record of decision, dated April 1, 1998, pertaining to the Murray smelter site, and filed in the matter of United States v. ASARCO, Et Al.

EXISTING CODE

SETBACK: The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

SINGLE-FAMILY LOW DENSITY: Six (6) or fewer residential units per acre.

SINGLE-FAMILY MEDIUM DENSITY: Greater than six (6) to ten (10) unattached residential units per acre.

SITE: The district boundaries as described in section 17.25.030 of this title.

SKILLED NURSING FACILITY (Also Known As NURSING HOME, CONVALESCENT HOME OR LONG TERM CARE FACILITY): A residential inpatient healthcare facility licensed by the State that provides twenty four (24) hour nursing care, personal care, and/or rehabilitation services over a long period of time for persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

SMALL ANIMAL LIMITED CARE FACILITY: A business providing up to twenty four (24) hours of emergency veterinarian care and treatment of small domestic animals such as dogs and cats when regular veterinarian hospitals and services are closed.

STABLE, PRIVATE: "Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises.

STABLE, PUBLIC: "Public stable" means any stable where horses are boarded and/or kept for hire.

STATE STORE: A facility for the sale of packaged liquor located on premises owned or leased by the state and operated by state employees.

STORY: That portion of a building included between the surface of any floor and the floor or ceiling next above it.

STORY, FIRST: "First story" means the lowest story or the ground story of any building; provided, that any basement or cellar used for residential purposes shall be deemed the first story.

STORY, HALF: "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) the floor area of the floor next immediately below it, provided, however, that any partial story used for one or more dwelling units, shall be deemed a full story.

STREET, PRIVATE: "Private street" means a right of way of easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites.

STREET, PUBLIC: "Public street" means a thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare which has been adjudicated to be a public street by public use as provided by law.

EXISTING CODE

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBSTANTIAL EVIDENCE: The degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

SUPERVISED YOUTH GROUP HOME: A state licensed residential facility used exclusively as a foster home for up to six (6) minors who are in the custody of the state, and which is supervised on a twenty four (24) hour basis. It does not include any type of residential program into which a minor is placed as an alternative to a court mandated sentence to a juvenile secure facility.

SWIMMING POOL: A structure used or intended to be used to contain a body of water in which any person or persons may swim or wade, which is greater than two feet (2') in depth.

TRAILER, TRAVEL: "Travel trailer" means a vehicular portable structure designed as a temporary dwelling for travel and recreational uses.

UNIFIED CONTROL: A parcel of land under one ownership, or a group of parcels, the owners of which have agreed in writing to subject the development of their properties to a single control.

VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.

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

YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front: "Front yard" means a space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the closest point of the building.

Yard, Rear: "Rear yard" means a space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the closest point of the building.

Yard, Side: "Side yard" means a space in the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The

EXISTING CODE

"width" of the side yard shall be the minimum distance between the side lot line and the closest point of the building. (Ord. 22-33: Ord. 16-41: Ord. 15-06: Ord. 14-03: Ord. 13-03: Ord. 11-26: Ord. 10-02 § 2: Ord. 07-41 § 2: Ord. 07-30 § 2)

17.08.020: TERMS DEFINED:

ACCESSORY USE OR STRUCTURE: A use or structure located upon the same lot which is customarily incidental and subordinate to the principal use or structure.

ACTIVE RECREATION AREAS: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

ACTIVITY ZONES: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AGENT OF OWNER: Any person who can show written proof that he is acting with/for the property owner's knowledge and permission.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, grazing and keeping or raising of domestic animals and fowl, and not including any agricultural industry or business such as animal feed yards, fur farms, animal hospitals, fruit packing plants, or similar uses.

AISLE SPACE: The area located between or behind off street parking stalls where traffic circulation and access to the parking stalls is provided.

AMUSEMENT DEVICE: Any video game, pinball or other machine whether mechanically or electronically operated, that upon insertion of a coin, trade token, slug, or contest of skill or amusement of any kind or description, and that contains no automatic payoff for the return of money or trade tokens, or that makes no provisions whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus, or contrivance that is based on or that may be used as a game of skill and amusement wherein or whereby the payer initiates, employs, or directs any force generated by the machine. An amusement device shall exclude billiard, pool, or bagatelle tables.

ANTENNAS, LOW POWER RADIO COMMUNICATION TOWERS AND: "Low power radio communication towers and antennas" are defined in chapter 17.80 of this title, and include wall mounted, roof mounted, monopoles with antennas and related support structure less than two feet (2') in width, monopoles with antennas and related support structure greater than two feet (2') in width, and lattice towers. Amateur radio towers, also known as ham radio towers, are not included in this definition.

APARTMENT: A rented room or a suite of two (2) or more rented rooms designated and intended for living and sleeping purposes.

APPEAL AUTHORITY: A land use appeal and variance hearing officer ("hearing officer").

REDLINE CHANGES

APPLICABLE, RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs): The federal and state statutory and regulatory requirements that a selected remedy must meet for on site activities. ARARs are one of nine (9) criteria used to evaluate remedial alternatives for a site.

ARCADE: Any business catering, though not exclusively, to minors, maintaining four (4) or more amusement devices.

ASSISTED LIVING FACILITY: A congregate residential facility for elderly persons (55 years of age or older), regardless of legal relationship, who receive assistance with activities of daily living or instrumental activities of daily living (ADLs or IADLs). This type of facility is licensed by the State of Utah and as such provides an array of coordinated supportive personal and health care services, available twenty four (24) hours a day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of those services. Services provided include meals, laundry, housekeeping, medication reminders and/or administration of medication, intermittent nursing care, transportation, social/recreation activities, hairdressing, and other services allowed within the state licensure for assisted living facilities. Units may be attached, single or double occupancy, and may include limited or full kitchen facilities.

atrium: An opening through two (2) or more floor levels which is closed at the top by a roof cover.

AUTOMOBILE AUTOMATIC CAR WASH: A facility for automatic or self- service washing and cleaning of automobiles and small trucks not exceeding one and one-half (11/2) tons' capacity.

AUTOMOBILE BODY AND FENDER SHOP: A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (11/2) tons' capacity.

AUTOMOBILE OR TRAILER SALES AREA: An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor and generator service, muffler shop, but not including body or fender work or painting.

AUTOMOBILE REPAIR GARAGE: A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (11/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.

REDLINE CHANGES

AUTOMOBILE SERVICE CENTER: A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting or upholstering.

AUTOMOBILE SERVICE STATION: A place where automotive fuels and lubricants are sold and dispensed, whether self-service or otherwise, directly into motor vehicles and where services performed may include tire repair, battery charging, and minor repair work such as replacement of spark plugs, lights, fans and other small parts; this definition does not include automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, nor does it include vehicle or trailer sales or rental. Accessory uses include self-service and minimarket sales.

AUTOMOBILE TIRE SERVICE CENTER: A place which sells, repairs and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.

BARRIERS: A barrier, similar to a cap, must meet specific criteria that will prevent exposure of the underlying material and may include soil and vegetation. Barriers at this site will be placed over category III material.

BASEMENT: A story whose floor is more than twelve inches (12") below the average level of the adjoining ground but where no more than one-half (1/2) of its floor to ceiling height is below the average contact level of the adjoining ground.

BED AND BREAKFAST HOMESTAY: A dwelling which contains a maximum of five (5) guestrooms, is occupied by the owner or individual responsible for operating the facility, and used for accommodations or lodging of guests paying compensation. This use shall not change the character of the dwelling or property for residential purposes and shall meet the requirements of the health department and building and fire codes.

BED AND BREAKFAST INN: A building containing a minimum of six (6) guestrooms, but not more than thirty (30) guestrooms, is used for accommodations or lodging of guests paying compensation where at least a breakfast meal is served, and in which no provision is made for cooking in any individual guestroom. The structure shall have a residential appearance and be limited to two (2) stories in height.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen percent (15%) shall not be considered buildable area unless it is approved by conditional use permit for building construction, after study by a geologist or soils engineer.

BUILDING: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING, ACCESSORY: "Accessory building" means a building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use on the same lot.

REDLINE CHANGES

BUILDING, HEIGHT OF: "Height of building" means the vertical distance between a reference datum and the highest part of the building excluding roof structures such as chimneys, penthouses, towers and steeples. The reference datum shall be selected by one of the following:

- A. The average elevation of the top back of curb abutting the lot on which the building is to be built;
- B. In the absence of curb and gutter, the average elevation of the centerline of the street abutting the lot on which the building is to be built; or
- C. Where any part of the rear lot line is more than six feet (6') above the average top back of curb, the average elevation of the perimeter of the lot on which the building is being built.

BUILDING, HEIGHT OF ACCESSORY: "Height of accessory building" shall be measured from grade to highest, topmost point peak, if any, of the roof of the accessory building.

BUILDING, MAIN: "Main building" means the principal building or one of the principal buildings upon a lot, or the building or one of the buildings housing a principal use upon a lot.

BUILDING, PUBLIC: "Public building" means a building owned and operated, or owned and intended to be operated, by any subdivision of the federal, state, or local governments.

CAPS: An engineered covering of soils and impermeable surfaces (for example, asphalt, concrete, clay or geosynthetic covering) specifically placed over contaminated and potentially contaminated materials to act as a barrier to exposure of such material and to prevent human contact and percolation of surface water into the ground into one or more repositories on the smelter site.

CARPORT: An attached or unattached parking area enclosed on not more than two (2) sides by walls or doors. For the purposes of this title, a carport shall be subject to all the regulations prescribed for a private garage.

CATEGORY I MATERIAL: Soils and materials with large amounts of diluted arsenic trioxide or flue dust. This material will adversely affect groundwater if significant infiltration of surface water is allowed and thereafter public health if exposed to people. All such material shall be removed from the site (SSOD) in a manner consistent with the approved remediation plan.

CATEGORY II MATERIAL: Soils and materials with large amounts of diluted arsenic trioxide or flue dust. This material could adversely affect groundwater if significant infiltration of surface water is allowed and thereafter public health if exposed to people.

CATEGORY III MATERIAL: Debris from demolition of smelter structures and other materials with levels of arsenic and lead which may be of concern to public health because of the potential long term direct exposure. Material in this category does not pose a concern for groundwater.

REDLINE CHANGES

CATEGORY IV MATERIAL: Waste material which is slag. Short term or incidental exposure to slag is not considered a health risk at the site.

CHILD:

- A. A child of a person other than the provider of childcare;
- B. A child of a licensed or certified childcare provider who is under the age of four (4);
- C. A child of an employee of a licensed or certified childcare provider who is under the age of four (4).

CHILDCARE: Continuous care and supervision of five (5) or more children through age twelve (12) and children with disabilities through age eighteen (18), in lieu of care ordinarily provided by parents in their own home, for less than twenty four (24) hours a day, for direct or indirect compensation.

CHILDCARE CENTER (COMMERCIAL): Persons, associations, institutions or agencies, licensed by the state which provide childcare and/or educational opportunities for children, in a place other than a residence for less than twenty four (24) hours per day, for direct or indirect compensation.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLEAN SOIL: Growth sustaining soil that is free of contamination. It may include soil and vegetation.

CLINIC, DENTAL OR MEDICAL: "Dental or medical clinic" means a building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and an apothecary, but it shall not include inpatient care.

COMMERCIAL STORAGE FACILITY: A building or facility having one or multiple tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.

CONDITIONAL USE: A use of land for which a conditional use permit is required, pursuant to this title.

CONDOMINIUM: A residential structure consisting of two (2) or more units, each under individual ownership, subject to Utah Code Annotated 57-8-1.

CONGREGATE CARE: See definition of Independent Living.

CONTINUING CARE RETIREMENT COMMUNITY: A housing development designed to provide a full range of accommodations and services for elderly persons (55 years of age or

REDLINE CHANGES

older) including independent living, assisted living and skilled full time nursing or medical care. Residents may move from one level of care to another as needs change.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls or a building.

COVENANT: A written agreement between the buyer and seller of a parcel of land, or between the city and the property owner, to protect the interest of the neighborhood and the community.

COVERAGE: The percent of the total lot area covered by buildings and structures.

CULVERT: Pipe conductor for conveying water.

DAYCARE: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children under fourteen (14) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child daycare.

DAYCARE CENTERS, COMMERCIAL: "Commercial daycare centers" means persons, associations, institutions or agencies, which provide daycare for thirteen (13) or more children and/or educational opportunities for children for periods of more than four (4) hours in any one day.

DETOXIFICATION CENTER: An inpatient facility used exclusively for substance abuse detoxification and ancillary activities; it does not include long term inpatient or outpatient services beyond the detoxification stage of treatment for substance abuse.

DISTRICT: A portion of the territory of the city established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title; includes "zone" and also "zoning district".

DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.

DWELLING GROUP: A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

DWELLING, MULTIPLE-FAMILY: "Multiple-family dwelling" means a building arranged or designed to be occupied by two (2) or more families.

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one, but

REDLINE CHANGES

not more than one, kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

ESSENTIAL FACILITIES: Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead, surface, or underground services, excluding any building, electrical substation or transmission line of fifty (50) kV or greater capacity, except by conditional use permit.

EXCAVATION: The deliberate disturbance of any soil at a site equal to or greater than four (4) cubic yards (21/2 ton dump truck load), thereby requiring an excavation plan and a city excavation permit.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, and/or a group of not more than four (4) persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FAMILY FOOD PRODUCTION: The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises. The above uses are subject to all board of health restrictions and requirements.

FENCE, SOLID: "Solid fence" means a solid, opaque, rigid fence or wall of wood, metal, fiberglass, vinyl, masonry, or other similar material being no more than ten percent (10%) open.

FINAL REMEDIATION MAP: A map which is filed in the office of the Murray City community development division which shows the locations of all cap and barrier areas of the site as well as location of concentrations of category II, III and IV materials.

FLOOR AREA: The area included within the surrounding walls of a building or portion thereof, exclusive of vents, shafts and courts; of multiple-story buildings, the total area of all occupiable floors, including basements.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GAME COURT: A multiuse recreational facility which may be of varying size, with or without lighting, having an artificial surface, and which is adaptable to multisport functions such as basketball, short court tennis, volleyball, hockey, soccer, roller and street hockey, paddle tennis, badminton, shuffleboard, racquet games, tot wheeling, play area and other related or similar sports and recreational activities. For purposes of determining where a game court may legally be located on a residential lot, a game court shall be considered an accessory structure.

GARAGE, PRIVATE: "Private garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers and boats for each dwelling unit in the premises, each such vehicle having a GVW of one and

REDLINE CHANGES

one-half (1 1/2) tons or less, provided that nothing herein prohibits storing personal recreational vehicles, such as snowmobiles, personal watercraft and ATVs in addition to other vehicles, boats or trailers herein permitted.

GARAGE, REPAIR: "Repair garage" means a structure or portion thereof used as a business providing repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, and minor collision service, but does not include major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing, or sale of vehicles to satisfy statutory repairmen's liens, as provided by state law.

GRADE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet (6') (1829 mm) from the building, between the building and a point six feet (6') (1829 mm) from the building.

GROUP EDUCATIONAL HOME: A dwelling in which education and related supervision are provided for seven (7) to twelve (12) children, including the children of the person or persons providing the services, at any given time.

GUEST: Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.

HARD SURFACE: A dust free paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the city engineer.

HOSPITAL: An institution providing qualified health, medical and surgical staff and related personnel services for the diagnosis, treatment and recovery care of persons suffering from disease or injury, primarily on an inpatient basis. A hospital may include integral support service facilities.

HOTEL: A building designed for or occupied as the temporary abiding place of individuals who are, for compensation, lodged, with or without meals.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure. Household pets shall not include chickens, rabbits, ducks, pigeons, geese, or other domestic farm variety animals nor any wild animals as defined in the city animal control ordinance.

INDEPENDENT LIVING: Multi-unit senior housing development that provides services (e.g., housekeeping, transportation, meals, social/recreational activities, etc.) as part of a monthly fee or rental rate. The community includes common dining facilities, social and recreational amenities. Residents may receive home healthcare services provided by an outside agency or an affiliate of the property management. Independent living does not

include assisted living or skilled nursing, but may be included as part of assisted living or skilled nursing facilities.

INSTITUTIONAL CONTROLS: Public and private restrictions that are placed on a given area of land. The restrictions control how the land and materials or soils on the site may be used, accessed, managed, handled, modified, or disposed. The purpose of the controls is to limit or prohibit exposure by people to remaining constituents on the surface or subsurface that remain at the site and/or to protect physical barriers or caps that have been placed on the site. Public controls may be imposed, for example, through building permits, subdivision regulations, excavation permits, or zoning ordinances. Private controls are typically imposed through covenants, deed restrictions on the land, or contractual agreements between the property owner and lessee.

KENNEL: Any premises where three (3) or more dogs or cats older than four (4) months are kept.

LAND USE AUTHORITY: The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

LAWN: Ground that is covered with grass or turf that is regularly mowed.

LIVE/WORK UNIT: A dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the owner/occupant. The nonresidential area of the unit shall be limited to the ground floor and shall not occupy greater than fifty percent (50%) of the live/work unit total floor area. The live/work unit shall not be greater than three thousand (3,000) total square feet and no more than five (5) nonoccupant workers or employees are to occupy the nonresidential area of the live/work unit at any one time.

LOT: A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

LOT, CONTRACTOR'S: "Contractor's lot" means a fenced, landscaped, illuminated outside area used to store heavy duty construction equipment and construction material. This definition does not include salvage lots, outdoor repair garages, junk, debris, impounded vehicles or inoperable vehicles.

LOT, CORNER: "Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street.

LOT DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines.

REDLINE CHANGES

LOT, FABRICATION: "Fabrication lot" means a fenced, illuminated, landscaped open area, not a street, used to fabricate metal, masonry, concrete, stone and wood products.

LOT FRONTAGE: That part of a lot contiguous to the street. For the purposes of determining lot frontage for corner lots and lots fronting on more than one street, all sides of a lot contiguous to a street shall be included when determining total lot frontage.

LOT, INTERIOR: "Interior lot" means a lot other than a corner lot.

LOT LINES: The property lines bounding the lot.

Lot Line, Front: "Front lot line" means the line separating an interior lot from a street. In case a lot abuts on more than one street, the lot owner may elect any street lot line as the front lot line unless previously established.

Lot Line, Rear: "Rear lot line" means, ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore shaped lot, a line ten feet (10') in length within the parcel parallel to and at a minimum distance from the front lot line. In cases where these definitions are not applicable, the building official shall designate the rear lot line.

Lot Line, Side: "Side lot line" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

LOT, PARKING: "Parking lot" means a hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more operable and licensed motor vehicles.

LOT, SALES AND RENTAL: "Sales and rental lot" means a hard surfaced, dust free outside area which is landscaped and illuminated for display for sale or rental of operable motor vehicles, trailers, boats, machinery, tools, and serviceable building materials.

LOT, STORAGE: "Storage lot" means a hard surfaced, dust free, landscaped, fenced illuminated open area, not a street, used to store new or used and serviceable building material, machinery, tools, boats, motor vehicles or trailers.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the required front yard setback line.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. "Manufactured home" does not include a "recreational vehicle".

MEDICAL CLINIC: A facility for the medical or similar examination and treatment of persons as outpatients by physicians or licensed medical specialists practicing medicine as a group during normal office hours.

REDLINE CHANGES

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for residential use where the lots are to be occupied exclusively by mobile homes.

MODULAR HOME: A permanent dwelling structure built of prefabricated units which are assembled and/or erected on the site and which must meet all international building code standards.

MONITORING WELLS: Wells which have been approved by EPA for testing and remediation purposes on the site.

MOTEL: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units and designed and located to serve the motoring public.

MOTOR HOME: A self-contained vehicular portable structure designed for short term occupancy as a temporary dwelling for travel or recreational uses.

MULTIPLE-FAMILY HIGH DENSITY: Twenty (20) and above residential dwelling units per acre.

MULTIPLE-FAMILY LOW DENSITY: Ten (10) or fewer residential dwelling units per acre.

MULTIPLE-FAMILY MEDIUM DENSITY: Eleven (11) to nineteen (19) residential dwelling units per acre.

MULTIUSE WAREHOUSE FACILITY: A building or facility used for storage of personal or commercial commodities or property, or which may be used for the conduct of individual businesses, commerce, sales or service.

MUNICIPAL COUNCIL: The municipal council of Murray City.

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the city engineer.

NONCOMMERCIAL STORAGE FACILITY: A building or facility having one or more units or rooms each not exceeding four hundred (400) square feet in area, and having no sanitation, heating, cooling or culinary water utilities, and which is used or intended for the storage of personal property for noncommercial purposes. This definition does not include facilities used or intended for the display of property held for resale, the conduct of any business on the premises, or the operation of a commercial warehouse.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, together with related improvements, lawfully existing at the time this title became effective, which does not conform to all the height, area, yard and similar site regulations herein prescribed for the district in which it is located.

REDLINE CHANGES

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this title became effective and which does not conform with the use regulations of the district in which it is located.

NURSING HOME: An institution other than a hospital for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

OFFICIAL MAP: A map which has been adopted as the official map of the city, showing existing public streets, streets as shown on approved subdivision plats and modifications to streets which have been extended, widened, narrowed or vacated as provided by law and which have been accurately surveyed and definitely located.

OPEN SPACE: The part of a planned unit development which is accessible and usable by all persons occupying dwelling units in the planned unit development. It is any parcel or area of land or water that is improved or unimproved, and serves the purposes of preservation of natural resources, outdoor recreation, or public health and safety. Open space is land permanently set aside for conservation or recreation purposes. It may include woodlands, play areas, walking and riding trails, wetlands and lands in the floodplain as well as land use for passive or active recreation. By way of illustration only, open space shall not be provided from any required front or side yard, parking area, driveway or street.

OUTSIDE STORAGE: The keeping in an unroofed area of materials, goods and/or vehicles for a continuous period in excess of twenty four (24) hours.

PACKAGE AGENCY: A retail liquor location, operated under a contractual agreement with the Utah alcoholic beverage control commission, by a person other than the state, who is authorized by the commission to sell liquor or wine for consumption off the premises of the agency.

PARK STRIP: That part of public property that lies between the curb and sidewalk.

PARKING SPACE: A permanently surfaced area which is designated or marked for the parking of one motor vehicle.

PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

PLANNING AND ZONING COMMISSION: The planning commission of the city as duly appointed under the provision of state law.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

REDLINE CHANGES

PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES: Nonprofit recreational grounds and facilities operated by a nonprofit corporation or similar association.

PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

PUBLIC USE: A use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public schools, parks, playgrounds, and other recreational facilities; public administrative or service facilities; and public utilities.

QUASI-PUBLIC USE: A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

RECREATIONAL VEHICLE PARK: Any area where one or more travel trailer lots are rented for a relatively short term occupancy to users of such items as travel trailers, tents, motor homes, etc.

RESIDENTIAL CHILDCARE FACILITY: Childcare given in the home of a provider (other than parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts) for five (5) or more children.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is licensed or certified by:

- A. The Utah department of human services under title 62A, chapter 2 of the Utah code, licensure of programs and facilities, or
- B. The Utah department of health under title 26, chapter 21 of the Utah code, health care facility licensing and inspection act.

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.

RETIREMENT FACILITY: A facility designed for permanent residency by persons of retirement age who are ambulatory and require no nursing care. These facilities do not provide inpatient care for human illness or infirmity. These facilities customarily provide on site recreational, educational support services, and retirement lifestyle amenities for the convenience of the occupants, and are designed with a strong residential style of architecture when located in residential areas. Residential facilities may provide transportation for residents to regularly scheduled healthcare facilities, shopping, church, etc. For purposes of determining housing density, every three (3) beds shall constitute one dwelling unit.

SALVAGE: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or nonferrous metal materials.

REDLINE CHANGES

SALVAGE YARD: An open area, not a street, used to dismantle, store, display or otherwise hold damaged or inoperable automobiles or trucks or parts thereof, or any variety of salvage, for resale or any other disposition.

SELECTED REMEDY: The selected remedy as fully set forth in record of decision, dated April 1, 1998, pertaining to the Murray smelter site, and filed in the matter of United States v. ASARCO, Et Al.

SETBACK: The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

SINGLE-FAMILY LOW DENSITY: Six (6) or fewer residential units per acre.

SINGLE-FAMILY MEDIUM DENSITY: Greater than six (6) to ten (10) unattached residential units per acre.

SITE: The district boundaries as described in section 17.25.030 of this title.

SKILLED NURSING FACILITY (Also Known As NURSING HOME, CONVALESCENT HOME OR LONG TERM CARE FACILITY): A residential inpatient healthcare facility licensed by the State that provides twenty four (24) hour nursing care, personal care, and/or rehabilitation services over a long period of time for persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

SMALL ANIMAL LIMITED CARE FACILITY: A business providing up to twenty four (24) hours of emergency veterinarian care and treatment of small domestic animals such as dogs and cats when regular veterinarian hospitals and services are closed.

STABLE, PRIVATE: "Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises.

STABLE, PUBLIC: "Public stable" means any stable where horses are boarded and/or kept for hire.

STATE STORE: A facility for the sale of packaged liquor located on premises owned or leased by the state and operated by state employees.

STORY: That portion of a building included between the surface of any floor and the floor or ceiling next above it.

STORY, FIRST: "First story" means the lowest story or the ground story of any building; provided, that any basement or cellar used for residential purposes shall be deemed the first story.

STORY, HALF: "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) the floor area of the floor next immediately below it, provided, however, that any partial story used for one or more dwelling units, shall be deemed a full story.

REDLINE CHANGES

STREET, PRIVATE: "Private street" means a right of way of easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites.

STREET, PUBLIC: "Public street" means a thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare which has been adjudicated to be a public street by public use as provided by law.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBSTANTIAL EVIDENCE: The degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

SUPERVISED YOUTH GROUP HOME: A state licensed residential facility used exclusively as a foster home for up to six (6) minors who are in the custody of the state, and which is supervised on a twenty four (24) hour basis. It does not include any type of residential program into which a minor is placed as an alternative to a court mandated sentence to a juvenile secure facility.

SWIMMING POOL: A structure used or intended to be used to contain a body of water in which any person or persons may swim or wade, which is greater than two feet (2') in depth.

TRAILER, TRAVEL: "Travel trailer" means a vehicular portable structure designed as a temporary dwelling for travel and recreational uses.

UNIFIED CONTROL: A parcel of land under one ownership, or a group of parcels, the owners of which have agreed in writing to subject the development of their properties to a single control.

VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.

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

YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front: "Front yard" means a space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the closest point of the building.

REDLINE CHANGES

Yard, Rear: "Rear yard" means a space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the closest point of the building.

Yard, Side: "Side yard" means a space in the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the closest point of the building. (Ord. 22-33: Ord. 16-41: Ord. 15-06: Ord. 14-03: Ord. 13-03: Ord. 11-26: Ord. 10-02 § 2: Ord. 07-41 § 2: Ord. 07-30 § 2)

17.08.020: TERMS DEFINED:

ACCESSORY USE OR STRUCTURE: A use or structure located upon the same lot which is customarily incidental and subordinate to the principal use or structure.

ACTIVE RECREATION AREAS: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

ACTIVITY ZONES: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

ADVERSELY AFFECTED PARTY: A person other than a land use applicant who: (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

AGENT OF OWNER: Any person who can show written proof that he is acting with/for the property owner's knowledge and permission.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, grazing and keeping or raising of domestic animals and fowl, and not including any agricultural industry or business such as animal feed yards, fur farms, animal hospitals, fruit packing plants, or similar uses.

AISLE SPACE: The area located between or behind off street parking stalls where traffic circulation and access to the parking stalls is provided.

AMUSEMENT DEVICE: Any video game, pinball or other machine whether mechanically or electronically operated, that upon insertion of a coin, trade token, slug, or contest of skill or amusement of any kind or description, and that contains no automatic payoff for the return of money or trade tokens, or that makes no provisions whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus, or contrivance that is based on or that may be used as a game of skill and amusement wherein or whereby the payer initiates, employs, or directs any force generated by the machine. An amusement device shall exclude billiard, pool, or bagatelle tables.

ANTENNAS, LOW POWER RADIO COMMUNICATION TOWERS AND: "Low power radio communication towers and antennas" are defined in chapter 17.80 of this title, and include wall mounted, roof mounted, monopoles with antennas and related support structure less than two feet (2') in width, monopoles with antennas and related support structure greater than two feet (2') in width, and lattice towers. Amateur radio towers, also known as ham radio towers, are not included in this definition.

APARTMENT: A rented room or a suite of two (2) or more rented rooms designated and intended for living and sleeping purposes.

APPEAL AUTHORITY: A land use appeal and variance hearing officer ("hearing officer").

APPLICABLE, RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs): The federal and state statutory and regulatory requirements that a selected remedy must meet for on site activities. ARARs are one of nine (9) criteria used to evaluate remedial alternatives for a site.

ARCADE: Any business catering, though not exclusively, to minors, maintaining four (4) or more amusement devices.

ASSISTED LIVING FACILITY: A congregate residential facility for elderly persons (55 years of age or older), regardless of legal relationship, who receive assistance with activities of daily living or instrumental activities of daily living (ADLs or IADLs). This type of facility is licensed by the State of Utah and as such provides an array of coordinated supportive personal and health care services, available twenty four (24) hours a day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of those services. Services provided include meals, laundry, housekeeping, medication reminders and/or administration of medication, intermittent nursing care, transportation, social/recreation activities, hairdressing, and other services allowed within the state licensure for assisted living facilities. Units may be attached, single or double occupancy, and may include limited or full kitchen facilities.

atrium: An opening through two (2) or more floor levels which is closed at the top by a roof cover.

AUTOMOBILE AUTOMATIC CAR WASH: A facility for automatic or self- service washing and cleaning of automobiles and small trucks not exceeding one and one-half (11/2) tons' capacity.

AUTOMOBILE BODY AND FENDER SHOP: A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (11/2) tons' capacity.

AUTOMOBILE OR TRAILER SALES AREA: An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE OR TRUCK PAINT SHOP: A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, transmission service, starter motor and generator service, muffler shop, but not including body or fender work or painting.

AUTOMOBILE REPAIR GARAGE: A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (11/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.

AUTOMOBILE SERVICE CENTER: A place where automobiles are serviced and repair work accomplished such as wheel alignment, tune up, brake service, shock absorber replacement, etc., but not including body and fender work, painting or upholstering.

AUTOMOBILE SERVICE STATION: A place where automotive fuels and lubricants are sold and dispensed, whether self-service or otherwise, directly into motor vehicles and where services performed may include tire repair, battery charging, and minor repair work such as replacement of spark plugs, lights, fans and other small parts; this definition does not include automobile repair such as body and fender work, engine rebuilding and overhaul, transmission and differential repairs, or welding of any kind, nor does it include vehicle or trailer sales or rental. Accessory uses include self-service and minimarket sales.

AUTOMOBILE TIRE SERVICE CENTER: A place which sells, repairs and services automobile tires including such services as wheel balancing and alignment, brake service, shock absorber replacement and other incidental tire and wheel services, but not including recapping or major automobile repairs.

BARRIERS: A barrier, similar to a cap, must meet specific criteria that will prevent exposure of the underlying material and may include soil and vegetation. Barriers at this site will be placed over category III material.

BASEMENT: A story whose floor is more than twelve inches (12") below the average level of the adjoining ground but where no more than one-half (1/2) of its floor to ceiling height is below the average contact level of the adjoining ground.

BED AND BREAKFAST HOMESTAY: A dwelling which contains a maximum of five (5) guestrooms, is occupied by the owner or individual responsible for operating the facility, and used for accommodations or lodging of guests paying compensation. This use shall not change the character of the dwelling or property for residential purposes and shall meet the requirements of the health department and building and fire codes.

BED AND BREAKFAST INN: A building containing a minimum of six (6) guestrooms, but not more than thirty (30) guestrooms, is used for accommodations or lodging of guests paying compensation where at least a breakfast meal is served, and in which no provision is made for cooking in any individual guestroom. The structure shall have a residential appearance and be limited to two (2) stories in height.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen percent (15%) shall not be considered buildable area unless it is approved by conditional use permit for building construction, after study by a geologist or soils engineer.

BUILDING: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING, ACCESSORY: "Accessory building" means a building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use on the same lot.

BUILDING, HEIGHT OF: "Height of building" means the vertical distance between a reference datum and the highest part of the building excluding roof structures such as chimneys, penthouses, towers and steeples. The reference datum shall be selected by one of the following:

- A. The average elevation of the top back of curb abutting the lot on which the building is to be built;
- B. In the absence of curb and gutter, the average elevation of the centerline of the street abutting the lot on which the building is to be built; or
- C. Where any part of the rear lot line is more than six feet (6') above the average top back of curb, the average elevation of the perimeter of the lot on which the building is being built.

BUILDING, HEIGHT OF ACCESSORY: "Height of accessory building" shall be measured from grade to highest, topmost point peak, if any, of the roof of the accessory building.

BUILDING, MAIN: "Main building" means the principal building or one of the principal buildings upon a lot, or the building or one of the buildings housing a principal use upon a lot.

BUILDING, PUBLIC: "Public building" means a building owned and operated, or owned and intended to be operated, by any subdivision of the federal, state, or local governments.

CAPS: An engineered covering of soils and impermeable surfaces (for example, asphalt, concrete, clay or geosynthetic covering) specifically placed over contaminated and potentially contaminated materials to act as a barrier to exposure of such material and to prevent human contact and percolation of surface water into the ground into one or more repositories on the smelter site.

CARPORT: An attached or unattached parking area enclosed on not more than two (2) sides by walls or doors. For the purposes of this title, a carport shall be subject to all the regulations prescribed for a private garage.

CATEGORY I MATERIAL: Soils and materials with large amounts of diluted arsenic trioxide or flue dust. This material will adversely affect groundwater if significant infiltration of surface water is allowed and thereafter public health if exposed to people. All such material shall be removed from the site (SSOD) in a manner consistent with the approved remediation plan.

CATEGORY II MATERIAL: Soils and materials with large amounts of diluted arsenic trioxide or flue dust. This material could adversely affect groundwater if significant infiltration of surface water is allowed and thereafter public health if exposed to people.

CATEGORY III MATERIAL: Debris from demolition of smelter structures and other materials with levels of arsenic and lead which may be of concern to public health because of the potential long term direct exposure. Material in this category does not pose a concern for groundwater.

CATEGORY IV MATERIAL: Waste material which is slag. Short term or incidental exposure to slag is not considered a health risk at the site.

CHILD:

- A. A child of a person other than the provider of childcare;
- B. A child of a licensed or certified childcare provider who is under the age of four (4);
- C. A child of an employee of a licensed or certified childcare provider who is under the age of four (4).

CHILDCARE: Continuous care and supervision of five (5) or more children through age twelve (12) and children with disabilities through age eighteen (18), in lieu of care ordinarily provided by parents in their own home, for less than twenty four (24) hours a day, for direct or indirect compensation.

CHILDCARE CENTER (COMMERCIAL): Persons, associations, institutions or agencies, licensed by the state which provide childcare and/or educational opportunities for children, in a place other than a residence for less than twenty four (24) hours per day, for direct or indirect compensation.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLEAN SOIL: Growth sustaining soil that is free of contamination. It may include soil and vegetation.

CLINIC, DENTAL OR MEDICAL: "Dental or medical clinic" means a building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory, operating rooms, and an apothecary, but it shall not include inpatient care.

COMMERCIAL STORAGE FACILITY: A building or facility having one or multiple tenants used strictly for the storage of personal and/or commercial items. Said facility may not include sanitation facilities or culinary water. No repair, business, service, or commerce may be conducted on or from the premises.

CONDITIONAL USE: A use of land for which a conditional use permit is required, pursuant to this title.

CONDOMINIUM: A residential structure consisting of two (2) or more units, each under individual ownership, subject to Utah Code Annotated 57-8-1.

CONGREGATE CARE: See definition of Independent Living.

CONTINUING CARE RETIREMENT COMMUNITY: A housing development designed to provide a full range of accommodations and services for elderly persons (55 years of age or

older) including independent living, assisted living and skilled full time nursing or medical care. Residents may move from one level of care to another as needs change.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls or a building.

COVENANT: A written agreement between the buyer and seller of a parcel of land, or between the city and the property owner, to protect the interest of the neighborhood and the community.

COVERAGE: The percent of the total lot area covered by buildings and structures.

CULVERT: Pipe conductor for conveying water.

DAYCARE: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children under fourteen (14) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child daycare.

DAYCARE CENTERS, COMMERCIAL: "Commercial daycare centers" means persons, associations, institutions or agencies, which provide daycare for thirteen (13) or more children and/or educational opportunities for children for periods of more than four (4) hours in any one day.

DETOXIFICATION CENTER: An inpatient facility used exclusively for substance abuse detoxification and ancillary activities; it does not include long term inpatient or outpatient services beyond the detoxification stage of treatment for substance abuse.

DISTRICT: A portion of the territory of the city established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title; includes "zone" and also "zoning district".

DRIVEWAY: A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which it is located.

DWELLING: Any building or portion thereof designated or used exclusively for residential purposes, except tents, travel trailers, hotels, motels, hospitals, nursing homes, and boarding houses.

DWELLING GROUP: A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

DWELLING, MULTIPLE-FAMILY: "Multiple-family dwelling" means a building arranged or designed to be occupied by two (2) or more families.

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING UNIT: One or more rooms in a dwelling, apartment, hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one, but

not more than one, kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

ESSENTIAL FACILITIES: Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead, surface, or underground services, excluding any building, electrical substation or transmission line of fifty (50) kV or greater capacity, except by conditional use permit.

EXCAVATION: The deliberate disturbance of any soil at a site equal to or greater than four (4) cubic yards (21/2 ton dump truck load), thereby requiring an excavation plan and a city excavation permit.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, or adoption, and/or a group of not more than four (4) persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

FAMILY FOOD PRODUCTION: The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises. The above uses are subject to all board of health restrictions and requirements.

FENCE, SOLID: "Solid fence" means a solid, opaque, rigid fence or wall of wood, metal, fiberglass, vinyl, masonry, or other similar material being no more than ten percent (10%) open.

FINAL REMEDIATION MAP: A map which is filed in the office of the Murray City community development division which shows the locations of all cap and barrier areas of the site as well as location of concentrations of category II, III and IV materials.

FLOOR AREA: The area included within the surrounding walls of a building or portion thereof, exclusive of vents, shafts and courts; of multiple-story buildings, the total area of all occupiable floors, including basements.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GAME COURT: A multiuse recreational facility which may be of varying size, with or without lighting, having an artificial surface, and which is adaptable to multisport functions such as basketball, short court tennis, volleyball, hockey, soccer, roller and street hockey, paddle tennis, badminton, shuffleboard, racquet games, tot wheeling, play area and other related or similar sports and recreational activities. For purposes of determining where a game court may legally be located on a residential lot, a game court shall be considered an accessory structure.

GARAGE, PRIVATE: "Private garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers and boats for each dwelling unit in the premises, each such vehicle having a GVW of one and

one-half (1 1/2) tons or less, provided that nothing herein prohibits storing personal recreational vehicles, such as snowmobiles, personal watercraft and ATVs in addition to other vehicles, boats or trailers herein permitted.

GARAGE, REPAIR: "Repair garage" means a structure or portion thereof used as a business providing repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, and minor collision service, but does not include major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing, or sale of vehicles to satisfy statutory repairmen's liens, as provided by state law.

GRADE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet (6') (1829 mm) from the building, between the building and a point six feet (6') (1829 mm) from the building.

GROUP EDUCATIONAL HOME: A dwelling in which education and related supervision are provided for seven (7) to twelve (12) children, including the children of the person or persons providing the services, at any given time.

GUEST: Any person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.

HARD SURFACE: A dust free paved surface of any of the following materials: concrete, masonry, cobblestone, brick, asphalt, or any other reasonable substitutes as determined by the city engineer.

HOSPITAL: An institution providing qualified health, medical and surgical staff and related personnel services for the diagnosis, treatment and recovery care of persons suffering from disease or injury, primarily on an inpatient basis. A hospital may include integral support service facilities.

HOTEL: A building designed for or occupied as the temporary abiding place of individuals who are, for compensation, lodged, with or without meals.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure. Household pets shall not include chickens, rabbits, ducks, pigeons, geese, or other domestic farm variety animals nor any wild animals as defined in the city animal control ordinance.

INDEPENDENT LIVING: Multi-unit senior housing development that provides services (e.g., housekeeping, transportation, meals, social/recreational activities, etc.) as part of a monthly fee or rental rate. The community includes common dining facilities, social and recreational amenities. Residents may receive home healthcare services provided by an outside agency or an affiliate of the property management. Independent living does not

include assisted living or skilled nursing, but may be included as part of assisted living or skilled nursing facilities.

INSTITUTIONAL CONTROLS: Public and private restrictions that are placed on a given area of land. The restrictions control how the land and materials or soils on the site may be used, accessed, managed, handled, modified, or disposed. The purpose of the controls is to limit or prohibit exposure by people to remaining constituents on the surface or subsurface that remain at the site and/or to protect physical barriers or caps that have been placed on the site. Public controls may be imposed, for example, through building permits, subdivision regulations, excavation permits, or zoning ordinances. Private controls are typically imposed through covenants, deed restrictions on the land, or contractual agreements between the property owner and lessee.

KENNEL: Any premises where three (3) or more dogs or cats older than four (4) months are kept.

LAND USE AUTHORITY: The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance.

LAND USE DECISION: An administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; (b) a land use decision; or (c) the enforcement of a land use regulation, land use permit, or development agreement.

LAWN: Ground that is covered with grass or turf that is regularly mowed.

LIVE/WORK UNIT: A dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the owner/occupant. The nonresidential area of the unit shall be limited to the ground floor and shall not occupy greater than fifty percent (50%) of the live/work unit total floor area. The live/work unit shall not be greater than three thousand (3,000) total square feet and no more than five (5) nonoccupant workers or employees are to occupy the nonresidential area of the live/work unit at any one time.

LOT: A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

LOT, CONTRACTOR'S: "Contractor's lot" means a fenced, landscaped, illuminated outside area used to store heavy duty construction equipment and construction material. This definition does not include salvage lots, outdoor repair garages, junk, debris, impounded vehicles or inoperable vehicles.

LOT, CORNER: "Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street.

LOT DEPTH: The horizontal distance between the front and the rear lot lines measured in the mean direction of the side lot lines.

LOT, FABRICATION: "Fabrication lot" means a fenced, illuminated, landscaped open area, not a street, used to fabricate metal, masonry, concrete, stone and wood products.

LOT FRONTAGE: That part of a lot contiguous to the street. For the purposes of determining lot frontage for corner lots and lots fronting on more than one street, all sides of a lot contiguous to a street shall be included when determining total lot frontage.

LOT, INTERIOR: "Interior lot" means a lot other than a corner lot.

LOT LINES: The property lines bounding the lot.

Lot Line, Front: "Front lot line" means the line separating an interior lot from a street. In case a lot abuts on more than one street, the lot owner may elect any street lot line as the front lot line unless previously established.

Lot Line, Rear: "Rear lot line" means, ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore shaped lot, a line ten feet (10') in length within the parcel parallel to and at a minimum distance from the front lot line. In cases where these definitions are not applicable, the building official shall designate the rear lot line.

Lot Line, Side: "Side lot line" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

LOT, PARKING: "Parking lot" means a hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more operable and licensed motor vehicles.

LOT, SALES AND RENTAL: "Sales and rental lot" means a hard surfaced, dust free outside area which is landscaped and illuminated for display for sale or rental of operable motor vehicles, trailers, boats, machinery, tools, and serviceable building materials.

LOT, STORAGE: "Storage lot" means a hard surfaced, dust free, landscaped, fenced illuminated open area, not a street, used to store new or used and serviceable building material, machinery, tools, boats, motor vehicles or trailers.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the required front yard setback line.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. "Manufactured home" does not include a "recreational vehicle".

MEDICAL CLINIC: A facility for the medical or similar examination and treatment of persons as outpatients by physicians or licensed medical specialists practicing medicine as a group during normal office hours.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes occupied for permanent dwelling purposes are located, whether or not a charge is made for such accommodation.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for residential use where the lots are to be occupied exclusively by mobile homes.

MODULAR HOME: A permanent dwelling structure built of prefabricated units which are assembled and/or erected on the site and which must meet all international building code standards.

MONITORING WELLS: Wells which have been approved by EPA for testing and remediation purposes on the site.

MOTEL: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units and designed and located to serve the motoring public.

MOTOR HOME: A self-contained vehicular portable structure designed for short term occupancy as a temporary dwelling for travel or recreational uses.

MULTIPLE-FAMILY HIGH DENSITY: Twenty (20) and above residential dwelling units per acre.

MULTIPLE-FAMILY LOW DENSITY: Ten (10) or fewer residential dwelling units per acre.

MULTIPLE-FAMILY MEDIUM DENSITY: Eleven (11) to nineteen (19) residential dwelling units per acre.

MULTIUSE WAREHOUSE FACILITY: A building or facility used for storage of personal or commercial commodities or property, or which may be used for the conduct of individual businesses, commerce, sales or service.

MUNICIPAL COUNCIL: The municipal council of Murray City.

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, which are natural drainage channels, as determined by the city engineer.

NONCOMMERCIAL STORAGE FACILITY: A building or facility having one or more units or rooms each not exceeding four hundred (400) square feet in area, and having no sanitation, heating, cooling or culinary water utilities, and which is used or intended for the storage of personal property for noncommercial purposes. This definition does not include facilities used or intended for the display of property held for resale, the conduct of any business on the premises, or the operation of a commercial warehouse.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, together with related improvements, lawfully existing at the time this title became effective, which does not conform to all the height, area, yard and similar site regulations herein prescribed for the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this title became effective and which does not conform with the use regulations of the district in which it is located.

NURSING HOME: An institution other than a hospital for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

OFFICIAL MAP: A map which has been adopted as the official map of the city, showing existing public streets, streets as shown on approved subdivision plats and modifications to streets which have been extended, widened, narrowed or vacated as provided by law and which have been accurately surveyed and definitely located.

OPEN SPACE: The part of a planned unit development which is accessible and usable by all persons occupying dwelling units in the planned unit development. It is any parcel or area of land or water that is improved or unimproved, and serves the purposes of preservation of natural resources, outdoor recreation, or public health and safety. Open space is land permanently set aside for conservation or recreation purposes. It may include woodlands, play areas, walking and riding trails, wetlands and lands in the floodplain as well as land use for passive or active recreation. By way of illustration only, open space shall not be provided from any required front or side yard, parking area, driveway or street.

OUTSIDE STORAGE: The keeping in an unroofed area of materials, goods and/or vehicles for a continuous period in excess of twenty four (24) hours.

PACKAGE AGENCY: A retail liquor location, operated under a contractual agreement with the Utah alcoholic beverage control commission, by a person other than the state, who is authorized by the commission to sell liquor or wine for consumption off the premises of the agency.

PARK STRIP: That part of public property that lies between the curb and sidewalk.

PARKING SPACE: A permanently surfaced area which is designated or marked for the parking of one motor vehicle.

PLANNED UNIT DEVELOPMENT: An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

PLANNING AND ZONING COMMISSION: The planning commission of the city as duly appointed under the provision of state law.

PLOT PLAN: A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings and buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES: Nonprofit recreational grounds and facilities operated by a nonprofit corporation or similar association.

PRIVATE SATELLITE ANTENNA: Any accessory structure capable of receiving for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

PUBLIC USE: A use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including such uses as public schools, parks, playgrounds, and other recreational facilities; public administrative or service facilities; and public utilities.

QUASI-PUBLIC USE: A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, playgrounds, private schools, and similar uses.

RECREATIONAL VEHICLE PARK: Any area where one or more travel trailer lots are rented for a relatively short term occupancy to users of such items as travel trailers, tents, motor homes, etc.

RESIDENTIAL CHILDCARE FACILITY: Childcare given in the home of a provider (other than parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts) for five (5) or more children.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is licensed or certified by:

- A. The Utah department of human services under title 62A, chapter 2 of the Utah code, licensure of programs and facilities, or
- B. The Utah department of health under title 26, chapter 21 of the Utah code, health care facility licensing and inspection act.

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.

RETIREMENT FACILITY: A facility designed for permanent residency by persons of retirement age who are ambulatory and require no nursing care. These facilities do not provide inpatient care for human illness or infirmity. These facilities customarily provide on site recreational, educational support services, and retirement lifestyle amenities for the convenience of the occupants, and are designed with a strong residential style of architecture when located in residential areas. Residential facilities may provide transportation for residents to regularly scheduled healthcare facilities, shopping, church, etc. For purposes of determining housing density, every three (3) beds shall constitute one dwelling unit.

SALVAGE: Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; junked, dismantled or wrecked automobiles or parts thereof; and old or scrap ferrous or nonferrous metal materials.

SALVAGE YARD: An open area, not a street, used to dismantle, store, display or otherwise hold damaged or inoperable automobiles or trucks or parts thereof, or any variety of salvage, for resale or any other disposition.

SELECTED REMEDY: The selected remedy as fully set forth in record of decision, dated April 1, 1998, pertaining to the Murray smelter site, and filed in the matter of United States v. ASARCO, Et Al.

SETBACK: The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

SINGLE-FAMILY LOW DENSITY: Six (6) or fewer residential units per acre.

SINGLE-FAMILY MEDIUM DENSITY: Greater than six (6) to ten (10) unattached residential units per acre.

SITE: The district boundaries as described in section 17.25.030 of this title.

SKILLED NURSING FACILITY (Also Known As NURSING HOME, CONVALESCENT HOME OR LONG TERM CARE FACILITY): A residential inpatient healthcare facility licensed by the State that provides twenty four (24) hour nursing care, personal care, and/or rehabilitation services over a long period of time for persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

SMALL ANIMAL LIMITED CARE FACILITY: A business providing up to twenty four (24) hours of emergency veterinarian care and treatment of small domestic animals such as dogs and cats when regular veterinarian hospitals and services are closed.

STABLE, PRIVATE: "Private stable" means a detached accessory building for the keeping of horses owned by the occupants of the premises.

STABLE, PUBLIC: "Public stable" means any stable where horses are boarded and/or kept for hire.

STATE STORE: A facility for the sale of packaged liquor located on premises owned or leased by the state and operated by state employees.

STORY: That portion of a building included between the surface of any floor and the floor or ceiling next above it.

STORY, FIRST: "First story" means the lowest story or the ground story of any building; provided, that any basement or cellar used for residential purposes shall be deemed the first story.

STORY, HALF: "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) the floor area of the floor next immediately below it, provided, however, that any partial story used for one or more dwelling units, shall be deemed a full story.

STREET, PRIVATE: "Private street" means a right of way of easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to two (2) or more sites.

STREET, PUBLIC: "Public street" means a thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare which has been adjudicated to be a public street by public use as provided by law.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBSTANTIAL EVIDENCE: The degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree.

SUPERVISED YOUTH GROUP HOME: A state licensed residential facility used exclusively as a foster home for up to six (6) minors who are in the custody of the state, and which is supervised on a twenty four (24) hour basis. It does not include any type of residential program into which a minor is placed as an alternative to a court mandated sentence to a juvenile secure facility.

SWIMMING POOL: A structure used or intended to be used to contain a body of water in which any person or persons may swim or wade, which is greater than two feet (2') in depth.

TRAILER, TRAVEL: "Travel trailer" means a vehicular portable structure designed as a temporary dwelling for travel and recreational uses.

UNIFIED CONTROL: A parcel of land under one ownership, or a group of parcels, the owners of which have agreed in writing to subject the development of their properties to a single control.

VICINITY PLAN: A map or drawing, to scale, showing the physical layout of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all adjacent land.

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

YARD: A required open space on a lot unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front: "Front yard" means a space in the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the closest point of the building.

Yard, Rear: "Rear yard" means a space in the same lot with a building, between the rear line of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the closest point of the building.

Yard, Side: "Side yard" means a space in the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the closest point of the building. (Ord. 22-33: Ord. 16-41: Ord. 15-06: Ord. 14-03: Ord. 13-03: Ord. 11-26: Ord. 10-02 § 2: Ord. 07-41 § 2: Ord. 07-30 § 2)

CHAPTER 17.68
LANDSCAPE REQUIREMENTS

SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Requirements

17.68.050: Provision For Street Trees

17.68.060: Residential Landscaping

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 13-03)

17.68.030: GENERAL PROVISIONS:

A. Installation Of Landscape And Related Improvements; Facade Exemption: Landscape and related improvements required by this chapter shall be installed if:

1. A conditional use permit is required; or
2. A site plan review is required; or
3. The cost of construction or remodeling exceeds fifty percent (50%) of the market value of the structure.
 - a. Market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.

EXISTING CODE

b. Exemption: For facade improvements or remodeling that involves exterior changes only, the requirement for installation of landscaping and related improvements does not apply.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a formal landscape plan (per phase if the project is multiphased). These copies must be submitted with the site plan, and must include or show:

a. The project name, exact street address, by whom the plan was prepared, the name and phone number of a contact person (architect, landscape architect, builder, etc.), and the date of the plan;

b. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;

c. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal;

d. Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal;

e. All areas to be planted in shrubs;

f. All areas to be planted as flowerbeds and/or with living ground cover plants;

g. All areas to be planted in sod, with any berthing to also be indicated;

h. All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

2. Building Permit Application: In association with a building permit application, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

a. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;

b. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;

EXISTING CODE

- c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
- d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;
- e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;
- f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;
- g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
- h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots at the time of planting and at maturity;
- i. The percentage of landscape proposed for the site and interior lot(s);
- j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:

- a. A building permit for a single-family dwelling or for a two-family dwelling.
- b. A building permit for interior remodeling which does not involve a change of use from residential to nonresidential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.
- c. A permit for the following activities: reroofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home setup, addition of interior plumbing, addition of interior electrical, fencing, on premises sign, and off premises sign.
- d. A license to encroach upon public utility easement.
- e. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.

EXISTING CODE

C. Formal Landscape Plan: Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability, or other circumstances, must be reviewed and approved by community and economic development division staff prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the city before a final inspection of the project will be performed.

D. Improvements: When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate coverage (80 percent efficient) of water to the landscape plants.
2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city.
3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.
4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of two inches (2") and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. Shrubs shall be a mix of one gallon and five (5) gallon containers, and shall be spaced as designated on the approved landscape plan. All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. Wire or nonbiodegradable root ball containers around root balls shall be removed prior to backfilling planting holes on all plants supplied with such containers.
5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by community and economic development division staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only. (Ord. 15-20: Ord. 14-01: Ord. 13-03)

17.68.040: REQUIREMENTS:

A. Perimeter:

1. Front Setback Areas:

EXISTING CODE

- a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at the time of planting. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,
- b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,
- c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, M-U and MCCD districts,
- d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,
- e. Where a park strip is provided, the park strip shall be planted with low growth which may include ground cover and shrubs not exceeding three feet (3') in height, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of planting,
- f. Ground cover is required to provide fifty percent (50%) bed coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.
2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:

- a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.
- b. Parking Islands:

EXISTING CODE

- (1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.
- (2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.
- (3) One tree and four (4) shrubs shall be required for each parking island installed.

c. **Ground Cover Required:** Ground cover is required to have fifty percent (50%) coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

d. **Trees; Required Size:** Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.

e. **Trees; Location:** Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.

f. **Shrubs; Size:** Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. **Concrete Curbing:**

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

D. **Accommodation Of Bus Benches And Shelters:**

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:
 - a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,
 - b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
 - c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;
2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;

EXISTING CODE

4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 14-01: Ord. 13-03)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post a cash bond or letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the security shall be determined by the city and shall be based upon a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 13-03)

17.68.060: RESIDENTIAL LANDSCAPING:

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30 § 2)

REDLINE EDITS

CHAPTER 17.68 LANDSCAPE REQUIREMENTS

SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Requirements

17.68.050: Provision For Street Trees

17.68.060: Residential Landscaping

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 13-03)

17.68.030: GENERAL PROVISIONS:

A. Installation Of Landscape And Related Improvements; **Facade Exemption**: Landscape and related improvements required by this chapter shall be installed if:

1. A conditional use permit is required; or
2. A site plan review is required; or
3. The cost of construction or remodeling exceeds fifty percent (50%) of the market value of the structure.
 - a. Market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.

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b. Facade Exemption: For facade improvements or remodeling that involves exterior changes only, the requirement for installation of landscaping and related improvements does not apply.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit, ~~in addition to other materials required by the city, three (3) copies of~~ a formal landscape plan (per phase if the project is multi-phased) as indicated on the appropriate application. The ~~plans~~ copies must be submitted with the site plan, and must include or show:

- a. The project name, exact street address, by whom the plan was prepared, the name and phone number of a contact person (architect, landscape architect, builder, etc.), and the date of the plan;
- b. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;
- c. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal;
- d. Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal;
- e. All areas to be planted in shrubs;
- f. All areas to be planted as flowerbeds and/or with living ground cover plants;
- g. All areas to be planted in sod, with any berming to also be indicated;
- h. All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

2. Building Permit Application: In association with a building permit application, the applicant shall submit, ~~in addition to other materials required by the city, three (3) copies of~~ a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

- a. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;

REDLINE EDITS

- b. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;
- c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
- d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;
- e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;
- f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;
- g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
- h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots at the time of planting and at maturity;
- i. The percentage of landscape proposed for the site and interior lot(s);
- j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:

~~a. A building permit for a single-family dwelling or for a two-family dwelling.~~

~~ba.~~ A building permit for interior remodeling which does not involve a change of use from residential to nonresidential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.

~~cb.~~ A permit for the following activities: reroofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home setup, addition of interior plumbing, addition of interior electrical, fencing, on premises sign, and off premises sign.

REDLINE EDITS

dc. A license to encroach upon public utility easement.

ed. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.

C. Formal Landscape Plan: Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability, or other circumstances, must be reviewed and approved by community and economic development division staff prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the city before a final inspection of the project will be performed.

D. Improvements: When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate coverage (80 percent efficient) of water to the landscape plants.

2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city.

3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.

4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of two inches (2") and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. Shrubs shall be a mix of one gallon and five (5) gallon containers, and shall be spaced as designated on the approved landscape plan. All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. Wire or nonbiodegradable root ball containers around root balls shall be removed prior to backfilling planting holes on all plants supplied with such containers.

5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by community and economic development division staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only. (Ord. 15-20: Ord. 14-01: Ord. 13-03)

17.68.040: LANDSCAPING REQUIREMENTS:

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The following standards apply to all commercial, industrial, mixed-use, and multifamily developments.

A. Perimeter:

1. Front Setback Areas:

a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at maturity~~the time of planting~~. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,

b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,

c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, CC-FBC, MCMU, CMU-U and VMUMCDD districts,

d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,

e. Where a park strip is provided, the park strip shall be planted with low growth which may include ground cover and shrubs not exceeding three feet (3') in height, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of maturity~~planting~~,

f. Ground cover is required to provide fifty percent (50%) bed coverage at time of maturity~~planting~~. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes ~~grass~~, shrubs and other low growing vegetation, but does not include turf grass / lawn or trees. Evergreen trees may be counted as ground cover if branches reach the ground.

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

REDLINE EDITS

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.
2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:
 - a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.
 - b. Parking Islands:
 - (1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.
 - (2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.
 - (3) One tree and four (4) shrubs shall be required for each parking island installed.
 - c. Ground Cover Required: Ground cover is required to have fifty percent (50%) coverage at time of maturityplanting. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.
 - d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.
 - e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.
 - f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. Lawn Restrictions:

1. Turf grass/Lawn shall not be installed in locations that are smaller than eight feet (8') in width.
2. Turf grass/ Lawn shall not be installed in park strips, paths or on slopes greater than 25% or a 4:1 grade.
3. Turf grass/ Lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

CD. Concrete Curbing:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

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DE. Accommodation Of Bus Benches And Shelters:

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:
 - a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,
 - b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
 - c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;
2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 14-01: Ord. 13-03)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post a cash bond or letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the security shall be determined by the city and shall be based upon a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 13-03)

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS:

Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width at its narrowest point. Lawn shall not be less than eight feet (8') at its narrowest point.

A. Turf grass/ Lawn shall not be installed in:

1. park strips, or
2. paths, or

REDLINE EDITS

3. on slopes greater than 25% or 4:1 grade.

B. Turf grass/ ~~Lawn~~ shall not exceed 35% of the total landscaped area in the front and side yards of new residential construction.

1. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum eight feet (8') wide lawn area requirement, are exempt from the eight feet (8') minimum width lawn area requirement and maximum of 35% lawn requirement.

C. Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30 § 2)

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CHAPTER 17.68
LANDSCAPE REQUIREMENTS

SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Requirements

17.68.050: Provision For Street Trees

17.68.060: Residential Landscaping

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 13-03)

17.68.030: GENERAL PROVISIONS:

A. Installation Of Landscape And Related Improvements: Landscape and related improvements required by this chapter shall be installed if:

1. A conditional use permit is required; or
2. A site plan review is required; or
3. The cost of construction or remodeling exceeds fifty percent (50%) of the market value of the structure.
 - a. Market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.

b. Façade Exemption: For facade improvements or remodeling that involves exterior changes only, the requirement for installation of landscaping and related improvements does not apply.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit a formal landscape plan (per phase if the project is multi-phased) as indicated on the appropriate application. The plans must be submitted with the site plan, and must include or show:

a. The project name, exact street address, by whom the plan was prepared, the name and phone number of a contact person (architect, landscape architect, builder, etc.), and the date of the plan;

b. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;

c. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal;

d. Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal;

e. All areas to be planted in shrubs;

f. All areas to be planted as flowerbeds and/or with living ground cover plants;

g. All areas to be planted in sod, with any berthing to also be indicated;

h. All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

2. Building Permit Application: In association with a building permit application, the applicant shall submit a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

a. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;

b. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;

- c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
- d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;
- e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;
- f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;
- g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
- h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots at the time of planting and at maturity;
- i. The percentage of landscape proposed for the site and interior lot(s);
- j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:

- a. A building permit for interior remodeling which does not involve a change of use from residential to nonresidential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.
- b. A permit for the following activities: reroofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home setup, addition of interior plumbing, addition of interior electrical, fencing, on premises sign, and off premises sign.
- c. A license to encroach upon public utility easement.
- d. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.

C. Formal Landscape Plan: Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability, or other circumstances, must be reviewed and approved by community and economic development division staff prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the city before a final inspection of the project will be performed.

D. Improvements: When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate coverage (80 percent efficient) of water to the landscape plants.
2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city.
3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.
4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of two inches (2") and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. Shrubs shall be a mix of one gallon and five (5) gallon containers, and shall be spaced as designated on the approved landscape plan. All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. Wire or nonbiodegradable root ball containers around root balls shall be removed prior to backfilling planting holes on all plants supplied with such containers.
5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by community and economic development division staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only. (Ord. 15-20: Ord. 14-01: Ord. 13-03)

17.68.040: LANDSCAPING REQUIREMENTS:

The following standards apply to all commercial, industrial, mixed-use, and multifamily developments.

A. Perimeter:

1. Front Setback Areas:

- a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at maturity. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,
- b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,
- c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, CC-FBC, MCMU, CMU, and VMU districts,
- d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,
- e. Where a park strip is provided, the park strip shall be planted with low growth which may include ground cover and shrubs not exceeding three feet (3') in height, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of maturity,
- f. Ground cover is required to provide fifty percent (50%) bed coverage at time of maturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses shrubs and other low growing vegetation, but does not include turf grass/ lawn or trees. Evergreen trees may be counted as ground cover if branches reach the ground.

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.
2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:

a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.

b. Parking Islands:

(1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.

(2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.

(3) One tree and four (4) shrubs shall be required for each parking island installed.

c. Ground Cover Required: Ground cover is required to have fifty percent (50%) coverage at time of maturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.

e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.

f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. Lawn Restrictions:

1. Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width.

2. Turf grass/ lawn shall not be installed in park strips, paths or on slopes greater than 25% or a 4:1 grade.

3. Turf grass/ lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

D. Concrete Curbing:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

E. Accommodation Of Bus Benches And Shelters:

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:

- a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title;
- b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
- c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;

2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 14-01: Ord. 13-03)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post a cash bond or letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the security shall be determined by the city and shall be based upon a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 13-03)

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS:

- A. Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width at its narrowest point. Turf grass/ lawn shall not be installed in:
 1. park strips, or
 2. paths, or
 3. on slopes greater than 25% or 4:1 grade.
- B. Turf grass/ lawn shall not exceed 35% of the total landscaped area in the front and side yards of new residential construction.
 1. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the

minimum eight feet (8') wide lawn area requirement, are exempt from the eight feet (8') minimum width lawn area requirement and maximum of 35% lawn requirement.

- C. Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30 § 2)



MURRAY CITY COUNCIL



Landscape Amendments

Text Amendment to landscape requirements allowing residents to qualify for the Utah Water Savers rebate program and minor clarification items.





17.08 Definitions Additions

ACTIVE RECREATION AREAS: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

ACTIVITY ZONES: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

LAWN: Ground that is covered with grass or turf that is regularly mowed.



17.68 Landscape Requirements

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit, ~~in addition to other materials required by the city, three (3) copies of~~ a formal landscape plan (per phase if the project is multi-phased) as indicated on the appropriate application. The ~~plans~~ ~~copies~~ must be submitted with the site plan, and must include or show:

3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:

a. ~~A building permit for a single family dwelling or for a two family dwelling.~~



17.68 Landscape Requirements

- a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at maturity the time of planting. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,

- c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, CC-FBC, MCMU, CMU-U and VMU MCCD districts,



17.68 Landscape Requirements

Commercial:

C. Lawn Restrictions:

1. Turf grass/ ~~lawn~~ shall not be installed in locations that are smaller than eight feet (8') in width.
2. Turf grass/ ~~lawn~~ shall not be installed in park strips, paths or on slopes greater than 25% or a 4:1 grade.
3. Turf grass/ ~~lawn~~ areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

Residential:

- B. Turf grass/ ~~lawn~~ shall not exceed 35% of the total landscaped area in the front and side yards of new residential construction.
 1. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum eight feet (8') wide lawn area requirement, are exempt from the eight feet (8') minimum width lawn area requirement and maximum of 35% lawn requirement.

Findings:

1. The proposed text amendment promotes water conservancy for both business and residential.
2. The proposed text amendment has been reviewed to ensure that the health, safety, and general welfare of the community are maintained.
3. Staff finds that the proposed amendment does not conflict with any recommendation in the General Plan.
4. The proposed amendments enacts policy goals stated in both the Water Masterplan and Water Conservation plan.
5. The Planning Commission held a public hearing on June 5th, 2025 and voted 5-1 to forward a recommendation of approval to the City Council.

Staff Recommendation

The Murray City Planning Commission and Staff recommends that the City Council **ADOPT** an ordinance amending sections 17.08.020, 17.68.030, 17.68.040, and 17.68.060 of the Murray City Municipal Code relating to landscaping requirements as reviewed in the Staff Report.



THANK YOU!





MURRAY
CITY COUNCIL

Public Hearing #2



MURRAY

Council Action Request

Community and Economic Development

Murray City Staff: Residential Yard Exemption Amendments

Council Meeting

Meeting Date: August 26, 2025

Department Director Chad Wilkinson	Purpose of Proposal Amend residential zones to allow greater encroachments into setbacks for porches, awnings, shades, etc.
Phone # 801-270-2427	Action Requested Ordinance Approval
Presenters Zachary Smallwood	Attachments Slides
	Budget Impact None Anticipated
	Description of this Item Planning staff is proposing an amendment to all the residential zones in the city to allow for encroachments into the front and rear setback areas. As the code is written today, Murray does not allow for patio covers, covered decks, etc. to encroach into the front or rear yard setback area. Staff has had many requests for roof extension or patio covers and have had to deny these requests as they go into the setbacks for a main dwelling.
Required Time for Presentation 15 minutes	The Planning Commission held a public hearing on June 5th, 2025 and voted 6-0 to recommend approval of the proposed text.
Is This Time Sensitive No	
Mayor's Approval	
Date August 26, 2025	

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 26th day of August, 2025, 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 17.92.080, 17.96.100, 17.100.100, 17.107.100, 17.108.100, 17.112.100, 7.116.070, 17.120.070, 17.124.070, and 17.128.070 of the Murray City Municipal Code relating to exemptions into setback areas for all residential zones.

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

DATED this 18th day of July 2025.



MURRAY CITY CORPORATION

A handwritten signature in black ink that reads "Brooke Smith".

Brooke Smith
City Recorder

DATES OF POSTING: August 15, 2025
PH25-33

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 17.92.080, 17.96.100, 17.100.100, 17.104.100, 17.108.100, 17.112.100, 17.116.070, 17.120.070, 17.124.070, AND 17.128.070 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO EXEMPTIONS INTO SETBACK AREAS FOR ALL RESIDENTIAL ZONES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Sections 17.92.080, 17.96.100, 17.100.100, 17.104.100, 17.108.100, 17.112.100, 17.116.070, 17.120.070, 17.124.070, AND 17.128.070 of the Murray City Municipal Code relating to exemptions into setback areas for all residential zones.

Section 2. Amend sections 17.92.080, 17.96.100, 17.100.100, 17.104.100, 17.108.100, 17.112.100, 17.116.070, 17.120.070, 17.124.070, AND 17.128.070 of the Murray City Municipal Code. Sections 17.92.080, 17.96.100, 17.100.100, 17.104.100, 17.108.100, 17.112.100, 17.116.070, 17.120.070, 17.124.070, AND 17.128.070 of the Murray City Municipal Code shall be amended to read as follows:

17.92.080: YARDS TO BE UNOBTSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂'):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

(Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

~~(Ord. 07-30 § 2)~~

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- 1. The roof or canopy is not more than one (1) story in height.
- 2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- 3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- 4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- 5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

~~(Ord. 07-30 § 2)~~

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- 1. The roof or canopy is not more than one (1) story in height.

2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

~~(Ord. 07-30 § 2)~~

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;

C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

~~(Ord. 07-30 § 2)~~

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

~~(Ord. 07-30 § 2)~~

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

(Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;

B. 2. Fireplace structures and bays;
C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.
(Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂'):

A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
B. 2. Fireplace structures and bays;
C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.
(Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

....

17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. 1. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. 2. Fireplace structures and bays;
- C. 3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height.

~~(Ord. 07-30 § 2)~~

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

1. The roof or canopy is not more than one (1) story in height.
2. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
3. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
4. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
5. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 26th day of August, 2025.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

MAYOR'S ACTION:

DATED this _____ day of _____, 2025.

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 _____, 2025.

Brooke Smith, City Recorder

A discussion was had regarding the need to change landscaping requirements so a few residents could take advantage of the program. Mr. Smallwood said that, as water issues across the state increase, more residents are looking to take advantage of the program. Residents haven't been able to apply because Murray City has previously not met the landscaping standards. Adopting the proposed standards will allow Murray City to participate in the program. He said that most other cities have adopted these standards.

Commissioner Hacker and Mr. Smallwood had a discussion regarding the standards as they relate to commercial properties. Commissioner Hacker asked how the standards apply when an applicant is applying for a conditional use permit and needs to meet those landscaping requirements. Mr. Smallwood said that the city still wants to see planted material, they just want to reduce the amount of lawn.

Commissioner Pehrson wanted to confirm that the program is not just applicable to the park strip. Mr. Smallwood said the rebate applies to a park strip as well as landscaping a front lawn. A discussion was had regarding the difference between the Flip Your Strip and Utah Water Saver's programs.

Chair Richards opened the agenda item for public comment.

Rachel Palmer spoke in favor of the proposed amendments to the landscaping code. She is pleased that she'll be able to apply for the Utah Water Saver's program. She added that the standards may seem arbitrary, but they are supported by scientific evidence.

Chair Richards closed the public comment period for this agenda item.

Commissioner Rogers made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to Chapters 17.08 Definitions and 17.68 Landscaping Requirements as reviewed in the Staff Report.

Seconded by Commissioner Klinge.

Commissioner Rogers amended her motion to include the definition of lawn to include turfgrass.
Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Klinge
<u>N</u>	Pehrson
<u>A</u>	Richards
<u>A</u>	Rogers

Motion passes: 6-0

Residential Yard Exceptions Amendments - Project # 25-056 - Amendments to the residential yard exception standards in all residential zoning districts allowing roof extensions into the front and rear setback areas

Zachary Smallwood presented this agenda item. He said this is an amendment for all residential zones allowing roof extensions into the front and rear setback areas. He showed images to illustrate the proposed changes. His example included a scenario where a resident wants to add a patio cover or porch extension. The extension could be up to half of the width of the dwelling but may not be closer than ten feet from the rear property line. In the front, it can encroach up to seven feet but may not be any closer than twenty feet from the property line. The roof or canopy must be open on all three sides, except for supporting columns and footings. Public notices were sent to surrounding properties. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

Commissioner Hildreth clarified with Mr. Smallwood how the encroachment will work.

A discussion was had regarding the old code versus the new code. Mr. Smallwood said that the old code was much more restrictive.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Hildreth made a motion that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to 17.92: Agricultural A-1; 17.96 Single-Family Medium Density Residential District R-1-6; 17.100 Single-Family Low Density Residential District R-1-8; 17.104 Single-Family Low Density Residential District R-1-10; 17.108 Single-Family Low Density Residential District R-1-12; 17.112 Medium Density Residential District R-2-10; 17.116 Multiple-Family Low Density Residential District R-M-10; 17.120 Multiple-Family Medium Density Residential District R-M-15; 17.124 Multiple-Family High Density Residential District R-M-20; and 17.128 Multiple-Family High Density Residential District R-M-25 as reviewed in the Staff Report.

Seconded by Commissioner Klinge. Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Klinge
<u>A</u>	Pehrson
<u>A</u>	Richards
<u>A</u>	Rogers

Motion passes: 6-0

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on July 3, 2025, at 6:30 p.m. MDT in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Chair Richards adjourned the meeting at 7:28 p.m.



AGENDA ITEM # 6 Residential Yard Exemption Amendments

ITEM TYPE:	Text Amendment		
ADDRESS:	Citywide	MEETING DATE:	June 5 th , 2025
APPLICANT:	CED Staff	STAFF:	Zachary Smallwood, Planning Manager
PARCEL ID:	N/A	PROJECT NUMBER:	25-055
REQUEST:	Planning Staff is requesting an amendment to the exemptions into setback areas for all residential zones. This will allow for porches, awnings, shades, etc. to encroach into setbacks if meeting certain standards.		

I. STAFF REVIEW & ANALYSIS

History & Background

Planning staff is proposing an amendment to all the residential zones in the city to allow for encroachments into the front and rear setback areas. As the code is written today, Murray does not allow for patio covers, covered decks, etc. to encroach into the front or rear yard setback area. Staff has had many requests for roof extension or patio covers and have had to deny these requests as they go into the setbacks for a main dwelling.

Review of Proposed Changes

The proposed changes affect all residential zoning districts. This includes the following:

- 17.92: Agricultural A-1
- 17.96 Single-Family Medium Density Residential District R-1-6
- 17.100 Single-Family Low Density Residential District R-1-8
- 17.104 Single-Family Low Density Residential District R-1-10
- 17.108 Single-Family Low Density Residential District R-1-12
- 17.112 Medium Density Residential District R-2-10
- 17.116 Multiple-Family Low Density Residential District R-M-10
- 17.120 Multiple-Family Medium Density Residential District R-M-15
- 17.124 Multiple-Family High Density Residential District R-M-20
- 17.128 Multiple-Family High Density Residential District R-M-25

Staff pulled proposed language from Layton City. It allows for residents to encroach into the front or rear yard setback with a “roof extension” as long as it is open on three sides, less than half of the width of the dwelling, and does not get closer than twenty feet (20') to the front property line or ten feet (10') from the rear property line. The proposed language is the same for each residential zone. It states the following:

- Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - The roof or canopy is not more than one (1) story in height.
 - The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

These changes will allow for residents to utilize more of the property for things that are important to them. As preferences change, Murray is working towards supporting homeowners by allowing a more nuanced approach to regulations. This is the first in many modernizations of the residential zones that staff hopes to work on this year.

II. DEPARTMENT REVIEWS

The proposed amendments were provided to each department for their review on May 20th, 2025. All departments recommended approval with no comments or concerns.

III. PUBLIC INPUT

Notices were sent to Affected Entities and posted on City and State Public Meeting website for these amendments. As of the date of this report, no comments have been received.

IV. FINDINGS

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

1. The proposed text amendment promotes objective 3 of the neighborhoods & housing section of General Plan.

2. The proposed text amendment has been reviewed to ensure that the health, safety, and general welfare of the community are maintained.
3. Staff finds that the proposed amendment does not conflict with any recommendation in the General Plan.

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 17.92: Agricultural A-1; 17.96 Single-Family Medium Density Residential District R-1-6; 17.100 Single-Family Low Density Residential District R-1-8; 17.104 Single-Family Low Density Residential District R-1-10; 17.108 Single-Family Low Density Residential District R-1-12; 17.112 Medium Density Residential District R-2-10; 17.116 Multiple-Family Low Density Residential District R-M-10; 17.120 Multiple-Family Medium Density Residential District R-M-15; 17.124 Multiple-Family High Density Residential District R-M-20; and 17.128 Multiple-Family High Density Residential District R-M-25 as reviewed in the Staff Report.



NOTICE OF PUBLIC HEARING

June 5th, 2025, 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 application:

Amendments to Chapter 17.68 Landscape Requirements to implement waterwise landscaping requirements to allow for qualification for the Utah Water Savers program. These include maximum area and widths for lawns in both Residential and Commercial Zones.

Amendments to chapters 17.92: Agricultural A-1; 17.96 Single-Family Medium Density Residential District R-1-6; 17.100 Single-Family Low Density Residential District R-1-8; 17.104 Single-Family Low Density Residential District R-1-10; 17.108 Single-Family Low Density Residential District R-1-12; 17.112 Medium Density Residential District R-2-10; 17.116 Multiple-Family Low Density Residential District R-M-10; 17.120 Multiple-Family Medium Density Residential District R-M-15; 17.124 Multiple-Family High Density Residential District R-M-20; and 17.128 Multiple-Family High Density Residential District R-M-25. The request would allow for non-enclosed roof structures (porches, etc.) to extend into setback areas.

To make comments regarding this proposal, the public may speak at the meeting, call the Murray City Planning Division at (801) 270-2430, or email pc@murray.utah.gov.

The meeting will be streamed online, at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

A-1 Zone

17.92.080: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-1-6 Zone

17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-1-8 Zone

17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-1-10 Zone

17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-1-12 Zone

17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-2-10 Zone

17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-M-10

17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

EXISTING CODE

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (21/2'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-M-15

17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (21/2'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-M-20

17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (21/2'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

R-M-25

17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (21/2'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;

EXISTING CODE

- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

A-1 Zone**17.92.080: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A.a. Cornices, eaves, sills, buttresses or other similar architectural features;
- B.b. Fireplace structures and bays;
- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a) The roof or canopy is not more than one (1) story in height.
- b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- E.a. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-6 Zone**17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A.a. Cornices, eaves, sills, buttresses or other similar architectural features;

B.b. Fireplace structures and bays;

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- The roof or canopy is not more than one (1) story in height.
- The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-8 Zone

17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

A.a. Cornices, eaves, sills, buttresses or other similar architectural features;

B.b. Fireplace structures and bays;

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- E.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-10 Zone

17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂):

- A.a. Cornices, eaves, sills, buttresses or other similar architectural features;
- B.b. Fireplace structures and bays;
- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- E.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-12 Zone

17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂'):
 - A.a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - B.b. Fireplace structures and bays;
 - C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.
 - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - E.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

R-2-10 Zone

17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂):

A.

- a.**—Cornices, eaves, sills, buttresses or other similar architectural features;
- a.**
- b.**—Fireplace structures and bays;
- b.**
- c.**—Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a.** The roof or canopy is not more than one (1) story in height.
- b.** The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c.** The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d.** The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- A.e.** In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-10

17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂):

A.

- a.**—Cornices, eaves, sills, buttresses or other similar architectural features;
- a.**
- b.**—Fireplace structures and bays;

b.

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

A.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-15

17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

A.

- a.—Cornices, eaves, sills, buttresses or other similar architectural features;
- a.
- b.—Fireplace structures and bays;
- b.
- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot

tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- A.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-20

17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2¹/₂'):

A.

- a.—Cornices, eaves, sills, buttresses or other similar architectural features;
- a.
- b.—Fireplace structures and bays;
- b.
- c.—Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- A.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-25

17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- A.
 - a.—Cornices, eaves, sills, buttresses or other similar architectural features;
 - a.
 - b.—Fireplace structures and bays;
 - b.
 - c.—Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

REDLINE EDITS

A.e. In no instance may the additions encroach to within less than twenty
(20) feet of a front or street side yard property line, or to within less than ten
(10) feet of a rear property line

A-1 Zone

17.92.080: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a) The roof or canopy is not more than one (1) story in height.
 - b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - a. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-6 Zone

17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;

- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a) The roof or canopy is not more than one (1) story in height.
 - b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - e) In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-8 Zone

17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.

- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-10 Zone

17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.
 - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-1-12 Zone

17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.
 - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

R-2-10 Zone

17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):

- a. Cornices, eaves, sills, buttresses or other similar architectural features;
- b. Fireplace structures and bays;
- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-10

17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (21/2'):

- a. Cornices, eaves, sills, buttresses or other similar architectural features;
- b. Fireplace structures and bays;
- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a. The roof or canopy is not more than one (1) story in height.
- b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-15

17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.
 - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-20

17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.
 - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

R-M-25

17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 $\frac{1}{2}$):
 - a. Cornices, eaves, sills, buttresses or other similar architectural features;
 - b. Fireplace structures and bays;
 - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
 - a. The roof or canopy is not more than one (1) story in height.
 - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
 - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
 - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
 - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line



MURRAY CITY COUNCIL



Residential Yard Exception Amendments

Amendment to residential yard exception standards in all residential zoning districts allowing roof extensions into the front and rear setback areas.





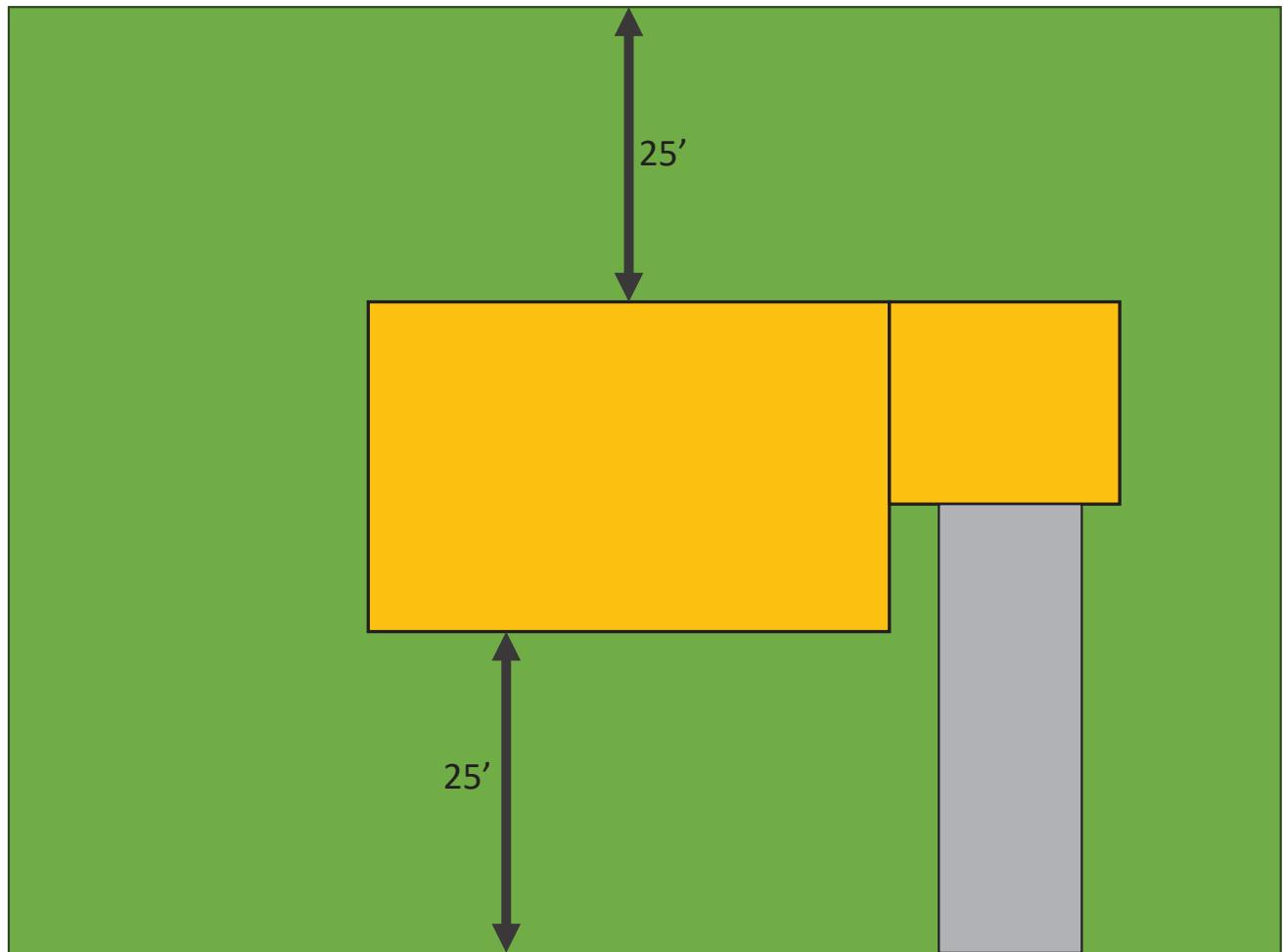
Proposed Addition

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., and any uncovered deck attached to the main dwelling may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

- a) The roof or canopy is not more than one (1) story in height.
- b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
- c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- e) In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

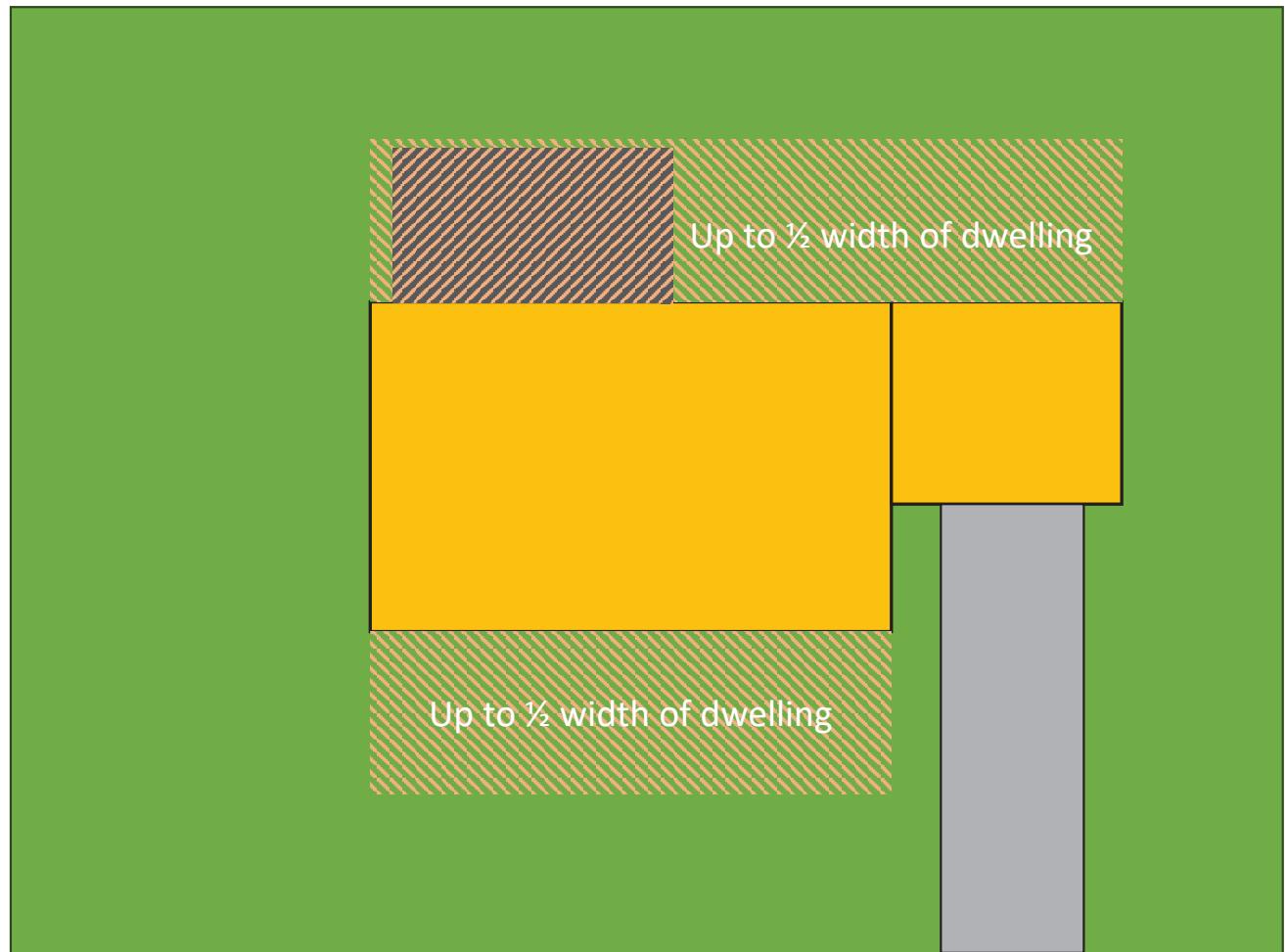


Example



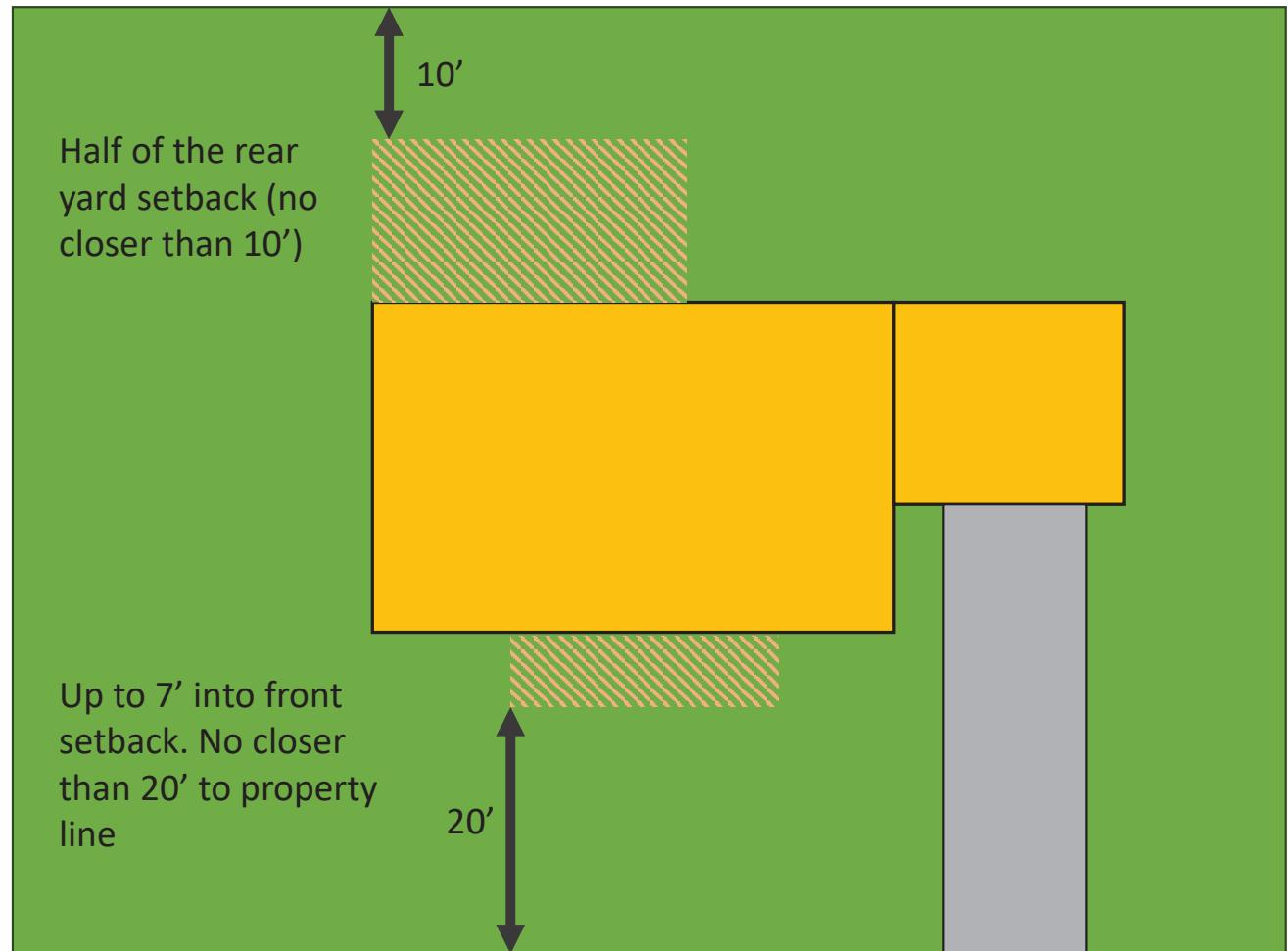


Example





Example





Example

The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

The columns supporting the roof are on individual pad footings or similar design.



Findings:

1. The proposed text amendment promotes objective 3 of the neighborhoods & housing section of General Plan.
2. The proposed text amendment has been reviewed to ensure that the health, safety, and general welfare of the community are maintained.
3. Staff finds that the proposed amendment does not conflict with any recommendation in the General Plan.
4. The Murray City Planning Commission held a public hearing on June 5th, 2025 and voted 6-0 to forward a recommendation of approval.

Staff Recommendation

The Murray City Planning Commission and Staff recommends that the City Council **ADOPT** an ordinance amending sections 17.92.080, 17.96.100, 17.100.100, 17.107.100, 17.108.100, 17.112.100, 7.116.070, 17.120.070, 17.124.070, and 17.128.070 of the Murray City Municipal Code relating to exemptions into setback areas for all residential zones as reviewed in the Staff Report.



THANK YOU!





MURRAY
CITY COUNCIL

Business Item



MURRAY

Council Action Request

Murray City Fire Department

Murray High School Intro to Fire Science course

Council Meeting

Meeting Date: August 26, 2025

Department Director Joseph Mittelman	Purpose of Proposal Provide for Murray School District with Fire Science Introduction, Fire Science, Fire Behaviors and Combustion courses for students
Phone # 801-264-2775	Action Requested Support with a resolution approving the inter-local agreement with Murray School district
Presenters Joseph Mittelman	Attachments Agreement and Resolution
Required Time for Presentation 10 Minutes	Budget Impact Zero budget impact. The district is paying for our employees to teach the course. First responder staffing is also not affected.
Is This Time Sensitive Yes	Description of this Item Murray City Firefighters would provide for Murray School District the Fire Science Introduction, Fire Science, Fire Behaviors and Combustion courses for students to take during their senior year. This is matching what Granite, SLC, Jordan and Canyon school districts are currently offering. It also allows Murray City to recruit local talent for Murray City Fire Department positions.
Mayor's Approval 	
Date August 12, 2025	

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE MURRAY CITY SCHOOL DISTRICT FOR MURRAY CITY FIRE FIGHTERS TO TEACH FIRE EDUCATION CLASSES OFFERED BY THE SCHOOL DISTRICT

WHEREAS, the Murray City School District ("District") offers classes to its students which explore the basic theories and fundamentals of fire science and explore career opportunities and job requirements of fire and rescue emergency services (hereinafter the "Fire Education Class"); and

WHEREAS, the District is in need of instructors to teach the Fire Education Classes to the students enrolled to participate in the Classes; and

WHEREAS, part of the essential duties for firefighters with the Murray City Fire Department (the "Fire Department") include participating in public education programs in schools; and

WHEREAS, City Fire Department employees will act as instructors to teach the School District's Fire Education Classes; and

WHEREAS, the Parties now desire to enter into an Interlocal Agreement to document their responsibilities with respect to the planning, implementation, and management of the Fire Education Classes; and

WHEREAS, a copy of the Interlocal Cooperation Agreement is attached hereto.

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

1. That the Interlocal Cooperation Agreement attached hereto be accepted and approved.
2. That Mayor Brett A. Hales is hereby authorized to execute the Interlocal Cooperation Agreement on behalf of City.
3. That this Resolution shall take effect immediately on passage.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 26th day of August, 2025.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder

Attachment

Interlocal Cooperation Agreement with The Murray
City School District for Fire Education Classes

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
MURRAY CITY CORPORATION
AND
THE MURRAY CITY SCHOOL DISTRICT

*For Murray City Firefighters to Teach Certain Fire
Education Classes for the Murray City School District*

This Interlocal Cooperation Agreement (“Agreement”) is made and entered into this _____ day of _____, 2025 (the “Effective Date”) by and between MURRAY CITY CORPORATION (the “City”), a Utah Municipal Corporation, and THE MURRAY CITY SCHOOL DISTRICT (the “District”), a political subdivision of the State of Utah. The City and District are hereafter sometimes collectively referred to as “Parties” and either may be referred to individually as a “Party.”

RECITALS

WHEREAS, the City and the District are “Public Agencies” authorized by the Utah Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code, to enter into agreements with each other for the joint and cooperative action which will enable them to make the most efficient use of their powers on a basis of mutual advantage; and

WHEREAS, the District offers classes to its students which explore the basic theories and fundamentals of fire science and explore career opportunities and job requirements of fire and rescue emergency services (hereinafter the “Fire Education Class”), and the District is in need of instructors to teach the Fire Education Classes; and

WHEREAS, the essential duties for firefighters with the Murray City Fire Department (the “Fire Department”) include participating in public education programs in schools; and

WHEREAS, the Parties desire to enter into an Agreement to document their responsibilities with respect to the planning, implementation, and management of the Fire Education Classes.

NOW, THEREFORE, based upon the stated Recitals, which are incorporated by reference, and for and in consideration of the Parties’ mutual covenants and agreements, the mutual benefits to the Parties, and other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

AGREEMENT

1. **IMPLEMENTATION.** The City and District agree that District will offer its Fire Education Classes with each Party providing the respective resources as outlined in this Agreement.

2. CURRICULUM. The City and District agree that the curriculum for the Fire Education Class shall be based on the Utah State Board of Education Career and Technical Education (CTE) courses focused on (1) Fire Science Introduction; and (2) Fire Science, Fire Behaviors and Combustion. The CTE Strands and Standards Course Descriptions shall be attached hereto as “Exhibit A” and are incorporated herewith. The Fire Education Classes shall be designed with a goal for participating students to:

- a. Explore the theories and fundamentals of why fires start, spread, and how they are controlled;
- b. Explore career opportunities and job requirements of fire and rescue emergency services;
- c. Discuss the various duties within fire emergency services, including structural firefighting, wildland fire fighting, technical rescue, hazardous materials control, fire protection, fire investigations, and incident command;
- d. Explain the employment testing and selection process of federal, state, municipal, and industrial emergency service organizations; and
- e. Provide information and skills to help students develop personal fitness plans in preparation for fire service physical ability testing.

The curriculum for the Fire Education Classes may be expanded, upon the mutual written agreement of both Parties.

3. CITY RESPONSIBILITIES. The City agrees to provide the following:

- a. Fire Education Class Instructors. The City will provide Fire Department employees to act as Instructors for the Fire Education Classes (the “Instructors”).
- b. City Facilities. At the City’s discretion, and subject to the terms and conditions of this Agreement, the City may allow portions of the Fire Education Classes to take place at City facilities. The City shall require parental permission and waivers of liability to allow students to participate in any Fire Education Classes that are provided at City facilities. Parental permission and liability waivers must be provided to the City prior to the commencement of the Fire Education Classes.
- c. Background Checks. The City shall conduct a criminal background check through the database of the Utah Bureau of Identification, and an FBI criminal database or equivalent national database on each Instructor who will participate in the Fire Education Classes in any capacity or who will have direct contact with students. Instructors shall not be allowed, at any time, to be in any position that allows for contact with or access to Students, if they have been convicted of any offense identified in Utah Code Annotated Title 76 - Chapter 4 Part 4, Chapter 5 Part 1 Sections 107.5, 109, 110, 112.5, 113, Chapter 5 Parts 2- 4, Chapter 5b,

Chapter 6 Part 3, Chapter 9 Part 7 Sections 702, 702.1, 702.5, 702.7, or Chapter 10 Part 12, or of any offense in any other state or federal jurisdiction which constitutes or would constitute a crime similar in any way to the above outlined provisions. No Instructors shall be permitted to participate in the Fire Education Classes in any capacity unless appropriate background checks have been performed prior to the beginning of the Fire Education Classes, and the person meets the standards set forth above.

- d. Interactions with Students. Instructors, Students, and District employees shall be restricted from initiating or engaging in contact with each other outside of officially scheduled class times and designated office hours, whether in person or through electronic means (including but not limited to social media, text messaging, personal email). Any contact initiated by outside these parameters should be responded to within the bounds of official communication channels.
 - i. Approved Communication Channels. All communication with students shall be conducted through approved District communication platforms, such as school email, learning management systems (LMS), or designated online forums. In no event shall Instructors, Students, or District Employees communicate through their personal or City-issued email accounts.
 - ii. Exceptions. Exceptions to the limitations on contact may be made only in the following circumstances:
 - 1. District-Sanctioned Activities. Communication related to official District-sponsored activities outside of class, such as field trips or research projects is allowed, provided it is through designated channels or with District approval.
 - 2. Existing Pre-existing Relationships. Contact is permitted with a student if an existing relationship (e.g., family member, neighbor) existed prior to the student's enrollment in the Fire Education Class, but such contact should remain outside the context of the instructor-student dynamic of the Fire Education Classes.
- e. City Employees. Instructors participating in Fire Education Classes will be City employees recruited and employed by the City. Instructors' salaries, payroll taxes, payroll based expenses, including workers' compensation insurance, and benefits are the responsibility of, and will be paid exclusively by the City. All scheduling, deployment and, supervision of the Instructors will be the responsibility of the City. The City reserves the right to remove and/or reassign any City employee or Instructor.
- f. Student Discipline. City employees shall not act as a school disciplinarian, as disciplining students is a District responsibility. It is agreed and understood that

the District, schools, and appropriate school staff shall be responsible for investigating and determining, in their discretion, whether a student has violated District or school disciplinary codes or standards and the appropriate administrative action to take. However, City employees may share information with District administration/staff, which may aid in the determination of whether a disciplinary offense occurred. Instructors will be provided with copies of District and School disciplinary policies. Instructors shall become familiar with District disciplinary policies and standards.

- g. **Other Duties Not Required.** City employees are not to be used for any other District or school assignments, activities, or responsibilities, including, but not limited to, regularly assigned lunchroom duties, hall or detention monitors, assistance with other classes or courses, or other monitoring duties.
4. **DISTRICT RESPONSIBILITIES.** The District agrees to provide, and be subject to, the following:
 - a. **Compensation.** The District shall reimburse the City at an hourly rate of **ONE HUNDRED SIXTY-FIVE DOLLARS AND NO CENTS (\$165.00)** per hour for the costs of the Instructor's time to prepare for and teach the Fire Education Classes under this Agreement. The District will reimburse City on a monthly basis based upon an invoice prepared by the City and provided to District in a timely fashion.
 - b. **Equipment.** The District will be responsible for providing students with any equipment or materials needed for completion of the Fire Education Classes.
 - c. **Responsibility for Students.** The District shall be responsible for the supervision of its students and their ability to participate in the Fire Education Classes including: selection of students; scheduling of the Classes; the establishment of and testing for physical requirements necessary to take the Classes; obtaining parental permissions or waivers of liability as required by District or City; ensuring students pay all required expenses for personal protection gear not otherwise provided and ensuring proper attire for students generally for the Classes; and, handling student attendance or disciplinary issues.
 - d. **Instructors.** The District may request that the City remove Instructors from their positions and replace them upon explaining the reason for wanting to replace the Instructor and providing the City and Instructor the opportunity to respond.
5. **INDEMNIFICATION.** The City and District are governmental entities under the Utah Governmental Immunity Act ("Act"). Therefore, consistent with the terms of the Act, the City and District agree that each is responsible and liable for any wrongful or negligent acts which it commits or is committed by its agents or employees. Neither the City nor the District waives any defenses or limits of liability otherwise available under the Act

and all other applicable laws and both the City and the District maintain all privileges, immunities and other rights granted by the Act and other applicable laws.

6. **INSURANCE.** The District shall maintain the following insurance coverage:
 - a. Commercial general liability insurance from an insurance company authorized to do business in the State of Utah. The limits of the CGL insurance policy will be no less than one million dollars (\$1,000,000.00) per person per occurrence and three million dollars (\$3,000,000.00) aggregate.
 - b. Commercial automobile liability insurance from an insurance company authorized to do business in the State of Utah. The CAL insurance policy must cover bodily injury and property damage liability and be applicable to all vehicles used in relation to this Agreement whether owned, non-owned, leased, or hired. The minimum liability limit must be \$1 million per occurrence, combined single limit. The insurance policy is required if District will use a vehicle in the performance of this Contract.
- Before this Agreement is executed, each Party shall provide copies of certificates of insurance evidencing coverages as specified above are in effect.
7. **TERM AND TERMINATION.** This Agreement shall be effective as of the Effective Date and shall continue in force for an initial term of three (3) years from the Effective Date (the “Initial Term”). At the end of the Initial Term, this Agreement may be renewed upon the written mutual agreement of both Parties for up to two (2) additional one-year periods (the “Renewal Term(s)”). The maximum Term for this agreement will be five (5) years. All terms and conditions for any Renewal Term shall be the same as set forth in this Agreement, unless otherwise negotiated in writing by the Parties.
- Either party may terminate this Agreement at any time with or without cause upon giving sixty (60) calendar days prior written notice to the other Party. Termination under this section shall not give rise to any claim against the terminating Party for damages or for compensation in addition to that provided hereunder.
8. **LAWS AND REGULATIONS.** Each Party agrees to comply with all applicable federal and state constitutions, laws, rules, codes, orders, and regulations.
9. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws, rules, and regulations of the State of Utah. Any action or proceeding arising from this Agreement shall be brought in a court of competent jurisdiction in the State of Utah. Venue shall be in Salt Lake City, in the Third Judicial District Court for Salt Lake County.
10. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the Parties and supersedes any and all other prior and contemporaneous agreements and understandings between the parties, whether oral or written.

11. **SEVERABILITY.** The invalidity or unenforceability of any provision, term, or condition of this Agreement shall not affect the validity or enforceability of any other provision, term, or condition of this Agreement, which shall remain in full force and effect.
12. **ASSIGNMENT.** A Party shall not assign this Agreement or any rights, interests, or obligations hereunder, without the previous written consent of the other Party.
13. **AMENDMENTS.** This Agreement may only be amended by the mutual written agreement of the Parties. Any amendment will be attached and made part of this Agreement.
14. **AUTHORITY TO SIGN.** The individuals signing this Agreement on behalf of each Party hereby represent to the other party (i) that they have the power and authority to bind the entity for which they are signing, (ii) that the signatories are all of the signatories for the respective Party necessary for the full and valid execution of this Agreement for such Party, and (iii) that no other signature, act or authorization is necessary to bind the respective Party.
15. **NOTICE.** Any notice or communication required or permitted to be given in accordance with this Agreement shall be in writing and must be personally delivered, mailed by United States first-class mail, postage prepaid, or sent by email. All notices will be effective upon receipt and will be deemed to have been received three (3) days after deposit in the United States mail or upon email confirmation. Any notice required or called for under this Agreement will be delivered to the following:

DISTRICT:

Scott Wihongi
Assistant Superintendent
5102 Commerce Drive, Building #1
Murray, UT 84107

CITY:

Travis Bodtcher
EMS Assistant Chief
4848 S. Box Elder Street
Murray, UT 84107

16. **FORCE MAJEURE.** Except for the obligation to pay for services appropriately rendered in accordance with this Agreement, neither party hereto will be held responsible for loss, damage, delay or default performance occasioned by unforeseeable causes beyond the control and without the fault or negligence of the party, including, but not restricted to, fire, flood, epidemics, quarantine, strikes, riot, acts of God or the public enemy and/or war.

(Signature Page to Follow)

DATED as of the day and year first written above.

MURRAY CITY CORPORATION

Brett A. Hales, Mayor

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

APPROVED AS TO CONTENT:

Fire Department

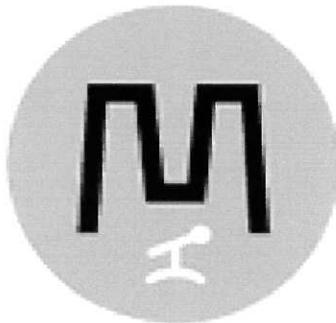
MURRAY CITY SCHOOL DISTRICT

(Signature)

(Print Name and Title)

EXHIBIT A

UTAH STATE BOARD OF EDUCATION CAREER AND TECHNICAL EDUCATION FIRE SCIENCE, BEHAVIORS, AND COMBUSTION COURSE DESCRIPTIONS



MURRAY
CITY COUNCIL

Mayor's Report And Questions



MURRAY
CITY COUNCIL

Adjournment