



**Murray City Planning Commission Meeting
Notice of Meeting and Agenda**

**Thursday, August 15, 2024, 6:30 p.m.
Murray City Hall, 10 East 4800 South, Council Chambers**

The public may view the Murray Planning Commission meeting via live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. You may submit comments via email at planningcommission@murray.utah.gov. Comments are limited to 3 minutes or less, and written comments will be read into the meeting record. Please include your name and contact information.

Supporting materials are available at <https://www.murray.utah.gov/779/Agendas-Attachment>.

CALL MEETING TO ORDER

BUSINESS ITEMS:

1. Approval of Minutes
 - a. None
2. Conflict of Interest
3. Approval of Findings of Fact
 - a. Cottonwood Galleria – Design Review

LAND USE ORDINANCE TEXT AMENDMENT – PUBLIC HEARING

- | | |
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| 4. Chapter 17.78 Accessory Dwelling Units
Amending Standards for Detached Accessory Dwelling Units and general text clean up | Project # 24-076 |
| 5. Chapter 17.48 Sign Code Sections 17.48.040 & 17.48.200
Adding definition and regulations regarding Screen Signs | Project # 24-086 |
| 6. Chapter 17.64 Fence Regulations Sections 17.64.020 & 17.64.090
Reducing setbacks, allowing additional height when next to nonresidential and general clean up. | Project #24-087 |

ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on Thursday, August 15, 2024, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

Those wishing to have their comments read into the record may send an email by 5:00 p.m. the day prior to the meeting date to planningcommission@murray.utah.gov. Comments are limited to three minutes or less (approximately 300 words for emails) and must include your name and address.

Special Accommodations for the hearing or visually impaired will be made upon a request to the office of Murray City Recorder (801-264-2662). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Committee members may participate in the meeting via telephonic communication. If a Committee member does participate via telephonic communication, the Committee member will be on speakerphone. The speakerphone will be amplified so that the other Committee members and all other persons present will be able to hear all discussions.

No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.

At least 24 hours prior to the meeting, a copy of the foregoing notice was sent to the City Recorder to post in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. A copy of this notice was also posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: Cottonwood Galleria

PROJECT NUMBER: 24-083

APPLICANT: Tyler Morris, Cottonwood Residential

APPLICATION TYPE: Design Review

I. REQUEST:

The applicant is requesting Design and Master Site Plan Review approval to allow the development of a mixed-use project.

II. MUNICIPAL CODE AUTHORITY:

New and redevelopment of properties located in the MCMU Zone shall be reviewed by the Planning Commission for conformance to the requirements of Chapter 17.146. The application before the Planning Commission is for Design and Master Site Plan review. Land Use Code 1100, Household units is designated as a Permitted Use.

III. APPEAL PROCEDURE:

Municipal Code Section 17.16.030 provides details for requesting an appeal of the Planning Commission's decision on a land use application that is heard by the Hearing Officer. An application for appeal must be presented within 10 calendar days after the approval of these findings of fact.

IV. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B.** Notice of the Planning Commission meeting was provided in accordance to Murray City Land Use Ordinance Section 17.04.140 and further described below:
 - 1.** Section 17.04.140(A) states that notice be provided "as appropriate by the Planning Staff for special/unique situations, but in no case shall be less than three hundred feet (300')". Design review and site plan applications are not listed as requiring notice. Staff sends courtesy notices for these applications based on

acreage. Because this is over five (5) acres, staff sent notices to property owners within 500' of the property which were mailed on July 19th, 2024.

- C. The minutes of the public meeting held by the Planning Commission on August 1, 2024 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

1. The proposed mixed use development is consistent with the goals and objectives of the Murray City General Plan.
2. Land Use #1100, Housing Units are a permitted use in the MCMU Zone.
3. Horizontal Mixed Use developments are allowed subject to Master Site Plan approval by the Murray City Planning Commission.
4. With conditions, the proposed development complies with the requirements of the Murray Central Mixed Use Zone and other applicable standards of the Murray City Land Use Ordinance.

VI. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for the development of a mixed-use project on the property. The vote was 6-0 with Commissioners Hristou, Pehrson, Patterson, Richards, Henrie, and Milkavich in favor and none opposed. The approval is contingent on the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Meet current City storm drainage requirements. On-site retention of the 80th percentile storm, detention, water quality treatment and Low Impact Development (LID) practices are required.
 - b) Provide a site drainage and LID report.
 - c) Stormwater discharge and work in the floodway will require a Murray Floodplain Development Permit, Salt Lake County Flood Control Permit, and a Stream Alteration Permit from the State of Utah.
 - d) The project frontages to Vine Street, Galleria and Murray Blvd. need to include 8' park strips and 7' wide sidewalks – ROW dedications for sidewalk and park strip will likely be required.
 - e) Westbound left turns will be restricted at the south Galleria connection to Murray Boulevard due to the proximity to the signalized intersection.
 - f) Add pedestrian access near future BRT stop to access.
 - g) Bike path should have crosswalks as well to ensure safe crossing near Galleria Drive entrance.
 - h) Implement all Traffic Impact Study (TIS) recommendations.
 - i) Increase crosswalk spacing on Galleria Drive to 300'. Ensure all crosswalks are visible and have adequate sight distance.

- j) Identify Galleria Drive as a public street.
- k) The dog park cannot drain to the stormwater system or Creek.
- l) Relocate all utilities, including storm drains outside of building footprints.
- m) The existing 24" storm drain line at the southwest corner of the site must be relocated.
- n) The trail crossing at Murray Boulevard will need to align with the trail access on the west side of Murray Boulevard.
- o) Much of the northwest side of the property was filled over many years. Provide a copy of the site Geotechnical Study and implement recommendations. The site geotechnical study should include seismicity, liquefaction assessments, ground water, and infiltration rates at retention locations.
- p) Development will require City Land Disturbance Permit/SWPPP and Maintenance Agreement.
- q) A City Excavation Permit is required for all work in the public right of way.
- r) Developer will need to repair/replace and damaged, substandard, or broken curb and sidewalk in public ways.
- 2. The applicant shall meet all Murray City Water division requirements.
- 3. The project shall meet all Murray City Wastewater requirements.
- 4. The applicant shall meet all Murray City Power Department requirements and meet with power department staff to plan power service to the new building.
- 5. The applicant shall meet all Murray City Fire Department requirements as stated in the staff report.
- 6. The project shall meet all requirements of the Murray City Land Use Ordinance and the Master Site Plan.
- 7. The applicant shall enter into a development agreement with Murray City that reflects the requirements as stated in the land use ordinance.
- 8. The applicant shall provide updated plans that shows the correct park strip and sidewalk improvements along Murray Boulevard and Vine Street.
- 9. The applicant shall draft a conservation easement for the proposed Little Cottonwood Creek Trail in favor of Murray City.
- 10. The applicant shall obtain appropriate permits for any new signage on the property.
- 11. The applicant shall ensure any new businesses going into the commercial units obtain a business license prior to conducting operations.
- 12. The applicant shall incorporate the little cottonwood creek trail into phase 1 of the development.

**VII. FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION
THIS 15th DAY OF AUGUST, 2024.**

Maren Patterson, Chair
Murray City Planning Commission



AGENDA ITEM # 04

Chapter 17.78 Accessory Dwelling Units Text Amendment

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

I. STAFF REVIEW & ANALYSIS

History & Background

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

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

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

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

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

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

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

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

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

Review of Research

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

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

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

Review of Proposed Changes

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

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

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

Clean Up Items

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

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

July 18, 2024, Planning Commission Items

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

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

II. DEPARTMENT REVIEWS

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

III. PUBLIC INPUT

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

IV. FINDINGS

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

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to “provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income” by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to “stimulate reinvestment in deteriorating areas of the city to

support growth and enhance the image of the community” by reducing the minimum setbacks for detached ADUs.

3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states “encourage housing options for a variety of age, family size and financial levels” supports the proposed changes. This allows additional residents that own a home that may be struggling to pay their mortgage or have a family member, friend or caretaker to reside on the same property.
4. Staff finds that reviewing and updating the setback requirements and other adjustments will further the City’s priority of providing Moderate Income Housing options for residents of the city.

V. CONCLUSION/RECOMMENDATION

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



NOTICE OF PUBLIC HEARING

August 15th, 2024, 6:30 PM

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

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

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

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

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

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

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

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

CHAPTER 17.78
ACCESSORY DWELLING UNITS

SECTION:

17.78.010: Purpose

17.78.020: Definitions

17.78.030: Accessory Dwelling Unit Permit Required

17.78.040: Attached Accessory Dwelling Development Standards

17.78.050: Detached Accessory Dwelling Development Standards

17.78.060: Affidavit

17.78.070: Inspection

17.78.080: Enforcement And Termination

17.78.090: Short Term Rentals Not Allowed

17.78.100: Business License Required

17.78.010: PURPOSE:

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

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 21-25: Ord. 09-23 § 2)

17.78.020: DEFINITIONS:

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

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

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 21-25: Ord. 09-23 § 2)

17.78.030: ACCESSORY DWELLING UNIT PERMIT REQUIRED:

An ADU meeting the development standards, as specified within this chapter, may be allowed in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Community and Economic Development Director or their designee. (Ord. 21-25: Ord. 09-23 § 2)

17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

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

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

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

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

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

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

G. In addition to the parking required for the primary unit, one (1) additional off street parking space shall be provided. In no case shall fewer than three (3) total off street

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

H. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks. (Ord. 21-25)

17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

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

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

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

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

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

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

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

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

I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

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

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

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

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

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

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

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

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

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

17.78.060: AFFIDAVIT:

Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. (Ord. 21-25)

17.78.070: INSPECTION:

Following the issuance of an accessory dwelling unit permit, the community and economic development department may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued. (Ord. 21-25: Ord. 09-23 § 2)

17.78.080: ENFORCEMENT AND TERMINATION:

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

B. Property Lien:

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

a. The owner violates any of the provisions of this chapter or section 10-9a-530 of the Utah Code;

b. The City provides a written notice of violation as required under this section;

c. The City holds a hearing and determines that the violation has occurred if the owner files a written objection to the notice of violation;

d. The owner fails to cure the violation within the time period described in this section;

e. The City provides a written notice of lien; and

f. The City records a copy of the written notice of lien with the Salt Lake county recorder.

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

a. Describe the specific violation;

b. Provide the owner with a reasonable opportunity to cure the violation that is:

(1) No less than fourteen (14) days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than thirty (30) consecutive days; or

(2) No less than thirty (30) days after the day on which the City sends the written notice of violation for any other violation;

c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;

d. Notify the owner:

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

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

e. Be mailed to:

(1) The property owner of record; and

(2) Any other individual designated to receive notice in the owner's license or permit records; and

f. Be posted on the property.

3. Notice Of Lien: The written notice of lien shall:

a. Comply with the requirements of title 38 chapter 12 of the Utah Code, Notice of Lien Filing;

b. State that the property is subject to a lien;

c. Specify the lien amount, in an amount up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;

d. Be mailed to:

(1) The property owner of record; and

(2) Any other individual designated to receive notice in the owner's license or permit records; and

e. Be posted on the property.

4. Written Objection And Hearing.

a. If an owner files a written objection to the notice of violation, the City shall:

(1) Within ten (10) business days after the written objection is received, hold a hearing in accordance with title 52, chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and

(2) Notify the owner in writing of the date, time and location of the hearing described above, no less than fourteen (14) days before the day on which the hearing is held.

b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.

c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.

d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.

5. Curing A Violation: If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation. (Ord. 21-25: Ord. 09-23 § 2)

17.78.090: SHORT TERM RENTALS NOT ALLOWED:

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

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

C. Any violation of this section shall fall under chapter 17.23: Short Term Rentals. (Ord. 21-25)

17.78.100: BUSINESS LICENSE REQUIRED:

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

CHAPTER 17.78
ACCESSORY DWELLING UNITS

SECTION:

17.78.010: Purpose

17.78.020: Definitions

17.78.030: Accessory Dwelling Unit Permit Required

17.78.040: Attached Accessory Dwelling Development Standards

17.78.050: Detached Accessory Dwelling Development Standards

17.78.060: Affidavit

17.78.070: Inspection

17.78.080: Enforcement And Termination

17.78.090: Short Term Rentals Not Allowed

17.78.100: Business License Required

17.78.010: PURPOSE:

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

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 21-25: Ord. 09-23 § 2)

17.78.020: DEFINITIONS:

ATTACHED ACCESSORY DWELLING UNIT (AADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is incorporated within the single-family residence which maintains complete independent living facilities for one or

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more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

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

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 21-25: Ord. 09-23 § 2)

17.78.030: ACCESSORY DWELLING UNIT PERMIT REQUIRED:

An ADU meeting the development standards, as specified within this chapter, may be allowed in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Community and Economic Development Director or their designee. (Ord. 21-25: Ord. 09-23 § 2)

17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

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

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

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

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

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

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

G. In addition to the parking required for the primary unit, one (1) additional off street parking space shall be provided. A total of three (3) off street parking spaces shall be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

H. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks. (Ord. 21-25)

17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

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A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence and at no time receive rent for the unit occupied by the owner. Application for an ADU shall include evidence of owner occupancy as provided in section 17.78.020 of this chapter.

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

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

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

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

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

G. The total area of the ADU shall be less than fifty percent (50%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.

I. In addition to the parking required for the primary unit, one (1) additional off street parking spaces shall be provided. A total of three (3) off street parking spaces shall be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

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

K. Detached ADUs shall meet the following standards:

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

2. Must adhere to the following setbacks:

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

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

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

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

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

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

Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements set forth herein.

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

17.78.060: AFFIDAVIT:

Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. (Ord. 21-25)

17.78.070: INSPECTION:

Following the issuance of an accessory dwelling unit permit, the community and economic development department may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued. (Ord. 21-25; Ord. 09-23 § 2)

17.78.080: ENFORCEMENT AND TERMINATION:

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

B. Property Lien:

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

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

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

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- a. Describe the specific violation;
 - b. Provide the owner with a reasonable opportunity to cure the violation that is:
 - (1) No less than fourteen (14) days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than thirty (30) consecutive days; or
 - (2) No less than thirty (30) days after the day on which the City sends the written notice of violation for any other violation;
 - c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
 - d. Notify the owner:
 - (1) That the owner may file a written objection to the notice of violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property; and
 - (2) The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
 - e. Be mailed to:
 - (1) The property owner of record; and
 - (2) Any other individual designated to receive notice in the owner's license or permit records; and
 - f. Be posted on the property.
3. Notice Of Lien: The written notice of lien shall:
- a. Comply with the requirements of title 38 chapter 12 of the Utah Code, Notice of Lien Filing;
 - b. State that the property is subject to a lien;
 - c. Specify the lien amount, in an amount up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
 - d. Be mailed to:
 - (1) The property owner of record; and
 - (2) Any other individual designated to receive notice in the owner's license or permit records; and
 - e. Be posted on the property.
4. Written Objection And Hearing.
- a. If an owner files a written objection to the notice of violation, the City shall:

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(1) Within ten (10) business days after the written objection is received, hold a hearing in accordance with title 52, chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and

(2) Notify the owner in writing of the date, time and location of the hearing described above, no less than fourteen (14) days before the day on which the hearing is held.

b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.

c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.

d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.

5. Curing A Violation: If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation. (Ord. 21-25: Ord. 09-23 § 2)

17.78.090: SHORT TERM RENTALS NOT ALLOWED:

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

B. Short-term rental is defined here as renting all or a portion of a property for less than thirty (30) days at a time.

17.78.100: BUSINESS LICENSE REQUIRED:

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

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CHAPTER 17.78 ACCESSORY DWELLING UNITS

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17.78.010: PURPOSE:

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

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in their life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 21-25; Ord. 09-23 § 2)

17.78.020: DEFINITIONS:

ATTACHED ACCESSORY DWELLING UNIT (AADU): A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is incorporated within the single-family residence which maintains complete independent living facilities for one or

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more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

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

OWNER OCCUPANCY: When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 21-25: Ord. 09-23 § 2)

17.78.030: ACCESSORY DWELLING UNIT PERMIT REQUIRED:

An ADU meeting the development standards, as specified within this chapter, may be allowed in any zone that allows for single-family housing as a permitted use after approval of an accessory dwelling unit permit by the Community and Economic Development Director or their designee. (Ord. 21-25: Ord. 09-23 § 2)

17.78.040: ATTACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

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

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

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

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

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

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

G. In addition to the parking required for the primary unit, one (1) additional off street parking space shall be provided. ~~A total of in no case shall fewer than~~ three (3) ~~total~~ off street parking spaces ~~shall~~ be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.

H. Any additions to an existing building shall not exceed the allowable lot coverage standard for the underlying zone or encroach into the required setbacks. (Ord. 21-25)

17.78.050: DETACHED ACCESSORY DWELLING DEVELOPMENT STANDARDS:

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

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

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

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

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

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

G. The total area of the ADU shall be less than ~~forty-fifty~~ percent (450%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.78.060: AFFIDAVIT:

Applicants for all ADUs shall complete an affidavit stating that the owner of the property has obtained a permit for the ADU and will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the Community and Economic Development Department, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. (Ord. 21-25)

17.78.070: INSPECTION:

Following the issuance of an accessory dwelling unit permit, the community and economic development department may approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the community and economic development department. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the permit and this chapter before a certificate of occupancy is issued. (Ord. 21-25: Ord. 09-23 § 2)

17.78.080: ENFORCEMENT AND TERMINATION:

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

B. Property Lien:

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

a. The owner violates any of the provisions of this chapter or section 10-9a-530 of the Utah Code;

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- b. The City provides a written notice of violation as required under this section;
 - c. The City holds a hearing and determines that the violation has occurred if the owner files a written objection to the notice of violation;
 - d. The owner fails to cure the violation within the time period described in this section;
 - e. The City provides a written notice of lien; and
 - f. The City records a copy of the written notice of lien with the Salt Lake county recorder.
2. Notice Of Violation: The written notice of violation shall:
- a. Describe the specific violation;
 - b. Provide the owner with a reasonable opportunity to cure the violation that is:
 - (1) No less than fourteen (14) days after the day on which the City sends the written notice of violation if the violation results from the owner renting or offering to rent the AADU for a period of less than thirty (30) consecutive days; or
 - (2) No less than thirty (30) days after the day on which the City sends the written notice of violation for any other violation;
 - c. State that if the owner fails to cure the violation with the required time period, the City may hold a lien against the property in an amount of up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
 - d. Notify the owner:
 - (1) That the owner may file a written objection to the notice of violation within fourteen (14) days after the day on which the written notice of violation is post-marked or posted on the property; and
 - (2) The name and address of the Community and Economic Development Director, with whom the written objection may be filed;
 - e. Be mailed to:
 - (1) The property owner of record; and
 - (2) Any other individual designated to receive notice in the owner's license or permit records; and
 - f. Be posted on the property.
3. Notice Of Lien: The written notice of lien shall:
- a. Comply with the requirements of title 38 chapter 12 of the Utah Code, Notice of Lien Filing;
 - b. State that the property is subject to a lien;
 - c. Specify the lien amount, in an amount up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires;
 - d. Be mailed to:

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(1) The property owner of record; and

(2) Any other individual designated to receive notice in the owner's license or permit records; and

e. Be posted on the property.

4. Written Objection And Hearing.

a. If an owner files a written objection to the notice of violation, the City shall:

(1) Within ten (10) business days after the written objection is received, hold a hearing in accordance with title 52, chapter 4, Open and Public Meetings Act, before the Community and Economic Development Director (Director) to conduct a review and determine whether the specific violation described in the written notice of violation has occurred; and

(2) Notify the owner in writing of the date, time and location of the hearing described above, no less than fourteen (14) days before the day on which the hearing is held.

b. If an owner files a written objection to the notice of violation, the City may not record a lien until the City holds a hearing and the Director makes a determination that the specific violation has occurred.

c. In order for the Director to determine that a specific violation has occurred, a violation must be proved by clear and convincing evidence.

d. If the Director determines at the hearing that the specific violation has occurred, the City may impose a lien in an amount of up to one hundred dollars (\$100.00) for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

e. If the Director determines at the hearing that the specific violation has not occurred, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation.

5. Curing A Violation: If an owner cures a violation within the time period prescribed in the written notice of violation, the City may not hold a lien against the property or impose any penalty or fee on the owner in relation to the specific violation described in the written notice of violation. (Ord. 21-25: Ord. 09-23 § 2)

17.78.090: SHORT TERM RENTALS NOT ALLOWED:

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

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

~~—C. Any violation of this section shall fall under chapter 17.23: Short Term Rentals. (Ord. 21-25)~~

17.78.100: BUSINESS LICENSE REQUIRED:

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



AGENDA ITEM # 05 Chapter 17.48 Sign Code Text Amendment

ITEM TYPE:	Text Amendment		
ADDRESS:	Citywide	MEETING DATE:	August 15, 2024
APPLICANT:	Community & Economic Development Department	STAFF:	Zachary Smallwood, Planning Division Manager
PARCEL ID:	N/A	PROJECT NUMBER:	24-086
REQUEST:	Planning Division Staff proposes amendments to Sections 17.48.040 & 17.48.200 of the Sign Code. The request defines and allows screen signs in commercial and manufacturing zones.		

I. STAFF REVIEW & ANALYSIS

History & Background

The Planning Division has been working with Security National regarding their digital screen that was installed during the construction of the building located at 433 West Ascension Way and was originally approved as an art installation. In 2023, representatives of Security National approached the city about allowing on-premise signage for the tenants in their building. Security National cited other screen signage allowed in places like University Place in Orem.

Upon careful review and study of potential impacts, staff has drafted language that allows properties to install this kind of signage with limited impact to the city.

Review of Research

Staff conducted research to find similar types of signage. There were only two examples that staff could find, one in Sandy and another in Orem. In both cases these types of signs were allowed during a development agreement with the city. Staff wanted to streamline the process and allow other property owners to have the same opportunity if the requirements are met.

Review of Proposed Changes

The proposed code adds a subsection within the Commercial and Manufacturing section of the Sign Code. The basis for this is that staff felt this would only need to be applied to the C-D and M-G zoning districts.

Staff also proposed that this be implemented and limited to the I-15 Corridor. I-215, except for small sections, is largely along residential uses and is below grade. Allowing this sign type along 215 does not make sense. Along the I-215 corridor there is no digital signage and staff does not feel comfortable introducing new digital signage along this corridor. The standards for these types of signage require that the screen sign be oriented towards the freeway and to a height that is clearly meant to be seen from the freeway.

One of the main elements included in the definition of the screen signage is that it is architecturally connected to the building. This type of signage should be complimentary to the building in which it is a part of and be considered during the building's design and development.

II. DEPARTMENT REVIEWS

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

III. PUBLIC INPUT

Notices were sent to Affected Entities for this amendment. As of the date of this report, one sign company inquired about the changes.

IV. FINDINGS

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

1. The proposed text amendment is in harmony with objective 5 of the Economic Development Element of the General Plan to “increase the sustainability of the city’s tax base through increased office property values and by creating additional employment centers” by allowing unique features that are not found in many areas in the valley.
2. The proposed change is in harmony with Initiative 2 of the General Plan which states “create office/employment centers” by allowing innovative elements that attracts businesses to office developments.
3. Staff finds that continuing to review and update development standards furthers the City’s mission of “[guiding] growth to promote prosperity and sustain a high quality of life for those who live, work, shop, and recreate in Murray.

V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed amendments to Sections 17.48.040 and 17.48.200 within the Sign Code as reviewed in the Staff Report.**



NOTICE OF PUBLIC HEARING

August 15th, 2024, 6:30 PM

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

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

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

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

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

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

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

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

17.48.040: DEFINITIONS:

The following words and phrases when used in this chapter shall be construed as defined in this section:

A-FRAME SIGN: Any sign, structure, or configuration composed of one or two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross- section.

ABANDONED SIGN: A sign which no longer correctly directs or influences any person, advertises a current business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.

ADVERTISING SIGN: A sign which directs attention to a use, product, commodity or service either related or not related to the premises on which the sign is located.

ANIMATED SIGN: A sign which involves motion or rotation of any part by mechanical or other means.

AREA OF A SIGN: The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. If a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double faced sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet (2'). Further, where a sign consists only of individual letters, numbers, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

ATTACHED SIGN: Any sign which is fastened, attached, connected or supported in whole or in part by a building or structure other than a sign structure wholly by the ground.

AWNING SIGN: A sign which includes lettering or graphics placed on the vertical valance of an awning and supported by a rigid framework attached to a building.

BANNER SIGN: A sign made of fabric, plastic or a similar lightweight material and hung from a building or framework attached to a building or placed in the ground.

BENCH SIGN: A sign which is affixed or painted to a bench and is placed outside of the main structure on the property. Benches owned and maintained by a public transit authority are exempt from these regulations.

BILLBOARD SIGN: A detached or attached sign designed or intended to direct attention to a business, product, service, event or attraction that is not sold, offered, or existing on the property where the sign is located.

BLADE BANNER SIGN: A vertical banner supported by a durable pole.

BLADE SIGN: A building mounted sign with sign faces projecting from and perpendicular to the building fascia.

BUSINESS SIGN: A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

CANOPY SIGN: A sign attached to a canopy.

CHANGEABLE COPY SIGN: A sign or portion of a sign with characters, letters, graphics, or other copy that can be changed or modified by mechanical, electrical, or manual means, not including digital, electronic messaging or electronic message signs.

COMMUNITY SIGN: A temporary on or off-premises sign generally made of a woven material or durable synthetic material which is primarily attached to or hung in a vertical fashion from light poles or buildings, of a solely decorative, festive, and/or informative nature announcing activities, promotions, events, seasonal or traditional themes which are sponsored or supported by Murray City.

DETACHED SIGN: Any sign not supported in whole or in part by a building, or structure other than by a sign structure which is supported wholly by the ground.

DIRECTIONAL SIGN: A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

DIRECTLY ILLUMINATED SIGN: Any sign designed to provide artificial light directly or through transparent material from a source of light within or on such sign, including, but not limited to, neon and incandescent lamp signs.

DOUBLE-FACED SIGN: A sign with two (2) parallel identical faces, or two (2) identical sign faces that are not parallel but diverge from a common edge at an angle no greater than fifteen degrees (15°).

ELECTRIC AWNING SIGN: A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is as a sign. These signs are internally illuminated by fluorescent or other light sources in fixtures approved under the Electrical Code.

ELECTRONIC MESSAGE CENTER SIGN: A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

FLAG SIGN, COMMERCIAL: A sign which is made of cloth or similar lightweight material that expresses messages which are primarily commercial in nature.

FLAG SIGN, NON-COMMERCIAL: A sign which is made of cloth or similar lightweight material that expresses messages which are not primarily commercial. Such flags may include flags of governmental entities, flags identifying the person, institution, organization or corporation occupying a property.

FLASHING SIGN: An illuminated sign which exhibits changing light or color effect by blinking or any similar means to provide a non-constant illumination. Any display must remain lighted for a minimum of two (2) seconds.

FLAT SIGN: A sign erected or attached parallel to the outside of a wall of a building with messages or graphics on the face side only.

FLOODLIGHTED SIGN: A sign made legible in the absence of daylight by devices which reflect or project light upon it.

FREEWAY: A highway, in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right or easement of access, the precise route for which has been determined and designed as a freeway by an authorized agency of the state or a political subdivision thereof. This term includes the main traveled portion of the trafficway, all land situated within the right of way, and all ramps and appurtenant land and structures.

GRAFFITI: Any form of unauthorized printing, writing, spraying, scratching, affixing, etching, or inscribing on the property of another regardless of the content or nature of the material used in the commission of the act.

GROUND SIGN: A sign that has its own supporting structure and is not attached to or supported by a building. Types of ground signs include pedestal, pylon, monument, and shared monument signs.

GROUP IDENTIFICATION SIGN: A sign allowing for two (2) or more properties or uses that may share common frontage, access points, off-street parking, or loading areas.

HANGING SIGN: A building mounted sign suspended from the underside of a roof, overhang or recessed area or other similar architectural features of a building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of the sign.

HOME OCCUPATION SIGN: A sign associated with a valid home business existing on the premises.

ILLEGAL OFF PREMISES ADVERTISING SIGN: An off premises advertising sign that does not conform or comply with the requirements, including, without limitation, height restrictions, of the version of this Sign Code in effect when the sign was originally erected.

INDIRECTLY ILLUMINATED SIGN: A sign the illumination of which is derived entirely from an external artificial source which is arranged so that no direct rays of light are projected from such artificial source into residences or streets.

INFLATED SIGNS: A sign that is supported by heated or forced air or lighter than air gases.

INTERSTATE: For the purposes of sections 17.48.260, 17.48.270 and 17.48.280, interstate means Interstate 15 (I-15) or Interstate 215 (I-215).

INTERSTATE ORIENTED SIGN: For the purposes of sections 17.48.260, 17.48.270 and 17.48.280, means any sign within 660 feet of an interstate right-of-way, and oriented toward the interstate or otherwise designed to be viewed from the freeway.

LEGAL NONCONFORMING OFF PREMISES SIGN: An off premises advertising sign that conformed and complied with the requirements of the version of this Sign Code in effect when the sign was originally erected but no longer conforms or complies with an amended version of this Sign Code.

MARQUEE SIGN: A sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, freestanding sign, a wall sign, or attached to a canopy.

MENU BOARD SIGN: A sign located at a drive-in or drive-up window restaurant.

MONUMENT SIGN: A freestanding on site sign that is attached to the ground or a foundation in the ground and does not include poles, braces, or other visible means of support.

MONUMENT SIGN, SHARED: A freestanding on site sign for two (2) or more uses that is attached to the ground or a foundation in the ground and does not include poles, braces, or other visible means of support.

MOVING SIGN: Any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by actions of wind currents.

NAMEPLATE SIGN: A sign which designates the name and address of a person or persons occupying the premises upon which it is located. A nameplate is not an identification sign.

NEIGHBORHOOD IDENTIFICATION SIGN: A permanent sign located at the entrance of a neighborhood, tract, or subdivision.

NONCONFORMING SIGN: A sign legally existing at the time of the effective date hereof which does not currently conform to the provisions of this chapter.

NONILLUMINATED SIGN: A sign not illuminated either directly or indirectly.

NON-INTERSTATE STREET OR HIGHWAY: A state, county or municipal road within the City, excluding I-15 or I-215.

NON-INTERSTATE ORIENTED SIGN: Any sign located on a parcel of land adjacent to a street or highway that is not an interstate, and oriented toward the street or highway or otherwise designed to be viewed from the non-interstate street or highway.

OFF-PREMISES ADVERTISING SIGN: A commercial sign that directs attention of the public to a business activity conducted or product sold or offered at a location not on the same premises where the commercial sign is located. For purposes of this section, easements and other appurtenances and noncontiguous parcels under the same ownership are considered off the premises of the parcel of land on which the business or activity is located or conducted. The definition of off premises advertising sign includes, without limitation, billboards, poster panels, marquees, painted bulletins and other similar advertising displays. Signs that are no more than twelve (12) square feet in area and no more than five feet (5') above uniform ground surface grade and which provide only directions to a business or establishment are excluded from the definition of off premises advertising sign. The definition of off premises advertising sign does not include mass transit bus stop bench and shelter and light and commuter rail station advertising displays.

OFF-PREMISES SIGN: An advertising sign which directs attention to a use, product, commodity, or service not related to the premises on which it is erected.

ON-PREMISES SIGN: An advertising sign which directs attention to a use, product, commodity, or service which is sold, offered or conducted on the premises upon which the sign is located.

PAINTED WINDOW SIGN: A sign painted on windows or doors with markers, paints, or any other type of substance used to display messages.

PARK OR TRAIL SIGN: A sign at a park, trail, or other open space.

PEDESTAL SIGN: A freestanding one- or two-sided ground sign that includes two (2) or more vertical structural supports extending from the sign face to the ground.

PLANNED CENTER: An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained containing one or more structures to accommodate commercial, manufacturing, or business park areas and other uses incidental to the primary uses. Planned centers are designed as an integrated complex or leasable or individually owned spaces in a single building, group of buildings, or parcels.

PLANNED CENTER ON-PREMISES PYLON SIGN: A pylon sign which advertises or directs attention to a use, establishment, product, or service that is located in a planned center.

POLE SIGN: A freestanding sign supported by a single pole mounted permanently in the ground.

PORTABLE SIGN: Any sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.

PROJECTING SIGN: A building mounted sign with the sign faces projecting from and perpendicular to the building fascia.

PROPERTY DEVELOPMENT: Residential property being developed for the sale or lease of multiple lots or structures within a subdivision, and may have one temporary sign as outlined in this chapter.

PROPERTY SIGN: A sign related to the property upon which it is located.

PUBLIC NECESSITY SIGN: A sign informing the public of any danger or hazard existing on or adjacent to the premises.

PYLON SIGN: A freestanding ground sign that includes only one vertical structural support connecting the face of the sign to the ground.

RESIDENTIAL ENTRY FEATURE SIGN: A permanent sign located at a primary residential development entrance intended to facilitate public safety and community identity.

RESIDENTIAL PROPERTY FOR SALE: Residential property, including individual lots or parcels, actively listed for sale or lease.

RESIDENTIAL SIGN: A temporary, non-commercial sign posted on residential property by the property owner. Residential signs included in other sign categories as defined in this chapter shall be governed by the provisions pertaining to those sign categories.

ROOF SIGN: A sign erected upon a roof or parapet of a building or structure.

ROTATING SIGN: Any sign or portion thereof which physically revolves about an axis.

SIGN: Any writing, pictorial representation, symbol, banner or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or any place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, stringing, or otherwise fastening, affixing or making visible in any manner whatsoever.

SIGNAGE PLAN: A signage plan consists of one or more scaled drawings showing the location, type, size and design of all existing and proposed signs on site.

SNIPED SIGN: A sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, fences, or other objects with the message appearing thereon.

SPECIAL EVENTS: A specific time period during which there are "special events", including but not limited to community events, presentations, sales, and so forth.

TEMPORARY SIGNS: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frame installed for a limited period of time.

TENANT LISTING SIGN: A wall sign on a building containing multiple tenants or uses, located near the entrance and designed in such a manner as to accommodate multiple sign plates.

TRAFFIC CONTROL SIGN: Standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc.

TRAILER SIGN: Any sign affixed to, applied, set upon, or printed on a trailer.

TRESPASSING SIGN: Any sign which warns against the trespassing onto a parcel of property or structure.

VEHICLE SIGN: Any sign that is mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, or other motorized vehicles or equipment.

WALL SIGN: A sign erected or attached parallel to the outside of a wall of a building with messages or graphics on the face side only.

WAYFINDING SIGN: A directional sign that guides the traveling public to key civic, visitor, or recreational destinations within a specific region.

WIND SIGN: Any sign or portion thereof or series of signs, banners, flags or other objects designed and fastened in such a manner as to move freely upon being subjected to pressure by wind or breeze.

WINDOW SIGN: A sign that is attached to, or suspended directly behind or in front of a window.

(Ord. 19-42 § 2: Ord. 19-14)

17.48.040: DEFINITIONS:

The following words and phrases when used in this chapter shall be construed as defined in this section:

A-FRAME SIGN: Any sign, structure, or configuration composed of one or two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross- section.

ABANDONED SIGN: A sign which no longer correctly directs or influences any person, advertises a current business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.

ADVERTISING SIGN: A sign which directs attention to a use, product, commodity or service either related or not related to the premises on which the sign is located.

ANIMATED SIGN: A sign which involves motion or rotation of any part by mechanical or other means.

AREA OF A SIGN: The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. If a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double faced sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet (2'). Further, where a sign consists only of individual letters, numbers, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

ATTACHED SIGN: Any sign which is fastened, attached, connected or supported in whole or in part by a building or structure other than a sign structure wholly by the ground.

AWNING SIGN: A sign which includes lettering or graphics placed on the vertical valance of an awning and supported by a rigid framework attached to a building.

BANNER SIGN: A sign made of fabric, plastic or a similar lightweight material and hung from a building or framework attached to a building or placed in the ground.

BENCH SIGN: A sign which is affixed or painted to a bench and is placed outside of the main structure on the property. Benches owned and maintained by a public transit authority are exempt from these regulations.

BILLBOARD SIGN: A detached or attached sign designed or intended to direct attention to a business, product, service, event or attraction that is not sold, offered, or existing on the property where the sign is located.

BLADE BANNER SIGN: A vertical banner supported by a durable pole.

BLADE SIGN: A building mounted sign with sign faces projecting from and perpendicular to the building fascia.

BUSINESS SIGN: A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

CANOPY SIGN: A sign attached to a canopy.

CHANGEABLE COPY SIGN: A sign or portion of a sign with characters, letters, graphics, or other copy that can be changed or modified by mechanical, electrical, or manual means, not including digital, electronic messaging or electronic message signs.

COMMUNITY SIGN: A temporary on or off-premises sign generally made of a woven material or durable synthetic material which is primarily attached to or hung in a vertical fashion from light poles or buildings, of a solely decorative, festive, and/or informative nature announcing activities, promotions, events, seasonal or traditional themes which are sponsored or supported by Murray City.

DETACHED SIGN: Any sign not supported in whole or in part by a building, or structure other than by a sign structure which is supported wholly by the ground.

DIRECTIONAL SIGN: A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

DIRECTLY ILLUMINATED SIGN: Any sign designed to provide artificial light directly or through transparent material from a source of light within or on such sign, including, but not limited to, neon and incandescent lamp signs.

DOUBLE-FACED SIGN: A sign with two (2) parallel identical faces, or two (2) identical sign faces that are not parallel but diverge from a common edge at an angle no greater than fifteen degrees (15°).

ELECTRIC AWNING SIGN: A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is as a sign. These signs are internally illuminated by fluorescent or other light sources in fixtures approved under the Electrical Code.

ELECTRONIC MESSAGE CENTER SIGN: A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

FLAG SIGN, COMMERCIAL: A sign which is made of cloth or similar lightweight material that expresses messages which are primarily commercial in nature.

FLAG SIGN, NON-COMMERCIAL: A sign which is made of cloth or similar lightweight material that expresses messages which are not primarily commercial. Such flags may include flags of governmental entities, flags identifying the person, institution, organization or corporation occupying a property.

FLASHING SIGN: An illuminated sign which exhibits changing light or color effect by blinking or any similar means to provide a non-constant illumination. Any display must remain lighted for a minimum of two (2) seconds.

FLAT SIGN: A sign erected or attached parallel to the outside of a wall of a building with messages or graphics on the face side only.

FLOODLIGHTED SIGN: A sign made legible in the absence of daylight by devices which reflect or project light upon it.

FREEWAY: A highway, in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right or easement of access, the precise route for which has been determined and designed as a freeway by an authorized agency of the state or a political subdivision thereof. This term includes the main traveled portion of the trafficway, all land situated within the right of way, and all ramps and appurtenant land and structures.

GRAFFITI: Any form of unauthorized printing, writing, spraying, scratching, affixing, etching, or inscribing on the property of another regardless of the content or nature of the material used in the commission of the act.

GROUND SIGN: A sign that has its own supporting structure and is not attached to or supported by a building. Types of ground signs include pedestal, pylon, monument, and shared monument signs.

GROUP IDENTIFICATION SIGN: A sign allowing for two (2) or more properties or uses that may share common frontage, access points, off-street parking, or loading areas.

HANGING SIGN: A building mounted sign suspended from the underside of a roof, overhang or recessed area or other similar architectural features of a building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of the sign.

HOME OCCUPATION SIGN: A sign associated with a valid home business existing on the premises.

ILLEGAL OFF PREMISES ADVERTISING SIGN: An off premises advertising sign that does not conform or comply with the requirements, including, without limitation, height restrictions, of the version of this Sign Code in effect when the sign was originally erected.

INDIRECTLY ILLUMINATED SIGN: A sign the illumination of which is derived entirely from an external artificial source which is arranged so that no direct rays of light are projected from such artificial source into residences or streets.

INFLATED SIGNS: A sign that is supported by heated or forced air or lighter than air gases.

INTERSTATE: For the purposes of sections 17.48.260, 17.48.270 and 17.48.280, interstate means Interstate 15 (I-15) or Interstate 215 (I-215).

INTERSTATE ORIENTED SIGN: For the purposes of sections 17.48.260, 17.48.270 and 17.48.280, means any sign within 660 feet of an interstate right-of-way, and oriented toward the interstate or otherwise designed to be viewed from the freeway.

LEGAL NONCONFORMING OFF PREMISES SIGN: An off premises advertising sign that conformed and complied with the requirements of the version of this Sign Code in effect when the sign was originally erected but no longer conforms or complies with an amended version of this Sign Code.

MARQUEE SIGN: A sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, freestanding sign, a wall sign, or attached to a canopy.

MENU BOARD SIGN: A sign located at a drive-in or drive-up window restaurant.

MONUMENT SIGN: A freestanding on site sign that is attached to the ground or a foundation in the ground and does not include poles, braces, or other visible means of support.

MONUMENT SIGN, SHARED: A freestanding on site sign for two (2) or more uses that is attached to the ground or a foundation in the ground and does not include poles, braces, or other visible means of support.

MOVING SIGN: Any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by actions of wind currents.

NAMEPLATE SIGN: A sign which designates the name and address of a person or persons occupying the premises upon which it is located. A nameplate is not an identification sign.

NEIGHBORHOOD IDENTIFICATION SIGN: A permanent sign located at the entrance of a neighborhood, tract, or subdivision.

NONCONFORMING SIGN: A sign legally existing at the time of the effective date hereof which does not currently conform to the provisions of this chapter.

NONILLUMINATED SIGN: A sign not illuminated either directly or indirectly.

NON-INTERSTATE STREET OR HIGHWAY: A state, county or municipal road within the City, excluding I-15 or I-215.

NON-INTERSTATE ORIENTED SIGN: Any sign located on a parcel of land adjacent to a street or highway that is not an interstate, and oriented toward the street or highway or otherwise designed to be viewed from the non-interstate street or highway.

OFF-PREMISES ADVERTISING SIGN: A commercial sign that directs attention of the public to a business activity conducted or product sold or offered at a location not on the same premises where the commercial sign is located. For purposes of this section, easements and other appurtenances and noncontiguous parcels under the same ownership are considered off the premises of the parcel of land on which the business or activity is located or conducted. The definition of off premises advertising sign includes, without limitation, billboards, poster panels, marquees, painted bulletins and other similar advertising displays. Signs that are no more than twelve (12) square feet in area and no more than five feet (5') above uniform ground surface grade and which provide only directions to a business or establishment are excluded from the definition of off premises advertising sign. The definition of off premises advertising sign does not include mass transit bus stop bench and shelter and light and commuter rail station advertising displays.

OFF-PREMISES SIGN: An advertising sign which directs attention to a use, product, commodity, or service not related to the premises on which it is erected.

ON-PREMISES SIGN: An advertising sign which directs attention to a use, product, commodity, or service which is sold, offered or conducted on the premises upon which the sign is located.

PAINTED WINDOW SIGN: A sign painted on windows or doors with markers, paints, or any other type of substance used to display messages.

PARK OR TRAIL SIGN: A sign at a park, trail, or other open space.

PEDESTAL SIGN: A freestanding one- or two-sided ground sign that includes two (2) or more vertical structural supports extending from the sign face to the ground.

PLANNED CENTER: An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained containing one or more structures to accommodate commercial, manufacturing, or business park areas and other uses incidental to the primary uses. Planned centers are designed as an integrated complex or leasable or individually owned spaces in a single building, group of buildings, or parcels.

PLANNED CENTER ON-PREMISES PYLON SIGN: A pylon sign which advertises or directs attention to a use, establishment, product, or service that is located in a planned center.

POLE SIGN: A freestanding sign supported by a single pole mounted permanently in the ground.

PORTABLE SIGN: Any sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.

PROJECTING SIGN: A building mounted sign with the sign faces projecting from and perpendicular to the building fascia.

PROPERTY DEVELOPMENT: Residential property being developed for the sale or lease of multiple lots or structures within a subdivision, and may have one temporary sign as outlined in this chapter.

PROPERTY SIGN: A sign related to the property upon which it is located.

PUBLIC NECESSITY SIGN: A sign informing the public of any danger or hazard existing on or adjacent to the premises.

PYLON SIGN: A freestanding ground sign that includes only one vertical structural support connecting the face of the sign to the ground.

RESIDENTIAL ENTRY FEATURE SIGN: A permanent sign located at a primary residential development entrance intended to facilitate public safety and community identity.

RESIDENTIAL PROPERTY FOR SALE: Residential property, including individual lots or parcels, actively listed for sale or lease.

RESIDENTIAL SIGN: A temporary, non-commercial sign posted on residential property by the property owner. Residential signs included in other sign categories as defined in this chapter shall be governed by the provisions pertaining to those sign categories.

ROOF SIGN: A sign erected upon a roof or parapet of a building or structure.

ROTATING SIGN: Any sign or portion thereof which physically revolves about an axis.

SCREEN SIGN: A screen sign is a sign that consists of a screen like material that is attached to a wall or parking deck and is capable of displaying electronic messages. Screen signs must conform to the architectural and aesthetic quality of the building they are attached to.

SIGN: Any writing, pictorial representation, symbol, banner or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or any place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, stringing, or otherwise fastening, affixing or making visible in any manner whatsoever.

SIGNAGE PLAN: A signage plan consists of one or more scaled drawings showing the location, type, size and design of all existing and proposed signs on site.

SNIPED SIGN: A sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, fences, or other objects with the message appearing thereon.

SPECIAL EVENTS: A specific time period during which there are "special events", including but not limited to community events, presentations, sales, and so forth.

TEMPORARY SIGNS: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frame installed for a limited period of time.

TENANT LISTING SIGN: A wall sign on a building containing multiple tenants or uses, located near the entrance and designed in such a manner as to accommodate multiple sign plates.

TRAFFIC CONTROL SIGN: Standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc.

TRAILER SIGN: Any sign affixed to, applied, set upon, or printed on a trailer.

TRESPASSING SIGN: Any sign which warns against the trespassing onto a parcel of property or structure.

VEHICLE SIGN: Any sign that is mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, or other motorized vehicles or equipment.

WALL SIGN: A sign erected or attached parallel to the outside of a wall of a building with messages or graphics on the face side only.

WAYFINDING SIGN: A directional sign that guides the traveling public to key civic, visitor, or recreational destinations within a specific region.

WIND SIGN: Any sign or portion thereof or series of signs, banners, flags or other objects designed and fastened in such a manner as to move freely upon being subjected to pressure by wind or breeze.

WINDOW SIGN: A sign that is attached to, or suspended directly behind or in front of a window.

(Ord. 19-42 § 2: Ord. 19-14)

17.48.040: DEFINITIONS:

The following words and phrases when used in this chapter shall be construed as defined in this section:

A-FRAME SIGN: Any sign, structure, or configuration composed of one or two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross- section.

ABANDONED SIGN: A sign which no longer correctly directs or influences any person, advertises a current business, lessor, owner, product or activity conducted or available on the premises where such sign is displayed.

ADVERTISING SIGN: A sign which directs attention to a use, product, commodity or service either related or not related to the premises on which the sign is located.

ANIMATED SIGN: A sign which involves motion or rotation of any part by mechanical or other means.

AREA OF A SIGN: The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. If a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double faced sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet (2'). Further, where a sign consists only of individual letters, numbers, symbols or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the squares or rectangles surrounding each individual sign component.

ATTACHED SIGN: Any sign which is fastened, attached, connected or supported in whole or in part by a building or structure other than a sign structure wholly by the ground.

AWNING SIGN: A sign which includes lettering or graphics placed on the vertical valance of an awning and supported by a rigid framework attached to a building.

BANNER SIGN: A sign made of fabric, plastic or a similar lightweight material and hung from a building or framework attached to a building or placed in the ground.

BENCH SIGN: A sign which is affixed or painted to a bench and is placed outside of the main structure on the property. Benches owned and maintained by a public transit authority are exempt from these regulations.

BILLBOARD SIGN: A detached or attached sign designed or intended to direct attention to a business, product, service, event or attraction that is not sold, offered, or existing on the property where the sign is located.

BLADE BANNER SIGN: A vertical banner supported by a durable pole.

BLADE SIGN: A building mounted sign with sign faces projecting from and perpendicular to the building fascia.

BUSINESS SIGN: A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.

CANOPY SIGN: A sign attached to a canopy.

CHANGEABLE COPY SIGN: A sign or portion of a sign with characters, letters, graphics, or other copy that can be changed or modified by mechanical, electrical, or manual means, not including digital, electronic messaging or electronic message signs.

COMMUNITY SIGN: A temporary on or off-premises sign generally made of a woven material or durable synthetic material which is primarily attached to or hung in a vertical fashion from light poles or buildings, of a solely decorative, festive, and/or informative nature announcing activities, promotions, events, seasonal or traditional themes which are sponsored or supported by Murray City.

DETACHED SIGN: Any sign not supported in whole or in part by a building, or structure other than by a sign structure which is supported wholly by the ground.

DIRECTIONAL SIGN: A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

DIRECTLY ILLUMINATED SIGN: Any sign designed to provide artificial light directly or through transparent material from a source of light within or on such sign, including, but not limited to, neon and incandescent lamp signs.

DOUBLE-FACED SIGN: A sign with two (2) parallel identical faces, or two (2) identical sign faces that are not parallel but diverge from a common edge at an angle no greater than fifteen degrees (15°).

ELECTRIC AWNING SIGN: A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is as a sign. These signs are internally illuminated by fluorescent or other light sources in fixtures approved under the Electrical Code.

ELECTRONIC MESSAGE CENTER SIGN: A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

FLAG SIGN, COMMERCIAL: A sign which is made of cloth or similar lightweight material that expresses messages which are primarily commercial in nature.

FLAG SIGN, NON-COMMERCIAL: A sign which is made of cloth or similar lightweight material that expresses messages which are not primarily commercial. Such flags may include flags of governmental entities, flags identifying the person, institution, organization or corporation occupying a property.

FLASHING SIGN: An illuminated sign which exhibits changing light or color effect by blinking or any similar means to provide a non-constant illumination. Any display must remain lighted for a minimum of two (2) seconds.

FLAT SIGN: A sign erected or attached parallel to the outside of a wall of a building with messages or graphics on the face side only.

FLOODLIGHTED SIGN: A sign made legible in the absence of daylight by devices which reflect or project light upon it.

FREEWAY: A highway, in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only limited or restricted right or easement of access, the precise route for which has been determined and designed as a freeway by an authorized agency of the state or a political subdivision thereof. This term includes the main traveled portion of the trafficway, all land situated within the right of way, and all ramps and appurtenant land and structures.

GRAFFITI: Any form of unauthorized printing, writing, spraying, scratching, affixing, etching, or inscribing on the property of another regardless of the content or nature of the material used in the commission of the act.

GROUND SIGN: A sign that has its own supporting structure and is not attached to or supported by a building. Types of ground signs include pedestal, pylon, monument, and shared monument signs.

GROUP IDENTIFICATION SIGN: A sign allowing for two (2) or more properties or uses that may share common frontage, access points, off-street parking, or loading areas.

HANGING SIGN: A building mounted sign suspended from the underside of a roof, overhang or recessed area or other similar architectural features of a building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street other than an elevated roadway, whichever permits the greatest height, to the highest point of the sign.

HOME OCCUPATION SIGN: A sign associated with a valid home business existing on the premises.

ILLEGAL OFF PREMISES ADVERTISING SIGN: An off premises advertising sign that does not conform or comply with the requirements, including, without limitation, height restrictions, of the version of this Sign Code in effect when the sign was originally erected.

INDIRECTLY ILLUMINATED SIGN: A sign the illumination of which is derived entirely from an external artificial source which is arranged so that no direct rays of light are projected from such artificial source into residences or streets.

INFLATED SIGNS: A sign that is supported by heated or forced air or lighter than air gases.

INTERSTATE: For the purposes of sections 17.48.260, 17.48.270 and 17.48.280, interstate means Interstate 15 (I-15) or Interstate 215 (I-215).

INTERSTATE ORIENTED SIGN: For the purposes of sections 17.48.260, 17.48.270 and 17.48.280, means any sign within 660 feet of an interstate right-of-way, and oriented toward the interstate or otherwise designed to be viewed from the freeway.

LEGAL NONCONFORMING OFF PREMISES SIGN: An off premises advertising sign that conformed and complied with the requirements of the version of this Sign Code in effect when the sign was originally erected but no longer conforms or complies with an amended version of this Sign Code.

MARQUEE SIGN: A sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, freestanding sign, a wall sign, or attached to a canopy.

MENU BOARD SIGN: A sign located at a drive-in or drive-up window restaurant.

MONUMENT SIGN: A freestanding on site sign that is attached to the ground or a foundation in the ground and does not include poles, braces, or other visible means of support.

MONUMENT SIGN, SHARED: A freestanding on site sign for two (2) or more uses that is attached to the ground or a foundation in the ground and does not include poles, braces, or other visible means of support.

MOVING SIGN: Any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations, or by actions of wind currents.

NAMEPLATE SIGN: A sign which designates the name and address of a person or persons occupying the premises upon which it is located. A nameplate is not an identification sign.

NEIGHBORHOOD IDENTIFICATION SIGN: A permanent sign located at the entrance of a neighborhood, tract, or subdivision.

NONCONFORMING SIGN: A sign legally existing at the time of the effective date hereof which does not currently conform to the provisions of this chapter.

NONILLUMINATED SIGN: A sign not illuminated either directly or indirectly.

NON-INTERSTATE STREET OR HIGHWAY: A state, county or municipal road within the City, excluding I-15 or I-215.

NON-INTERSTATE ORIENTED SIGN: Any sign located on a parcel of land adjacent to a street or highway that is not an interstate, and oriented toward the street or highway or otherwise designed to be viewed from the non-interstate street or highway.

OFF-PREMISES ADVERTISING SIGN: A commercial sign that directs attention of the public to a business activity conducted or product sold or offered at a location not on the same premises where the commercial sign is located. For purposes of this section, easements and other appurtenances and noncontiguous parcels under the same ownership are considered off the premises of the parcel of land on which the business or activity is located or conducted. The definition of off premises advertising sign includes, without limitation, billboards, poster panels, marquees, painted bulletins and other similar advertising displays. Signs that are no more than twelve (12) square feet in area and no more than five feet (5') above uniform ground surface grade and which provide only directions to a business or establishment are excluded from the definition of off premises advertising sign. The definition of off premises advertising sign does not include mass transit bus stop bench and shelter and light and commuter rail station advertising displays.

OFF-PREMISES SIGN: An advertising sign which directs attention to a use, product, commodity, or service not related to the premises on which it is erected.

ON-PREMISES SIGN: An advertising sign which directs attention to a use, product, commodity, or service which is sold, offered or conducted on the premises upon which the sign is located.

PAINTED WINDOW SIGN: A sign painted on windows or doors with markers, paints, or any other type of substance used to display messages.

PARK OR TRAIL SIGN: A sign at a park, trail, or other open space.

PEDESTAL SIGN: A freestanding one- or two-sided ground sign that includes two (2) or more vertical structural supports extending from the sign face to the ground.

PLANNED CENTER: An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained containing one or more structures to accommodate commercial, manufacturing, or business park areas and other uses incidental to the primary uses. Planned centers are designed as an integrated complex or leasable or individually owned spaces in a single building, group of buildings, or parcels.

PLANNED CENTER ON-PREMISES PYLON SIGN: A pylon sign which advertises or directs attention to a use, establishment, product, or service that is located in a planned center.

POLE SIGN: A freestanding sign supported by a single pole mounted permanently in the ground.

PORTABLE SIGN: Any sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.

PROJECTING SIGN: A building mounted sign with the sign faces projecting from and perpendicular to the building fascia.

PROPERTY DEVELOPMENT: Residential property being developed for the sale or lease of multiple lots or structures within a subdivision, and may have one temporary sign as outlined in this chapter.

PROPERTY SIGN: A sign related to the property upon which it is located.

PUBLIC NECESSITY SIGN: A sign informing the public of any danger or hazard existing on or adjacent to the premises.

PYLON SIGN: A freestanding ground sign that includes only one vertical structural support connecting the face of the sign to the ground.

RESIDENTIAL ENTRY FEATURE SIGN: A permanent sign located at a primary residential development entrance intended to facilitate public safety and community identity.

RESIDENTIAL PROPERTY FOR SALE: Residential property, including individual lots or parcels, actively listed for sale or lease.

RESIDENTIAL SIGN: A temporary, non-commercial sign posted on residential property by the property owner. Residential signs included in other sign categories as defined in this chapter shall be governed by the provisions pertaining to those sign categories.

ROOF SIGN: A sign erected upon a roof or parapet of a building or structure.

ROTATING SIGN: Any sign or portion thereof which physically revolves about an axis.

SCREEN SIGN: A screen sign is a sign that consists of a screen like material that is attached to a wall or parking deck and is capable of displaying electronic messages. Screen signs must conform to the architectural and aesthetic quality of the building they are attached to.

SIGN: Any writing, pictorial representation, symbol, banner or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or any place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, stringing, or otherwise fastening, affixing or making visible in any manner whatsoever.

SIGNAGE PLAN: A signage plan consists of one or more scaled drawings showing the location, type, size and design of all existing and proposed signs on site.

SNIPESIGN: A sign for which a permit is required and has not been obtained and which is tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, fences, or other objects with the message appearing thereon.

SPECIAL EVENTS: A specific time period during which there are "special events", including but not limited to community events, presentations, sales, and so forth.

TEMPORARY SIGNS: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frame installed for a limited period of time.

TENANT LISTING SIGN: A wall sign on a building containing multiple tenants or uses, located near the entrance and designed in such a manner as to accommodate multiple sign plates.

TRAFFIC CONTROL SIGN: Standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc.

TRAILER SIGN: Any sign affixed to, applied, set upon, or printed on a trailer.

TRESPASSING SIGN: Any sign which warns against the trespassing onto a parcel of property or structure.

VEHICLE SIGN: Any sign that is mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, or other motorized vehicles or equipment.

WALL SIGN: A sign erected or attached parallel to the outside of a wall of a building with messages or graphics on the face side only.

WAYFINDING SIGN: A directional sign that guides the traveling public to key civic, visitor, or recreational destinations within a specific region.

WIND SIGN: Any sign or portion thereof or series of signs, banners, flags or other objects designed and fastened in such a manner as to move freely upon being subjected to pressure by wind or breeze.

WINDOW SIGN: A sign that is attached to, or suspended directly behind or in front of a window.

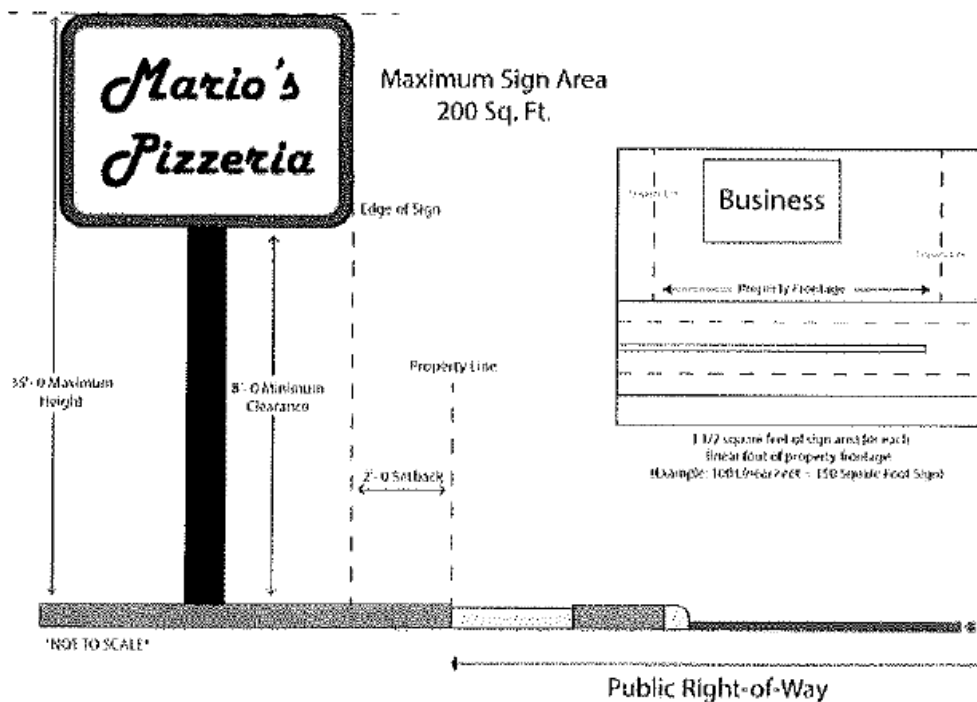
(Ord. 19-42 § 2: Ord. 19-14)

17.48.200: COMMERCIAL AND MANUFACTURING ZONE SIGNS:

In Commercial and Manufacturing Zones, signs indicating the business, commodities, service, industry, or other activity sold, offered, or conducted on the premises are permitted as follows:

- A. Detached On-Site Signs: Detached on site signs are to be erected as follows:
1. One detached on premises sign for each developed parcel not exceeding one and one-half ($1\frac{1}{2}$) square feet of sign area for each linear foot of street frontage. No sign may exceed a total sign area of two hundred (200) square feet per side (see figure 22 of this subsection A1). A maximum of two (2) sides are allowed;

FIGURE 22



2. If a developed parcel has in excess of two hundred (200) linear feet of street frontage, additional signs may be allowed, provided the distance between detached signs on each parcel may not be less than two hundred feet (200') as measured in a straight line;

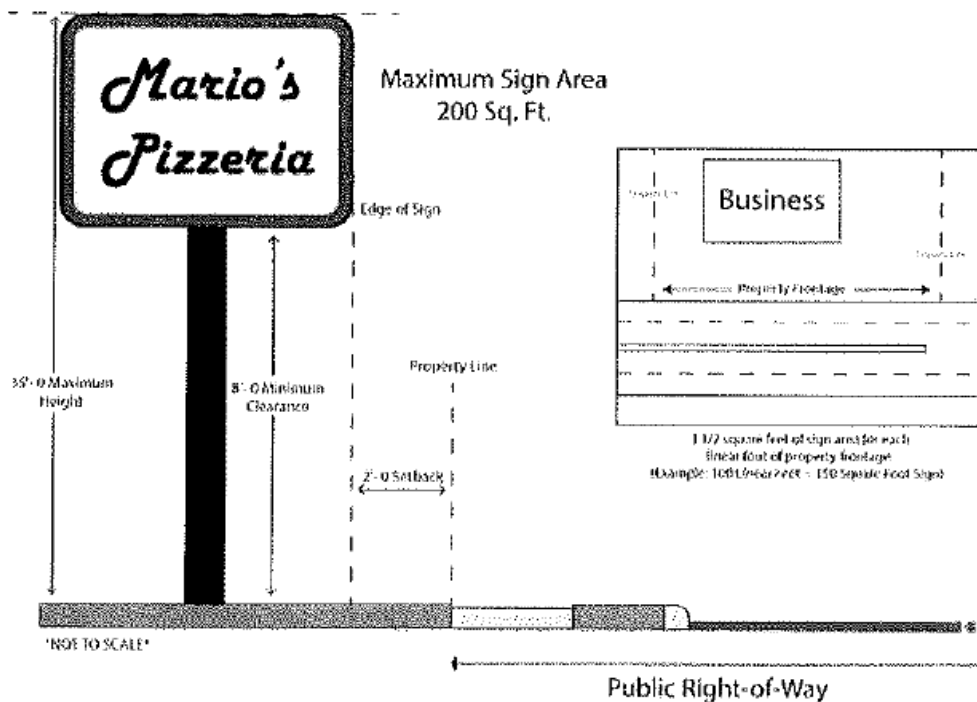
3. The maximum sign height is thirty five feet (35') above pavement grade or ground level. On properties adjacent to freeways, where the sign is freeway oriented, maximum sign height may be determined from freeway grade;
 4. Minimum sign clearance from grade to the bottom of the sign is eight feet (8');
 5. Ground/monument signs shall comply with regulations found in section 17.48.140 of this chapter;
 6. Minimum sign setback from all property lines is two feet (2').
 7. Pole signs are only allowed in the Commercial and Manufacturing Zones for parcels or developments that are directly adjacent to or abutting either Interstate 15 or Interstate 215 and must be freeway oriented.
- B. Attached Signs For Each Occupancy: On premises signs may not exceed a total of three (3) square feet of sign area for each linear foot of building frontage.
- C. Planned Center Signs: The Planning Commission may allow common signs displaying advertising for all uses with a planned center on multiple parcels of property that may or may not have separate ownership. The Planning Commission will consider the following criteria as basis for approval of the signs:
1. Signs must be integrated into the development with a common theme or integrated architecturally with the buildings.
 2. Location, number, and size of all signs must receive approval by the Planning Commission and meet the provisions within the Sign Code.
 3. The applicant must submit elevations of all signs, and a site plan showing the location of the proposed signs.
 4. Additional standards for pedestal signs are located within section 17.48.140 of this chapter.
- D. Pylon Signs: Are permitted within the C-D Zone (not permitted within the M-G Zone) and shall comply with the regulations found in section 17.48.140 of this chapter. (Ord. 19-14)

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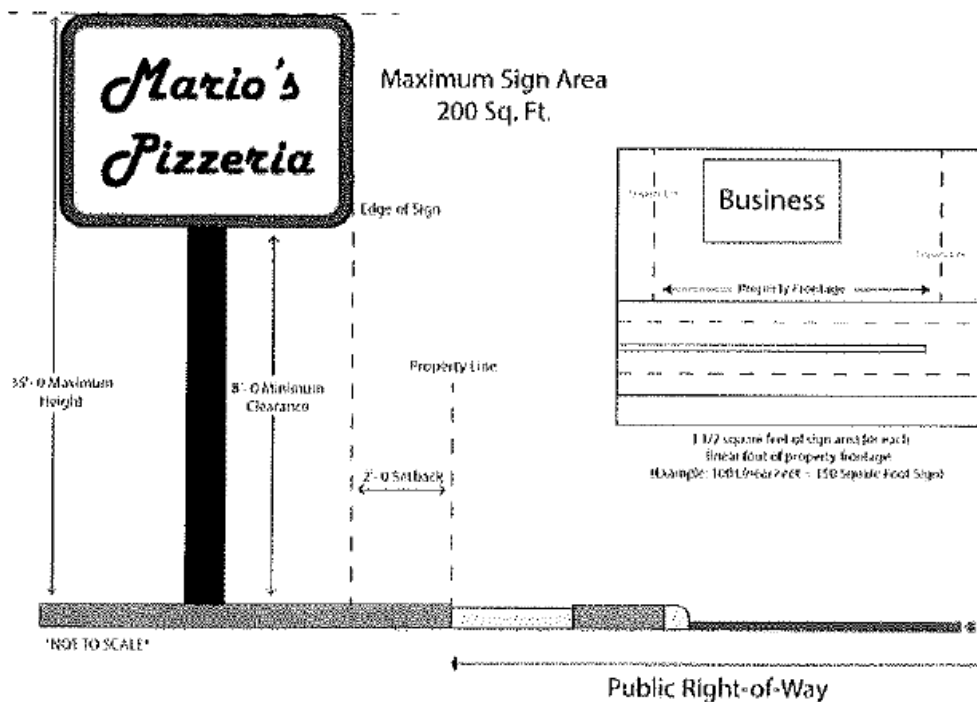
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 5. Ground/monument signs shall comply with regulations found in section 17.48.140 of this chapter;
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 7. Pole signs are only allowed in the Commercial and Manufacturing Zones for parcels or developments that are directly adjacent to or abutting either Interstate 15 or Interstate 215 and must be freeway oriented.
- B. Attached Signs For Each Occupancy: On premises signs may not exceed a total of three (3) square feet of sign area for each linear foot of building frontage.
- C. Planned Center Signs: The Planning Commission may allow common signs displaying advertising for all uses with a planned center on multiple parcels of property that may or may not have separate ownership. The Planning Commission will consider the following criteria as basis for approval of the signs:
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 3. The applicant must submit elevations of all signs, and a site plan showing the location of the proposed signs.
 4. Additional standards for pedestal signs are located within section 17.48.140 of this chapter.
- D. Pylon Signs: Are permitted within the C-D Zone (not permitted within the M-G Zone) and shall comply with the regulations found in section 17.48.140 of this chapter. (Ord. 19-14)
- E. E. Screen Signs: Are allowed subject to the following standards:
1. Property must have a minimum of three (3) acres.
 2. Shall be located within 150 feet of the I-15 freeway right-of-way.
 3. Shall be oriented towards the I-15 freeway.
 4. Must be incorporated as an architectural element of the building.
 5. Only one (1) screen sign is permitted per property.
 6. May not exceed five (5) sq ft per linear foot of building frontage.
 - 5-7. Must be located a minimum of fifty feet (50') above the finished grade.

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2. If a developed parcel has in excess of two hundred (200) linear feet of street frontage, additional signs may be allowed, provided the distance between detached signs on each parcel may not be less than two hundred feet (200') as measured in a straight line;

3. The maximum sign height is thirty five feet (35') above pavement grade or ground level. On properties adjacent to freeways, where the sign is freeway oriented, maximum sign height may be determined from freeway grade;
 4. Minimum sign clearance from grade to the bottom of the sign is eight feet (8');
 5. Ground/monument signs shall comply with regulations found in section 17.48.140 of this chapter;
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 7. Pole signs are only allowed in the Commercial and Manufacturing Zones for parcels or developments that are directly adjacent to or abutting either Interstate 15 or Interstate 215 and must be freeway oriented.
- B. Attached Signs For Each Occupancy: On premises signs may not exceed a total of three (3) square feet of sign area for each linear foot of building frontage.
- C. Planned Center Signs: The Planning Commission may allow common signs displaying advertising for all uses with a planned center on multiple parcels of property that may or may not have separate ownership. The Planning Commission will consider the following criteria as basis for approval of the signs:
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1. Property must have a minimum of three (3) acres.
 2. Shall be located within 150 feet of the I-15 freeway right-of-way.
 3. Shall be oriented towards the I-15 freeway.
 4. Must be incorporated as an architectural element of the building.
 5. Only one (1) screen sign is permitted per property.
 6. May not exceed five (5) sq ft per linear foot of building frontage.
 7. Must be located a minimum of fifty feet (50') above the finished grade.



AGENDA ITEM # 06

Chapter 17.64 Fence Regulations Text Amendment

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

I. STAFF REVIEW & ANALYSIS

History & Background

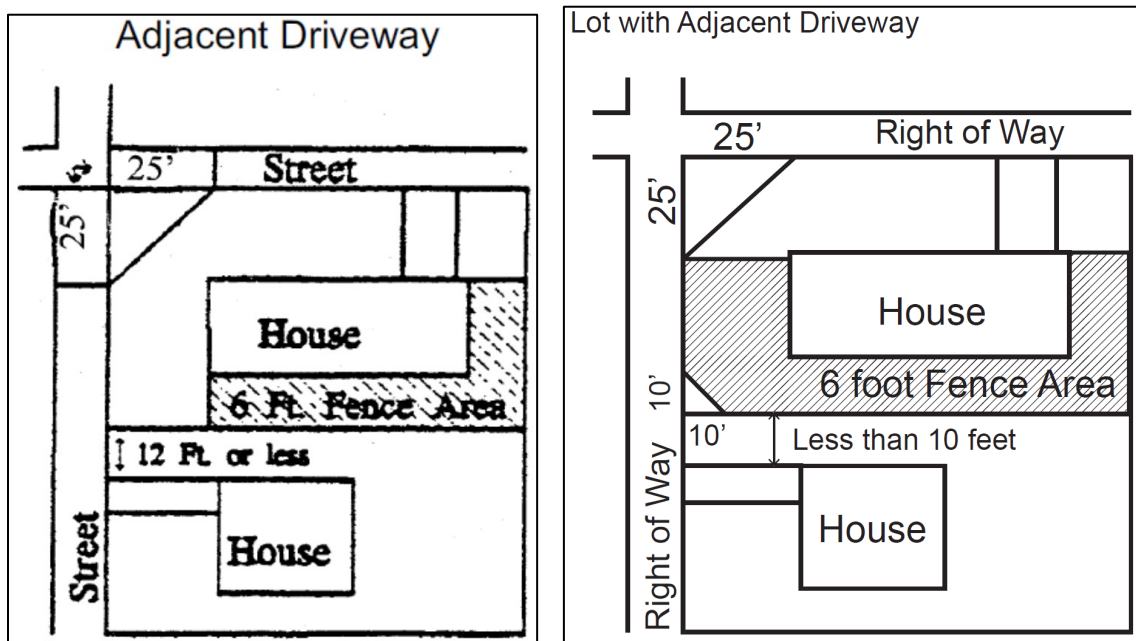
The Planning Division has received numerous questions regarding the fencing standards in the Land Use Ordinance for many years. The fencing regulations for residential property are stated awkwardly and are not easy for people to read and comprehend. It has been a long time goal to update these regulations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

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

Review of Proposed Changes

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

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



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

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

II. DEPARTMENT REVIEWS

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

III. PUBLIC INPUT

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

IV. FINDINGS

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

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

V. CONCLUSION/RECOMMENDATION

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



NOTICE OF PUBLIC HEARING

August 15th, 2024, 6:30 PM

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

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

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

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

The meeting is open, and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

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

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

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

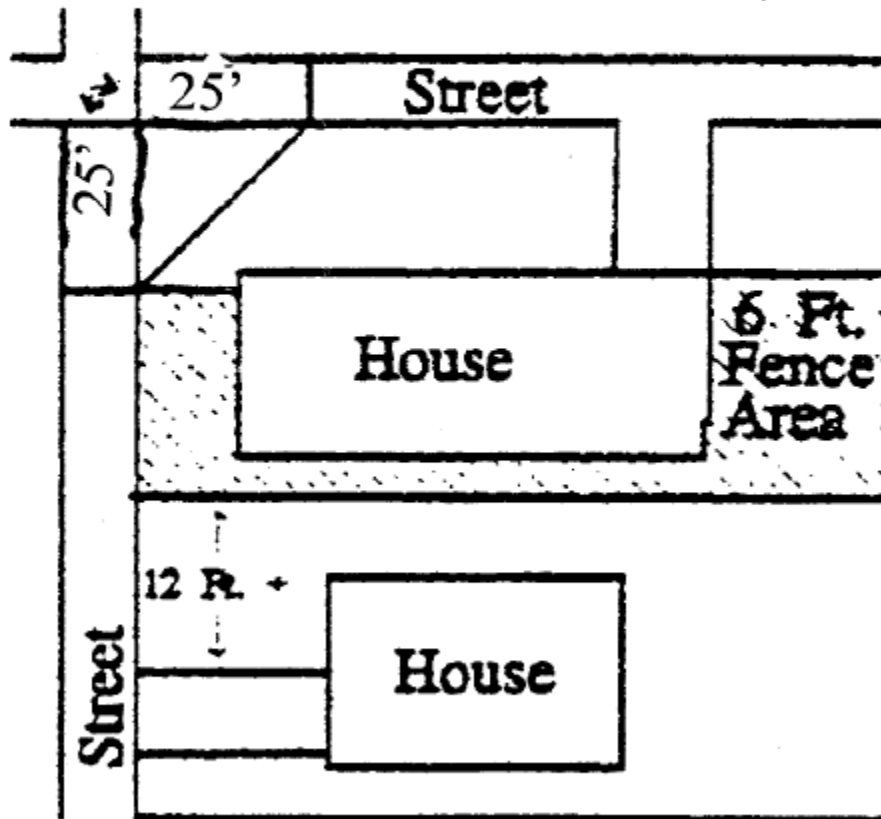
17.64.020: FENCE HEIGHT; INTERIOR LOT:

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

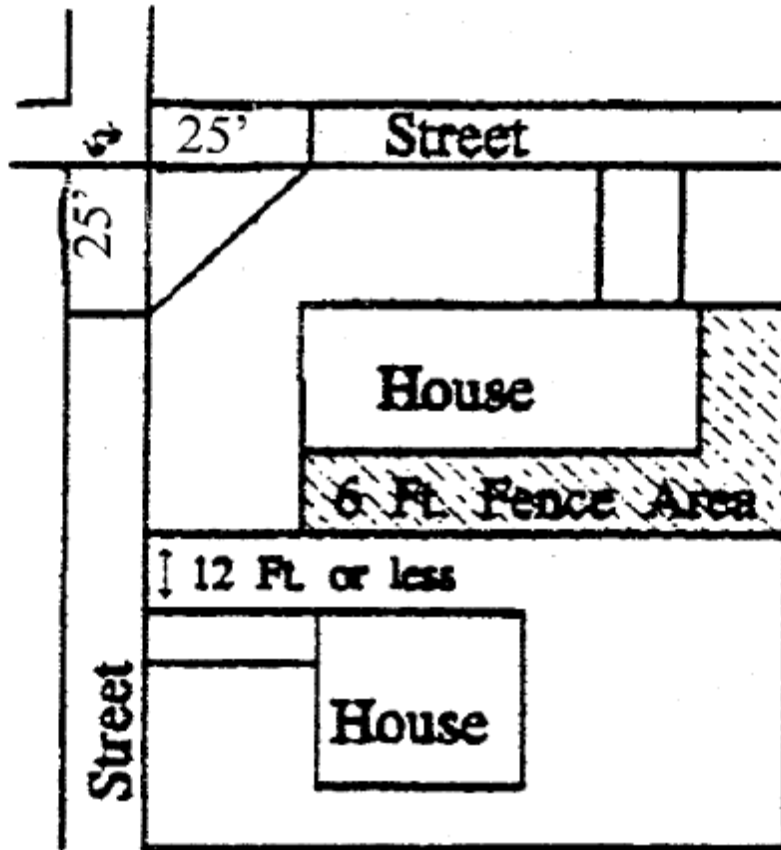
B. Fence Height; Corner Lot: Fences, walls, hedges, or other screening material greater than three feet (3') in height are permitted within the street side yard setback area, provided, that such fence, wall, hedge, or other screening material does not exceed six feet (6') in height, is not adjacent to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

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

Example 1
Corner Lot With No
Adjoining Driveway



Example 2
Corner Lot With
Adjacent Driveway



(Ord. 07-30 § 2)

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

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

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

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

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

~~B)~~

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

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

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

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

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

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

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

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

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

17.64.020: RESIDENTIAL FENCING REGULATIONS

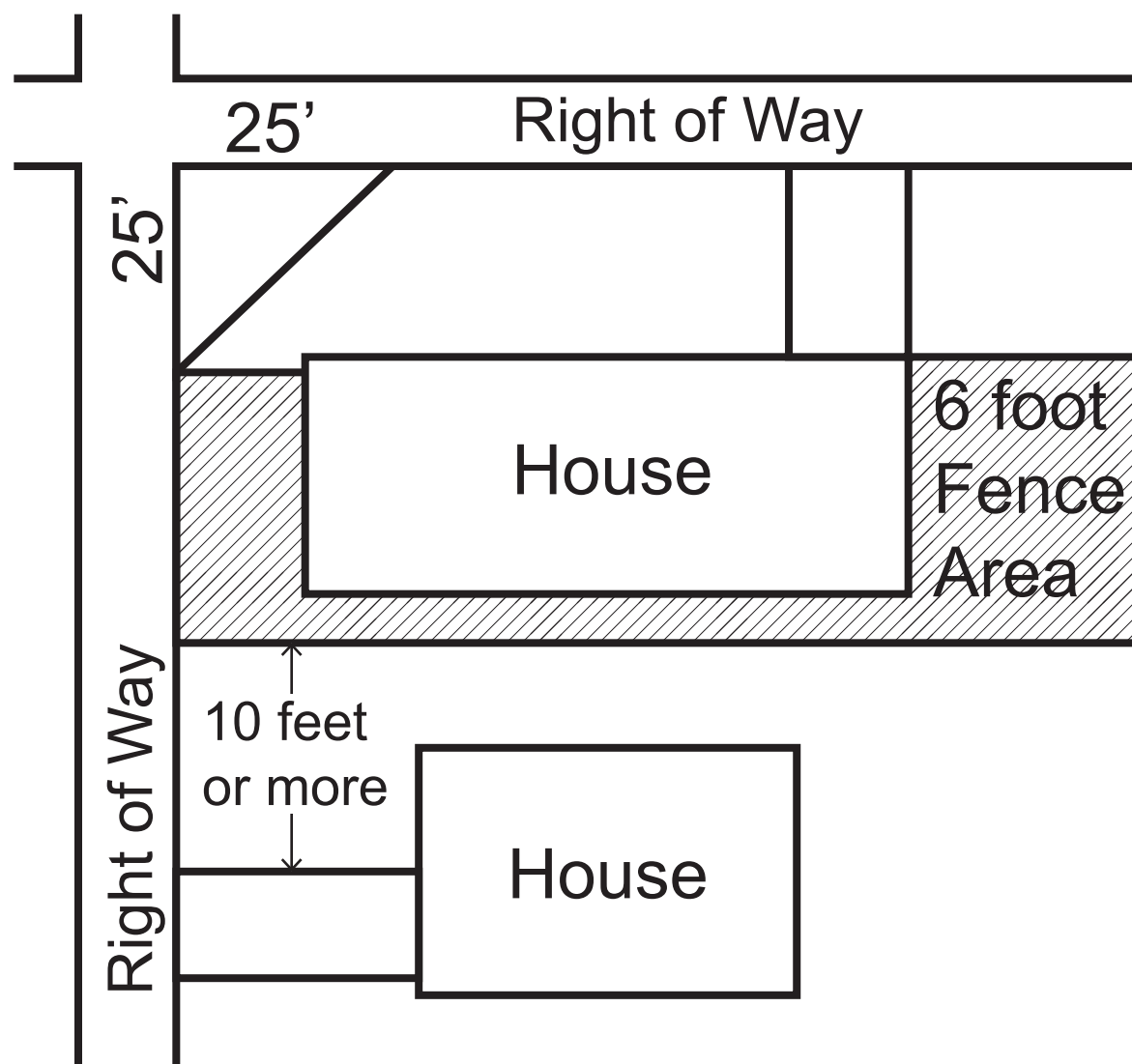
- A) Front Yard Setback Area: Fences, walls, hedges, or other screening materials are allowed in the front yard area subject to the following standards:
 - 1) A maximum of four feet (4') in height when utilizing nonsolid fencing which is seventy-five percent (75%) open and presents no visual barriers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

Example 1

Corner Lot without Adjacent Driveway

Example 1

Corner Lot without Adjacent Driveway

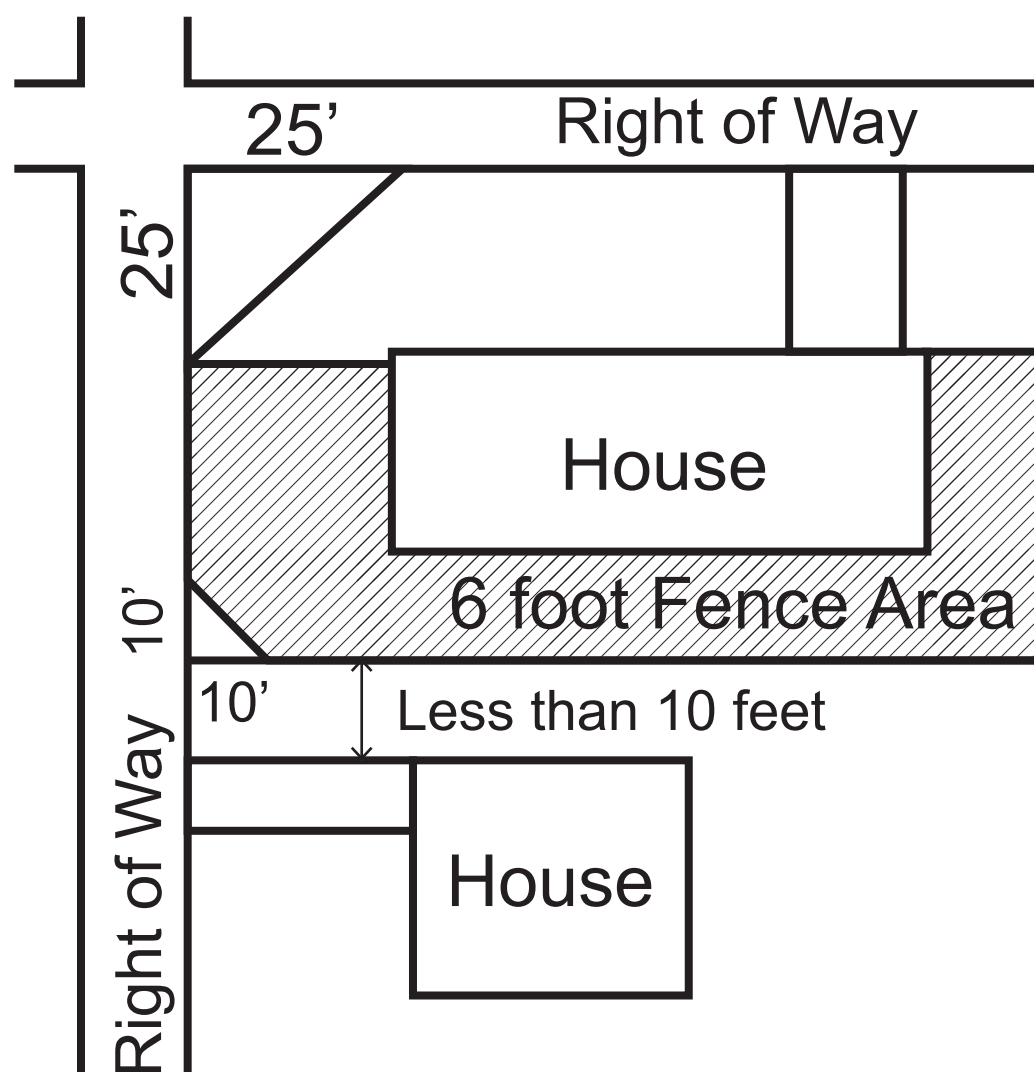


Example 2

Lot with Adjacent Driveway

Example 2

Lot with Adjacent Driveway



17.64.090: FENCE HEIGHT EXCEPTIONS:

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

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

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

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

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

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

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

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

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

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