



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

**Thursday, June 5<sup>th</sup>, 2025**

**Pre-Meeting: 6:00 p.m. (Poplar Room #151, Public Welcome)**

**The premeeting is to briefly review the agenda items and ask any questions to staff.**

**Meeting Time: 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](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. You may submit comments via email at [pc@murray.utah.gov](mailto:pc@murray.utah.gov). Comments are limited to 3 minutes or less, and written comments will be entered 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. May 1, 2025
  - b. May 15, 2025
2. Conflict(s) of Interest
3. Approval of Findings of Fact
  - a. Gold Wheels – Conditional Use Permit
  - b. Aloha Tattoos – Conditional Use Permit

**SUBDIVISION REVIEW(S) – ADMINISTRATIVE ACTION**

4. 49<sup>th</sup> Street Galleria Subdivision Project # 25-052  
4998 South Galleria Drive  
Preliminary and Final Subdivision review for a six (6) lot subdivision in the MCMU Zoning District

**LAND USE ORDINANCE TEXT AMENDMENT(S) – LEGISLATIVE ACTION**

5. Chapter 17.08 Definitions & 17.68 Landscape Requirements Project # 25-055  
Amendments to the landscape requirements to allow residents to qualify for the Utah Water Savers rebate program and minor clarification items.
6. Residential Yard Exceptions Amendments Project # 25-056  
Amendments to the residential yard exception standards in all residential zoning districts allowing roof extensions into the front and rear setback areas.

**ANNOUNCEMENTS AND QUESTIONS**

**ADJOURNMENT**

The next scheduled meeting will be held on Thursday, July 3rd, 2025, 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 [pc@murray.utah.gov](mailto:pc@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](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.



# MURRAY CITY PLANNING COMMISSION

## MEETING MINUTES

May 1, 2025

6:30 P.M. MDT

Murray City Council Chambers, 10 East 4800 South, Murray, Utah

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### CALL MEETING TO ORDER

### MEMBERS PRESENT

Present: Michael Richards, Chair  
Pete Hristou, Vice Chair  
Ned Hacker  
Aaron Hildreth  
Peter Klinge  
Jake Pehrson  
Katie Rogers  
Mark Richardson, Deputy Attorney  
Zachary Smallwood, Planning Division Manager  
David Rodgers, Senior Planner  
Ruth Ruach, Planner I  
Members of the Public (per sign-in sheet)

Chair Richards called the meeting to order at 6:30 P.M.

### STAFF REVIEW MEETING

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

### BUSINESS ITEM(S)

### APPROVAL OF MINUTES

There were no minutes for approval for this meeting.

## CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

## APPROVAL OF FINDINGS OF FACT

Commissioner Hacker made a motion to approve the findings of facts for Panera Bread site plan review, Murray Hillcrest Pharmacy site plan review, Abbingdon Subdivision amended and extended subdivision review. Seconded by Commissioner Klinge. A voice vote was made, with all in favor.

## MAJOR HOME OCCUPATION(S) & CONDITIONAL USE PERMIT(S) – ADMINISTRATIVE ACTION

Sound Beginnings - Project # 25-037 - 521 East Vine Street - Major Home Occupation for preschool music classes in the R-1-8, Single Family Zone

(combined with the following agenda item)

Sound Beginnings - Project # 25-037 - 521 East Vine Street Group Instruction with up to 12 participants in the R-1-8, Single Family Zone

Heidi Marie Anderson was present to represent the request. David Rodgers presented the application requesting approval to have a preschool with music classes for up to twelve participants at their place of residence as a major home occupation business in the R-1-8 zone. Mr. Rodgers showed a map of the property, along with the site plan and floor plan. He pointed out the off-street parking and access. The applicant anticipates there will be a maximum of six cars per class, with the driver staying for the entire duration of the time. He said there will be no on-street parking for this business. Public notices were sent to surrounding property owners. One email and one phone call were received. Staff recommends the Planning Commission approve the request for a conditional use permit and major home occupation to allow an at home preschool with music classes. Mr. Rodgers said the motions for the conditional use permit and major home occupation are being combined into one motion, per Chad Wilkinson, CED Director.

A discussion was had regarding the parking logistics. They talked about whether the time between classes was enough for six cars to get in and out of the driveway. The applicant said that should be enough time. All six cars will vacate at the end of each class and allow time for the next class to park. Mr. Rodgers confirmed that none of the parking is on the street.

Ms. Anderson approached the podium. Chair Richards asked if she had read and could comply with the conditions. She said she could.

Chair Richards opened the agenda item for public comment.

Susan Carroll said she understands how important music is for childhood development. She spoke in support of Ms. Anderson's music school.

Colby Jakeman spoke on behalf of his brother, who sent an email. He is concerned about larger vehicles being able to fit in the parking provided. He said his brother sometimes works from home and is concerned about the noise level that may impact his work, as well as other neighbors. He



worries that it will impact residential resale value. He also feels there's a safety concern for patrons due to dangerous traffic at the location.

Chair Richards closed the public comment period.

Vice Chair Hristou asked if a different location on the property, that was currently landscaped, could be used as parking. Zachary Smallwood clarified the space could not be used because it's on a corner lot and would need to be in the rear-yard.

Commissioner Klinge asked the hours of the business. Mr. Rodgers said it's 9:00 a.m. to 12:00 p.m. on weekdays.

Commissioner Pehrson addressed the concern regarding sound. He said that the city has sound ordinances, so if the noise is an issue that Mr. Jakeman may file a complaint.

Mr. Rodgers addressed the parking concerns. He said that a home occupation doesn't have the same landscaping requirements that a commercial business would. He said that, in the staff report, it's indicated that they will work with the property owner to make sure the yard is landscaped to residential standards.

Commissioner Klinge made a motion that the Planning Commission approve the request for a Conditional Use Permit and Major Home Occupation to allow an at-home preschool with music classes from the residential property addressed 521 East Vine Street, as reviewed in the staff report and subject to the following conditions:

1. Classes shall occur between 9:00 a.m. and 12:00 p.m.
2. No more than twelve participants may be permitted per class.
3. All parking for the classes must occur off-street.
4. The applicant shall work with Planning Staff to ensure that the area for the home occupation is less than 25% of the main dwelling area.
5. The applicant shall comply with all requirements of Fire and Building Codes, and all State and County Health Department requirements.
6. The business shall, at all times, be conducted in accordance with all applicable requirements of Chapter 17.24, Major Home Occupations.
7. The applicant shall obtain the necessary home occupation business license.

Seconded by Vice Chair Hristou. Roll call vote:

A Hacker  
A Hildreth  
A Hristou  
A Klinge  
A Pehrson  
A Richards  
A Rogers

Motion passes: 7-0

## CONDITIONAL USE PERMIT(S) & SUBDIVISION REVIEW(S) – ADMINISTRATIVE ACTION

### The Violet Events Venue - Project # 25-039 - 5524 South Van Winkle Expressway - Small events center in the C-D, Commercial Development Zone

The applicant withdrew their application for this project prior to the meeting.

### Parris RV - Project # 25-041 - 71 East Edison Avenue - Amendment to expand RV sales and storage in the C-D, Commercial Development Zone

Mike Zaffino was present to represent the request. Ruth Ruach presented the application requesting an amendment to an approved Conditional Use Permit to allow the expansion of recreational vehicle sales and storage in the C-D zone. Ms. Ruach showed the site plan and landscaping plan, as well as demolition plan. She explained that the existing building will be torn down and replaced with an RV lot. The access to State Street will also be removed, replaced by access from Edison Avenue. Staff recommends that a 20-foot access be maintained on the property. She noted that the applicant will need to install additional landscaping along Edison Avenue. Notices were sent to affected properties, with no comments being received. Staff recommends that the Planning Commission approve the conditions permit amendment to allow the sale and storage of RVs at the property.

Mr. Zaffino approached the podium. Chair Richards asked if he had read and could comply with the conditions. Mr. Zaffino said he could.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Rogers made a motion that the Planning Commission approve the Conditional Use Permit Amendment to allow the sale and storage of RVs at the property addressed at 4338 South State Street, subject to the following conditions:

1. The applicant shall meet all Engineering requirements, including:
  - a) Meet City storm drain requirements; on-site detention/retention of the 100 yr. 12 hr. storm is required per City Code section 13.52.050.
  - b) Obtain UDOT approval and encroachment permit for the State Street storm drain connection.
  - c) Remove the State Street access.
  - d) Install curb and gutter and sidewalk along Edison Street Frontage per City Code Chapter 12.12.050.
  - e) Replace any damaged sidewalk along the State Street per City Code Chapter 12.12.050.
  - f) Develop a site Erosion Control plan and implement prior to beginning site work per City Code Chapter 15.52.030.
  - g) Obtain a City Excavation Permit for work within City rights-of-way per City Code Chapter 12.16.020.
  - h) Edison Street driveway to be dip type as per APWA Plan 215 or 221.2.
  - i) Patch Edison curb and gutter tie-in to asphalt as per APWA Plan 251 – 1% min. to 4% max cross slope.
2. The applicant shall obtain a demolition permit before demolishing the existing building.

3. The applicant shall develop and adhere to a 100-year storm drainage plan, prepared in accordance with guidelines set by the Engineering Department.
4. The applicant shall meet all relevant Power, Water, Sewer, Engineering and Fire Department requirements.
5. The applicant shall install landscaping on the site to meet the standards and requirements of Section 17.68 of the Murray Land Use Ordinance and according to the landscape plan proposed and reviewed in the Staff Report. Landscaping shall be irrigated and maintained in good condition.
6. The applicant shall obtain a Murray City Business License prior to beginning operations at this location .

Seconded by Commissioner Rogers. Roll call vote:

A Hacker  
A Hildreth  
A Hristou  
A Klinge  
A Pehrson  
A Richards  
A Rogers

Motion passes: 7-0

Cottonwood Creek Townhomes - Project # 25-029 - 787 & 825-865 East 4800 South - Planned Unit Development to allow sixty-four townhomes in the R-M-25, Multi-family Zone

(combined with agenda item below).

Cottonwood Creek Townhomes - Project # 25-029 - 787 & 825-865 East 4800 South - Preliminary subdivision review for sixty-four townhomes in the R-M-25, Multi-family Zone

John Blocker was present to represent the request. David Rodgers presented the application requesting approval to develop the subject property into sixty-four (64) townhomes in the RM-25 zone. He provided details regarding the site. He said the lot meets the criteria for the PUD code. He showed a site map of the development. Mr. Rodgers said the individual units will be available for purchase. There will be an HOA overseeing property maintenance. He showed the landscaping plan, with open spaces that meet the PUD requirement. The spaces include a playground and a walking trail. He discussed building elevations and parking access. Mr. Rodgers showed front renderings of the development. Notices were sent to affected entities. Staff have received several phone calls with questions regarding parking and open space. Staff recommends the Planning Commission approve the planned unit development and grant preliminary subdivision approval for Cottonwood Creek town homes.

Commissioner Klinge asked if the tree line along Van Winkle Expressway will be maintained by the HOA. Mr. Rodgers said that property is owned by Salt Lake City who will maintain it as it currently is.

Mr. Blocker approached the podium. Chair Richards asked if he had read and could comply with the conditions. Mr. Blocker said he could.

A discussion was had regarding the maintenance of the deceleration and acceleration lanes. Mr. Smallwood said they will be maintained by the city.

Commissioner Klinge expressed some concerns about the impact of the additional traffic in the area. He also stated that he is concerned about the blind curve coming off of Van Winkle Expressway. He encouraged some form of mitigation from the city or the developer to offset the effects. He asked for assurances that the deceleration and acceleration lanes remain intact and suggested that a bike lane be installed. Mr. Klinge also expressed concern regarding the number of vehicles allowed per unit, citing the increased volume of traffic.

Chair Richards agreed with Commissioner Klinge that the city should work to mitigate the increase in traffic.

Mr. Blocker said because the units are fairly small, he doesn't anticipate a lot of large families per unit that would have a greater impact on traffic. He said his target demographics are working residents who want to own affordable housing closer to their place of work.

Chair Richards opened the agenda item for public comment.

Rob Benedict said he appreciated the buffer zone that will be left as part of the development. He asked if the fence along the west side will be replaced and if they'll leave the pond. He also said he wants to make sure measures are taken during construction not to damage the retaining wall or foundations of adjacent homes.

Mr. Smallwood read an email comment from Marin Christenson. She is concerned the development is too dense. She expressed her sadness at the loss of mature trees due to the development. She's concerned about the impact of increased traffic as well.

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

Mr. Blocker responded regarding the fence, saying that it was a condition of the contract they signed when purchasing the property to maintain it. He assured Mr. Benedict that it will be replaced. He doesn't anticipate that the construction will impact the retaining wall or foundations. He said there will be a retention basin, but they will not keep the pond because it becomes an issue for mosquito abatement.

Commissioner Hildreth asked if Mr. Blocker had an idea of how much he'd charge for each unit. Mr. Blocker said they'll have to do a comparable analysis before setting a price.

Commissioner Klinge asked if this will be a phased development. Mr. Blocker said they'd prefer not to build in phases, but to complete the development at the same time. Commissioner Klinge asked when Mr. Blocker will break ground. He said once existing tenants' leases are expired. Mr. Smallwood added that the applicant has one year from the preliminary approval date to begin construction.

Commissioner Hacker made a motion that the Planning Commission approve the Planned Unit Development and grant Preliminary Subdivision approval for Cottonwood Creek Townhomes on the properties addressed 825-865 and 787 East 4800 South subject to the following conditions:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
  - a) Meet City subdivision and requirements and standards – City Code Title 16.
  - b) Address all engineering review comments prior to printing the plat to mylar.
  - c) Provide a copy of the HOA CC&R's and declaration.
  - d) Provide subdivision street names – City Code 12.08.040.
  - e) Provide grading, drainage and utility plan and profile drawings – Subdivision Application & City Code 16.16.
  - f) Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices – Subdivision Application & City Code 13.52.050.
  - g) Provide PUE's on all common areas – City Code Chapter 16.16.100.
  - h) Provide a site geotechnical study and follow recommendations.
  - i) Relocate overhead power as per Murray City Power requirements – City Code Chapter 16.16.320.
  - j) Replace any damaged curb and gutter and sidewalk along property frontage to 4800 South. Upgrade sidewalk ramps to meet current standards - City Code Chapter 12.12.050.
  - k) Provide any required easements and vacate any unused easements within the proposed buildable areas and street - City Code Chapter 16.16.100.
  - l) Obtain Cottonwood Improvement District review and approval for sanitary sewer connection and service – City Code Chapter 16.16.300.
  - m) Provide subdivision street lighting - City Code 16.16.310.
  - n) Provide an improvement bond prior to recording the subdivision plat (4800 South) – City Code Chapter 16.16.220
  - o) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work – City Code Chapter 13.52.030.
  - p) Stormwater Inspection and Maintenance Agreement is required for on-site stormwater system – City Code 13.52.050.
  - q) Obtain a City Excavation Permit for work within City roadways – City Code Chapter 12.16.020.
  - r) The subdivision shall meet the requirements of the Murray City Fire Department.
2. The developer shall meet all Murray City Water Division requirements.
3. The developer shall meet all Murray City Wastewater Division requirements.
4. The developer shall meet all Murray City Power Department requirements and meet to discuss planning the new power service.
5. The applicant shall provide a copy of the recorded CC&Rs to the Planning Division.
6. All units within the subdivision shall comply with the requirements of the R-M-25 Zone as outlined in Chapter 17.128, Chapter 17.62, Condominiums, and Planned Unit Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.
7. The subdivision shall be amended to include Parcel A into the overall project prior to the final plat approval.
8. Application for a Final Subdivision review must be made within a one-year time period from Preliminary Subdivision, or the preliminary approval will be null and void. The subdivision plat shall be recorded within one year of the final approval by Murray City or the subdivision plat approval shall be null and void.

Seconded by Commissioner Rogers. Roll call vote:

A Hacker

A Hildreth  
A Hristou  
N Klinge  
A Pehrson  
A Richards  
A Rogers

Motion passes: 6-1

#### ANNOUNCEMENTS AND QUESTIONS

Mr. Smallwood said there will be an open house for the Murray Museum on Friday, May 2<sup>nd</sup>. He mentioned that the “Love, Murray” campaign will be kicking off soon.

Commissioner Hacker asked about the feedback given from the workshop hosted by Murray City for the Wasatch Front Regional Council (WFRC) to discuss the state’s long-range plan. Mr. Smallwood said the feedback has been reviewed and provided to the WFRC.

The next scheduled meeting will be held on May 15, 2025, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

#### ADJOURNMENT

Chair Richards adjourned the meeting at 7:23 p.m. MST.

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

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

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Zachary Smallwood, Planning Division Manager  
Community & Economic Development Department



# MURRAY CITY PLANNING COMMISSION

## MEETING MINUTES

May 15, 2025

6:30 P.M. MDT

Murray City Council Chambers, 10 East 4800 South, Murray, Utah

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### CALL MEETING TO ORDER

### MEMBERS PRESENT

Present: Michael Richards, Chair  
Pete Hristou, Vice Chair  
Ned Hacker  
Peter Klinge  
Jake Pehrson  
Katie Rogers  
Mark Richardson, Deputy Attorney  
Zachary Smallwood, Planning Division Manager  
David Rodgers, Senior Planner  
Ruth Ruach, Planner I  
Members of the Public (per sign-in sheet)

Excused: Aaron Hildreth

Chair Richards called the meeting to order at 6:30 P.M.

### STAFF REVIEW MEETING

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

### BUSINESS ITEM(S)

### APPROVAL OF MINUTES

Commissioner Pehrson made a motion to approve the minutes for April 17, 2025. Seconded by Commissioner Rogers. A voice vote was made, with all in favor.

## CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

## APPROVAL OF FINDINGS OF FACT

Commissioner Hacker made a motion to approve the findings of facts for Paris RV conditional use permit, Sound Beginnings conditional use and major home occupation, Cottonwood Creek Town home planning unit development and Cottonwood Creek Town Home subdivision. Seconded by Vice Chair Hristou. A voice vote was made, with all in favor.

## CONDITIONAL USE PERMIT(S) – ADMINISTRATIVE ACTION

### Aloha Tattoos - Project # 25-046 - 6657 South State Street, #6 - Relocation of tattoo business in the C-D, Commercial Development Zone

Jonathan Poulson was present to represent the request. Ruth Ruach presented the application requesting Conditional Use Permit approval to allow a tattoo business within the C-D Zone. She showed the site plan and floor plan for the new location, which is for a larger space. Staff recommends that the Planning Commission approve a conditional use permit to allow a tattoo business at this location.

Commissioner Hacker asked why the applicant needs to get a new conditional use permit. Ms. Ruach said the permit is tied to the land, not to the business itself.

Jonathan Poulson approached the podium. Chair Richards asked Mr. Poulson if he had read and could comply with the conditions. He said yes, he could.

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

Commissioner Klinge made a motion that the Planning Commission approve a conditional use permit to allow a tattoo business at the property addressed 6657 South State Street #6, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall obtain a building permit prior to any remodeling that may occur.
3. The project shall comply with all applicable building and fire code standards.
4. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Seconded by Vice Chair Hristou.

A Hacker  
A Hristou  
A Klinge  
A Pehrson



A Richards  
A Rogers

Motion passes: 6-0

Gold Wheels - Project # 25-042 - 4205 South Commerce Drive, #5 - Auto sales business in the M-G, Manufacturing General Zone

Mohamad Murad was present to represent the request. David Rodgers presented the application requesting a Conditional Use Permit to allow for an auto sales business to be located on the property in the M-G zone. Mr. Rodgers showed the floor plan, site plan and parking plan. He said there are no concerns for parking access. He indicated the property owner will need to work with staff to meet the landscaping requirements. Notices were sent to affected property owners. Staff recommends the Planning Commission approve a conditional use permit to allow an auto sales business.

A discussion was had regarding the property owner being responsible for meeting the landscaping requirements. Commissioner Klinge expressed concern that it hadn't been enforced previously and wanted to know what would compel them to comply now. Mr. Rodgers said that code enforcement will inspect the landscaping for them to obtain their business license.

Mohammad Murad approached the podium. Chair Richards asked Mr. Murad if he had read and could comply with the conditions. He said yes, he could.

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

Commissioner Rogers made a motion that the Planning Commission approve a Conditional Use Permit to allow an auto sales business at the property addressed 4205 South Commerce Drive Unit #5, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall maintain four (4) parking spaces as display space for vehicles.
3. The applicant shall comply with all applicable zoning standards as adopted in Title 17, Zoning.
4. The project shall comply with all applicable building and fire code standards.
5. Prior to business license approval, the applicant shall obtain permits for any new attached or detached signs proposed for the business.
6. The property owner shall work with Community and Economic Development staff to bring the Commerce Drive frontage landscaping into compliance with Chapter 17.68 Landscape Requirements. Landscaping shall be installed prior to issuance of a business license for the use, or a performance security and deferral agreement shall be provided to the City which shall guarantee completion of all unfinished improvements.

Seconded by Commissioner Hacker.

A Hacker  
A Hristou  
A Klinge

A     Pehrson  
A     Richards  
A     Rogers

Motion passes: 6-0

#### ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on June 5, 2025, at 6:30 p.m. MDT in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

#### ADJOURNMENT

Chair Richards adjourned the meeting at 6:45 p.m. MDT.

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

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

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Zachary Smallwood, Planning Division Manager  
Community & Economic Development Department

## MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

**PROJECT NAME:** Gold Wheels  
**PROJECT NUMBER:** 25-042  
**APPLICANT:** Mohamd Murad  
**APPLICATION TYPE:** Conditional Use Permit

### **I. REQUEST:**

The applicant is requesting an amendment to an approved Conditional Use Permit to allow an auto sales business.

### **II. MUNICIPAL CODE AUTHORITY:**

Section 17.152.030. of the Murray City Land Use Ordinance allows auto sales businesses (LU #5511) within the M-G zoning district subject to Conditional Use Permit approval.

### **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.** The minutes of the public meeting held by the Planning Commission on May 15, 2025 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 use for an auto sales business (LU #5511), is allowed in the M-G Manufacturing General Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and

property will comply with the standards of the Murray City Land Use Ordinance.

3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

## **VI. DECISION AND SUMMARY**

The Planning Commission **APPROVED** the request for Conditional Use Permit on the property. The vote was 6-0 with Commissioners Richards, Rogers, Pehrson, Hacker, and Klinge in favor and none opposed. The approval is contingent on the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall maintain four (4) parking spaces as display space for vehicles.
3. The applicant shall comply with all applicable zoning standards as adopted in Title 17, Zoning.
4. The project shall comply with all applicable building and fire code standards.
5. Prior to business license approval, the applicant shall obtain permits for any new attached or detached signs proposed for the business.
6. The property owner shall work with Community and Economic Development staff to bring the Commerce Drive frontage landscaping into compliance with Chapter 17.68 Landscape Requirements. Landscaping shall be installed prior to issuance of a business license for the use, or a performance security and deferral agreement shall be provided to the City which shall guarantee completion of all unfinished improvements.

**FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION  
THIS 5th DAY OF June, 2025.**

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Michael Richards, Chair  
Murray City Planning Commission

## MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

**PROJECT NAME:** Aloha Tattoos  
**PROJECT NUMBER:** 25-046  
**APPLICANT:** Aloha Tattoos LLC  
**APPLICATION TYPE:** Conditional Use Permit

### **I. REQUEST:**

The applicant is requesting Conditional Use Permit approval to allow a tattoo business within the C-D Zone on the property located 6657 South State Street, #6.

### **II. MUNICIPAL CODE AUTHORITY:**

Section 17.160.030 of the Murray City Land Use Ordinance allows the sale and storage of recreational vehicles (LU #6295) within the C-D zoning district subject to Conditional Use Permit approval.

### **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.** The minutes of the public meeting held by the Planning Commission on May 15, 2025 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 use for a tattoo business (LU #6295), is allowed in the C-D Commercial Development Zoning District subject to Conditional Use Permit approval.

2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

## VI. **DECISION AND SUMMARY**

The Planning Commission **APPROVED** the request for site plan approval on the property. The vote was 6-0 with Commissioners Richards, Rogers, Pehrson, Hacker, and Klinge in favor and none opposed. The approval is contingent on the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall obtain a building permit prior to any remodeling that may occur.
3. The project shall comply with all applicable building and fire code standards.
4. The applicant shall obtain permits for any new attached or detached signs proposed for the business.beginning operations at this location .

**FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION  
THIS 5th DAY OF June, 2025.**

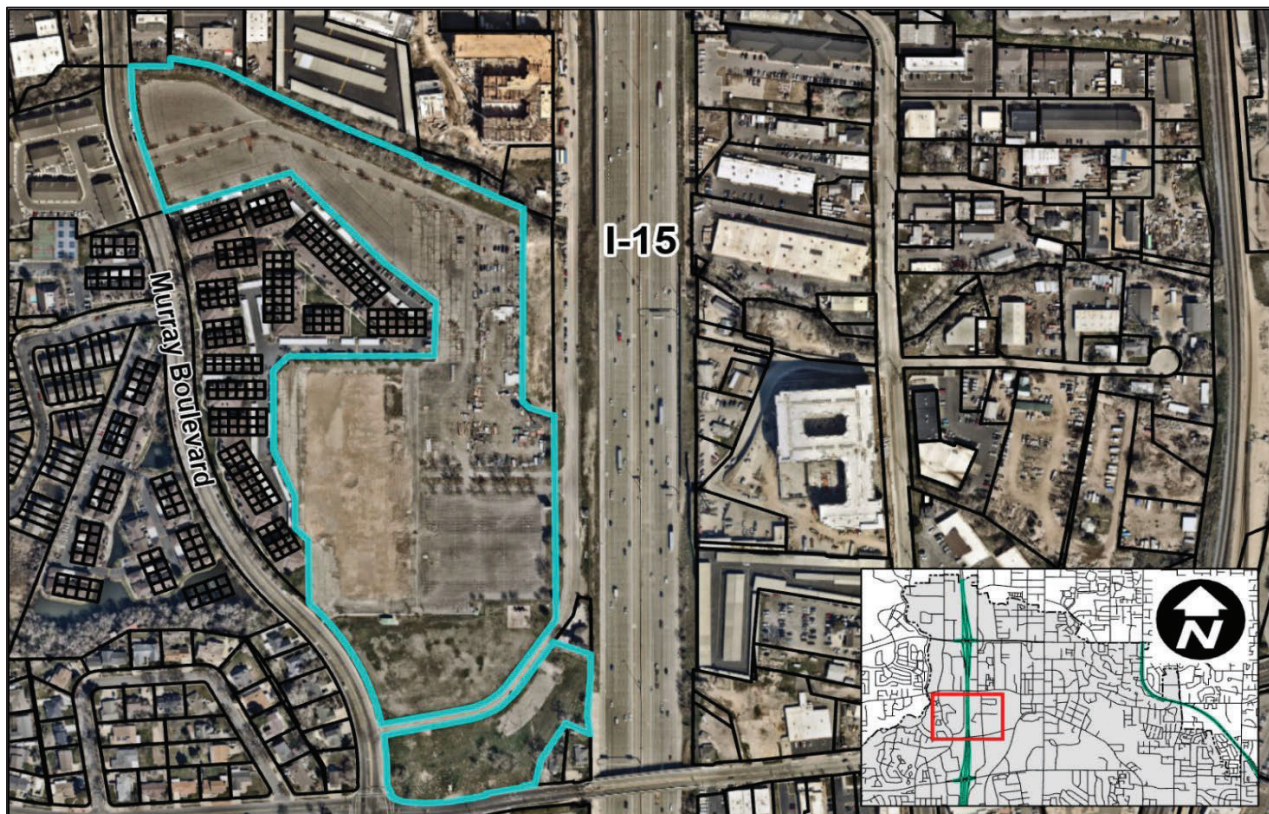
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Michael Richards, Chair  
Murray City Planning Commission



## AGENDA ITEM # 04 - 49<sup>th</sup> Street Galleria Subdivision

<b>ITEM TYPE:</b>	Preliminary and Final Subdivision Approval		
<b>ADDRESS:</b>	4998 S. Galleria Drive	<b>MEETING DATE:</b>	June 5, 2025
<b>APPLICANT:</b>	Tyler Morris (Cottonwood Residential)	<b>STAFF:</b>	David Rodgers, Senior Planner
<b>PARCEL ID:</b>	21-12-176-016	<b>PROJECT NUMBER:</b>	25-052
<b>ZONE:</b>	MCMU, Murray Central Mixed Use		
<b>SIZE:</b>	26.07		
<b>REQUEST:</b>	The applicant is requesting Preliminary and Final Subdivision approval for the 49 <sup>th</sup> Street Galleria Subdivision, to separate the townhome portion of the project from the rest of the property.		



## I. LAND USE ORDINANCE

Title 16, Subdivision Ordinance, Section 16.04.040(F) requires the applications for subdivision of property to be reviewed and approved by the Murray City Planning Commission as the land use authority.

The proposed subdivision has been designed to meet the requirements of the Murray Central Mixed Use (MCMU) Zone as described in the staff report.

## II. BACKGROUND

### Project Location

The subject property is located on 4998 S. Galleria Drive. This is located via Murray Boulevard and Galleria Drive. There is also an access to the north off 4800 south. The property is approximately 26.07 acres in size.

### Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Industrial/Commercial	MCMU
South	Office, General	G-O
East	Residential/Commercial	MCMU
West	Residential, Single & Multi Family	R-1-8/MCMU

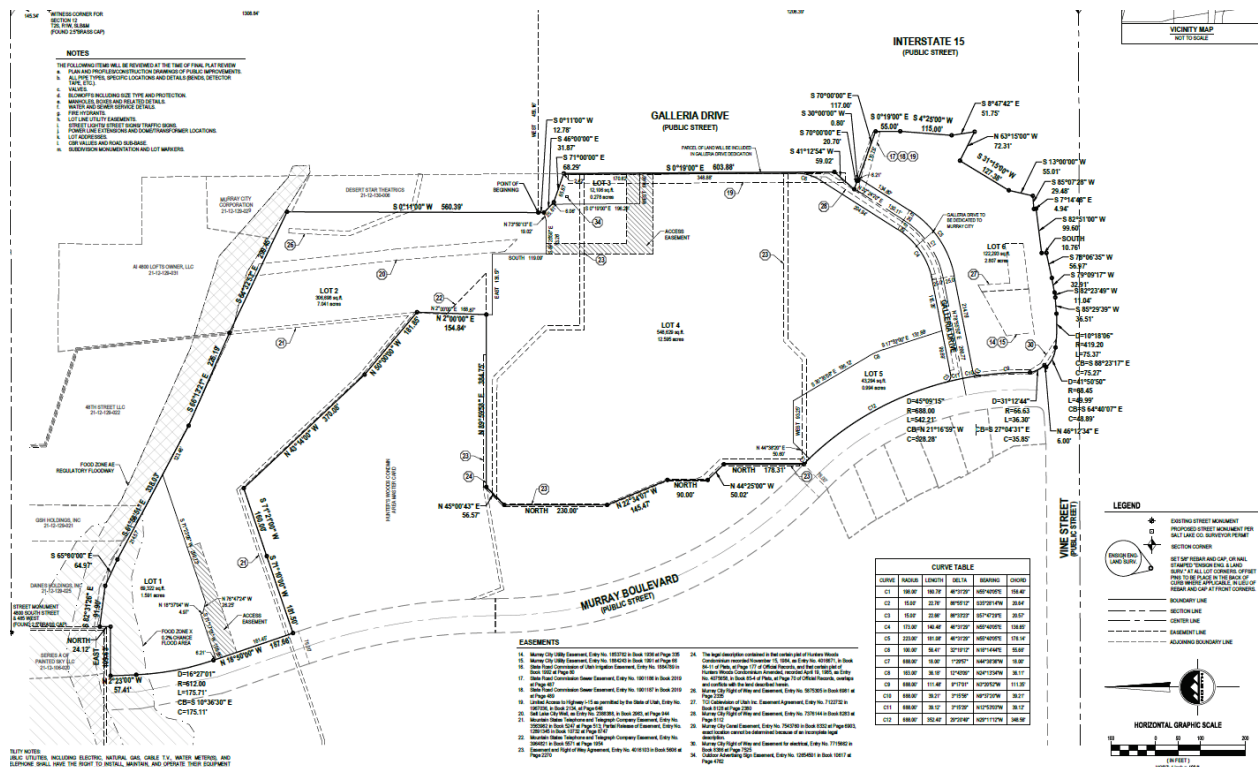
### Project Description

The 49<sup>th</sup> Street Galleria Subdivision is proposed to be divided into six (6) lots. The Master Site Plan for this property was approved at the August 1<sup>st</sup>, 2024, Planning Commission meeting with a vote of 6-0. It calls for a mixed-use development that includes 639 housing units and 18,900 sq. ft. of commercial space. The primary reason for the subdivision is for the property owner to sell off a portion of the property (Lot 2) to an interested party to develop the townhome portion of the overall development.

### Process

The application before the Planning Commission is for Preliminary and Final Subdivision approval. If the Planning Commission approves the application, the applicant will work with the Engineering Division to complete a Final Plat. When the final subdivision is approved and the Final Plat has been accepted by the City Engineer, it will be circulated for signatures of approval which will allow the recordation of the Plat at the Salt Lake County Recorder's Office.





## Lot Area, Width, Setbacks, and Height Standards

The 49<sup>th</sup> Street Galleria subdivision has been designed to meet the requirements of the MCMU Zoning District Chapter 17.146. Staff reviewed the Plat and finds that the proposed plat matches the approved master site plan for the site and that all requirements can be met on the proposed lots.

## Access & Public Improvements

The proposed subdivision will be accessed from Galleria Drive and Murray Boulevard. The Site has sufficient access for the subdivision as determined by the master site plan review for the proposed development.

## Public Utilities

All new public utilities will be located in the public right-of-way, and each lot will provide utility easements for provision of public and private utilities. Reviewing departments did not have substantial concerns that cannot be addressed in final review of the subdivision.

### III. STATE AND MUNICIPAL CODE REVIEW STANDARDS

Murray City Code Title 16, Subdivision Ordinance, outlines the requirements for subdivision

review. Utah State Code (10-9a-604) states that a subdivision plat may not be recorded until approved by the land use authority of the City. The Planning Commission's role as the land use authority is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission makes investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Title 17 of City Code, and other pertinent documents as it deems necessary.

The Planning Commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, such as noncompliance with City regulations, questionable or undesirable design and/or engineering. The subdivider shall be notified in writing of the action taken by the findings of the Planning Commission regarding the submitted preliminary plat.

#### **IV. CITY DEPARTMENT REVIEW**

A Planning Review Meeting was held on May 20<sup>th</sup>, 2025, where the 49<sup>th</sup> Street Galleria Subdivision application was reviewed by Murray City department staff. The following comments have been provided:

##### Murray City Engineering Division:

1. Meet City subdivision requirements and standards – City Code Title 16.
2. Provide Galleria Drive dedication – City Code 17.76.120
3. Address all engineering and survey review comments prior to printing the plat to mylar.

##### Murray City Wastewater Division:

Overall approve of the subdivision moving forward. But previous comments from review on 7.16.24 listed below will need to be addressed before construction.

- This plan set does not include sheet C-304 which includes phase 4 podium component.
- Sheet C-304 UP- New 15" sewer main on Southwest corner of development must be moved out into Murray Blvd. This will not be allowed to be ran through the private property.
- Must be a minimum of 20 FT of separation between the corner of the building and the existing sewer line that will remain in Vine Street.
- All manholes should be called out with sizing 5FT vs. 4 FT.
- Utility sheets must show where building connections will tie in to the main
- All utility work must be completed at the beginning of the project including phase 4 sewer work.
- Include note on Utility sheets all sewer work must meet Murray City Wastewater Standards and include all details directly from Murray Wastewater Specification book.
- <https://www.murray.utah.gov/DocumentCenter/View/14929/Revised-Wastewater-Spec-Book-2023>

Murray City Building Division:

Building departments comments are to obtain all proper building permits for all buildings/Structures.

Murray City Power Department:

The developer must meet with Murray City Power to discuss planning the new power service and equipment placement to the building(s), with additional line extension costs to provide service. This project will require extensive planning for the future underground power system, as well as the removal/relocation of existing primary underground throughout the development. We will want to meet with the developer to get their input/thoughts for equipment placement.

There may also be some conflict between one or more of the proposed building footprints, and the existing underground power lines currently in those areas that will need to be addressed.

The developer must meet all Murray City Power Department requirements and the current NESC/NEC code and provide the required easement/ safety clearance(s) for equipment and Power lines.

*Please contact John Galanis 801-264-2723 for meter placement on the building.*

Murray City Fire Department:

- Where vertical distance between grade plan and highest roof surface exceeds 30' shall have 26' road width for aerial apparatus access.
- Maintain fire lane width 26' with signage and enforcement.
- Dead end access roads in excess 150 ft shall be provided an approved turn around. Fire apparatus road shall extend to within 150 ft of all portions of facility and all portions of exterior walls. One or more of the access routes shall be located not less than 15 ft and not greater than 30 ft.
- Attachment of fire apparatus turn radius provided for fire department access roads.
- Fire alarm/sprinkler and standpipe plans 3rd party review required prior submittal to Murray City Fire Marshals office.
- Fire sprinklers for heights 30 ft or more above fire department vehicle access. Knox box required. Outside door riser room, outside strobe and horn riser room with signage. Locking caps on fdc and standpipe valves.
- Fire hydrant within 100' FDC Standpipe valves preferred mid-landing stairwell.
- Approved in-building, two-way emergency responder communication coverage.
- No combustible construction materials permitted onsite until compacted road base and hydrants in place.
- Please refer to IFC 2021, and applicable NFPA's for code referencing standards.

Murray City Water Department:

- All water utility work must follow Murray City Water Specification and Requirements. <https://www.murray.utah.gov/DocumentCenter/View/16107/2024-Water-Specifications-Requirements>
- Developers survey of existing water utilities is still incorrect. Most of the tie-in locations on the private line which is owned by Hunters Woods Apartments cannot be performed as shown.
- Any connection to the privately owned water main must be agreed upon by the owner of the water infrastructure.

The preceding comments are addressed as conditions of approval in the final section of this report.

## V. PUBLIC COMMENTS

One Hundred and thirty-seven (137) notices of the public hearing were sent to all property owners and affected entities located within 400 feet of the subject property. As of the date of this report, staff has received one phone call asking clarifying questions about the application.

## VI. FINDINGS

Based on the analysis of the 49<sup>th</sup> Street Galleria Preliminary and Final Subdivision review and a survey of the surrounding area, staff concludes the following:

1. With conditions, the proposed subdivision complies with the standards of the Murray City Subdivision Ordinance.
2. The proposed lots comply with the development standards for properties located within the MCMU Zone of the Murray City Land Use Ordinance.
3. The proposed subdivision is in harmony with the purpose and intent of the Murray City General Plan, providing additional opportunities for appropriate residential development in the area.

## VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission Preliminary and Final Subdivision Approval for the 49<sup>th</sup> Street Galleria Subdivision on the properties addressed 4998 South Galleria Drive** subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - (a) Meet City subdivision requirements and standards – City Code Title 16.
  - (b) Provide Galleria Drive dedication – City Code 17.76.120
  - (c) Address all engineering and survey review comments prior to printing the plat to mylar.

2. The project shall meet all applicable fire code standards and provide adequate numbers and placement of hydrants.
3. The subdivision shall include the installation of street lighting in accordance with Murray City Power Department standards.
4. All lots within the subdivision shall comply with the standards for lots in the MCMU Zone as outlined in Chapter 17.146 of the Murray City Land Use Ordinance.
5. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
6. The applicant shall meet all Water and Wastewater Department requirements.
7. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.



## Application for Preliminary Subdivision

### About the Application

Thank you for your interest in submitting a Preliminary Subdivision Plat application. The following packet will provide general information to get started on your project and guide you through the application process from start to finish. The package is broken down into three sections: Information about the application, a visual diagram of the application process, and the application form.

We highly encourage you to work with our Planning staff prior to submitting an application. For questions regarding any of the information listed in this packet or to set up a pre-submittal meeting please contact us at [planning@murray.utah.gov](mailto:planning@murray.utah.gov) or give us a call at (801) 270-2430.

### Submittal:

Applications for a preliminary subdivision review may be submitted to the Murray City Community & Economic Development Department, located at 10 East 4800 South Suite 260. Planning staff will review the application and obtain payment after the application has been deemed complete. Planning staff has up to fifteen (15) business days to determine if the application is complete. Applicants will be notified in writing of an incomplete application with information required to correct any deficiencies. This may delay processing of the application and, if required, subsequent scheduling of public hearings.

### Application Fee (non-refundable):

- Planning Division Fees
  - Lot split (2 lots): \$450.00
  - More than 2 lots: \$500.00 plus \$50.00/lot
  - Amended plat: \$300.00
  - Subdivision Vacation: \$200.00
- Engineering Fees
  - Lot Split: \$300.00
  - Subdivision: \$500.00 plus \$100.00 per lot
  - PUD – Detached SFD \$500.00 plus \$100.00 per lot
  - PUD – Attached SFD \$500.00 plus \$50.00 per lot
  - Condominium: \$500.00
  - Amended plat: \$300.00 plus \$50.00 per lot

**\*\* Construction Inspection and Stormwater Impact Fees will be collected at Final Plat Approval \*\***

### Application Process:

**Step 1. Contact the Planning Division:** Meet with a Murray City staff planner to discuss the subdivision proposal. Staff will provide information describing the legal requirements of the City (i.e. lot size, access, etc.) necessary to subdivide property. The applicant should also discuss with staff the subdivision process, fees and other potential issues associated with the proposed subdivision. The planning staff and all other officers and employees of the city act in an advisory capacity to the Planning Commission and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.

**Step 2. Submit Application.** For all Preliminary Subdivision applications, please submit the following information, ensuring each item is either checked off or marked 'NA' if not applicable. For each item submitted, include at least one

(1) 11x17 inch copy (or larger if requested by staff) and a digital PDF. The preliminary plat and related documents shall be prepared by a licensed surveyor.

Follow the Checklist below **CAREFULLY** and initial each item as being completed, or put N/A if waived by staff or not applicable to the approval process:

#### Format and General Items

1. TM All engineering and/or surveying documents stamped by engineer or land surveyor in accordance with the procedures of the Utah State Board of Professional Registration.
2. TM A title block showing:
  - a. TM Name of the subdivision.
  - b. TM Type of development (residential, commercial, PUD, etc.).
  - c. TM Name and address of owner of record, developer, and designer.
  - d. TM Name and address of engineer or land surveyor
  - e. TM Date of preparation.
  - f. TM Tabulation of acres, lots, open space, and units per acre.
3. TM Graphic and written scale at no more than one (1) inch equals one hundred (100) feet or as recommended by City Engineer.
4. TM North arrow.
5. TM Township and Range, section lines, and other monuments.
6. TM Vicinity map at a scale of one (1) inch equals one thousand (1,000) feet.
7. TM Topographic contour intervals of no greater than two (2) feet, unless otherwise stipulated by City Engineer.
8. TM Surveyed boundary of the subdivision.
9. TM Location and names of adjacent properties/property owners and platted subdivisions.
10. TM Location of zoning boundary lines within and adjacent to the proposed subdivision.
11. TM Location, height and type of existing fence lines within and contiguous to the subdivision.
12. TM Location, use, and dimensions of all existing buildings within the proposed subdivision. Indicate which buildings are to remain and which are to be removed.
13. TM Location of all proposed lots including:
  - a. TM Lot dimensions.
  - b. TM Lot frontage.
  - c. TM Lot area (square feet).
  - d. TM Building setback lines (building envelopes).
14. TM Lots consecutively numbered or lettered in alphabetical order.
15. TM Location of existing features within and contiguous to the proposed subdivision including:
  - a. TM Existing public utility easements.
  - b. TM Existing utilities including power lines/poles (must identify ownership of lines as Murray or Rocky Mountain Power), telephone, cable, gas, fiber optic, etc. Indicate whether they are to remain or be relocated. If they are to be relocated, show the proposed new location.
  - c. TM Irrigation ditches.
  - d. TM Drain pipes, drainage channels, and culverts.
  - e. TM Railroads.
  - f. TM Bridges.
  - g. TM Water bodies, springs, or water sources within twenty-five hundred (2,500) feet.
  - h. TM Wells (show and label whether the well is to remain or be abandoned – if the well is to be abandoned, add a note on the plans stating “existing well to be abandoned and capped by a certified well driller and documentation provided to Murray City”).
  - i. TM Equestrian, pedestrian, and bicycle trails.



33. TM A written statement from the appropriate agency accepting responsibility for all surface and subsurface drainage, which is directed into channels owned, by the agency (such as irrigation companies, private land owners, etc.).
34. TM Letter(s) of intent for any necessary offsite drainage easements across privately owned land.
35. TM Drainage Report section describing how Low Impact Development (LID) is being incorporated into the site and how storm water quality will be improved.
36. TM Storm Water Pollution Protection Plan (SWPPP).
37. TM Geotechnical Report.

#### Irrigation Ditches

38. TM A written statement from the appropriate agency (such as irrigation companies, private land owners, etc.) regarding the effect of the proposed subdivision on any irrigation channels or ditches and any piping or other mitigation required.
39. TM The location, size, and grade of any required piping for irrigation ditches as per the irrigation company letter.

#### Sensitive Lands

40. TM Identification of natural features or sensitive lands including, but not limited to:
- a. TM Wetlands.
  - b. TM Floodplains, floodways, and areas that would be covered in water in a 100-year storm event.
  - c. TM Areas where ground water rises periodically to within two (2) feet of the surface of the ground.
  - d. TM Slopes exceeding thirty (30) percent.
  - e. TM Vegetation areas (including name and size of all existing trees and shrubs which could be incorporated into the subdivision).
  - f. TM Threatened or endangered species habitat areas.
41. TM A letter from the Army Corps of Engineers regarding any wetland areas within boundaries of the proposed plat.

#### Buffering

42. TM The proposed treatment of the perimeter of the development, including materials and techniques used such as:
- a. TM Fences.
  - b. TM Berms.
  - c. TM Walls / Retaining Walls.

#### Required Notes

43. TM Provide a note on the Preliminary Plat which states that the following items will be reviewed at the time of Final Plat review (because these items will be reviewed with the final plat, do not show them on the Preliminary Plat):
- a. TM Plan & profiles/construction drawing of public improvements.
  - b. TM All pipe types, specific locations & details (bends, detector tape, etc.).
  - c. TM Valves.
  - d. TM Blowoffs including size type & protection.
  - e. TM Manholes, boxes, and related details.
  - f. TM Water & sewer service details.
  - g. TM Fire hydrants.



16. TM Location and dimensions of any common space or open space areas including property to be set aside for parks, playgrounds, trails, or other public or private uses, with a designation of the purpose of those areas, and conditions, if any, of the dedication or reservation.
17. N/A Location and extent of all cuts and fills exceeding three (3) feet anywhere on the project site and any associated retaining walls.

### Roads

18. TM The location and width of all existing and proposed roads, rights-of way, alleys, and other public ways (all main roads must comply with the Murray City Master Transportation Plan & Specifications).
19. TM Cross sections of all existing and proposed roads (include road dimensions and location of utilities within the road.)
20. N/A Proposed names of all new roads/private access ways.
21. TM Location of all existing and proposed curb, gutter, and sidewalk within the subdivision including:
- a.        An indication of the grades.
  - b.        Flow arrows showing direction of storm water surface flows.
22. TM Location of any necessary temporary turnaround easements for emergency access on dead end roads.
23. TM Provide a circulation plan that includes information on cul-de-sac lengths, block lengths, and connectivity index.
24. TM Not more than 30 single-family dwellings or 100 multi-family units off a single point of access and provision for future access to adjacent vacant parcels
25. TM Street intersection offsets of not less than 150 feet
26. TM If adjacent to a state road specify UDOT access size and location (UDOT approval will be required at final plat).

### Water/Sewer

27. TM Location and size of existing and proposed culinary and pressure irrigation water lines (including existing lines adjacent to and/or affected by the proposed subdivision). Show main lines only. Do not show proposed valves, blowoffs, hydrants, pipe types or other related details. These items will be reviewed with the final plat.
28. TM Location of existing and proposed sewer main lines including size, depth, and slope (show any sewer lines adjacent to or affected by the proposed subdivision).
29. TM Letter(s) of intent for any necessary offsite water or sewer easements across privately owned land.

### Grading and Drainage

30. TM Drainage system calculations and an explanatory narrative stamped and signed by a licensed engineer.
- a. TM Use Murray City rainfall curves in the drainage study and calculate to 100-year floods (attach Murray City rainfall curves to drainage calculations).
  - b. TM For detention basins, submit calculations to justify sizing based on 100-year design storm.
31. TM Existing and proposed storm drainage improvements including:
- a. TM Major drainage facilities, outfalls, and discharge.
  - b. TM Drainage pipe locations, sizes, and depths.
32. TM Location of detention/retention basins with proposed landscaping will include the following:
- a. TM Minimum 1-foot freeboard.
  - b. TM 3:1 slopes or flatter.
  - c. TM Underground sprinkler system.
  - d. TM Designation of the purpose and conditions, if any, of the dedication or reservation.

- h. JM Lot line utility easements.
- i. JM Street lights/street signs/traffic signs.
- j. JM Power line extensions & dome/transformer locations.
- k. JM Lot addresses.
- l. JM CBR values and road sub-base.
- m. JM Subdivision monumentation and lot corner markers.

#### **Other Required documents**

- 44. JM A surveyor's plat showing existing fence lines, existing deed lines, existing road rights-of-way and ROW widths, and proposed subdivision boundary lines shall be included with each set of the preliminary subdivision plans.
- 45. JM If the subdivision is proposed as a PUD, the applicant must complete an application for PUD and provide detailed information regarding proposed features including building elevations, materials, and amenities.
- 46. JM Landscaping plan for all park, open space, and common ownership areas including:
  - a. JM Location, name, and size of all proposed trees, shrubs, and plants.
  - b. JM Indication of proposed seed mix for grass areas.
  - c. JM Indication of proposed irrigation facilities (underground sprinkler system).
  - d. JM Location of the clear view area at all street intersections (a triangular area formed by a line connecting the property lines at points 25 feet in each direction from the intersection) and an indication that no landscaping or other obstruction in excess of three (3) feet above finished grade shall be allowed in the clear view area.
- 47. JM A development phasing schedule (if applicable) including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open spaces.
- 48. JM Applicant and/or Applicant's engineer/surveyor has purchased the latest Murray City Design Standards and Public Improvements Specifications Manual.
- 49. JM Applicant and/or Applicant's engineer/surveyor has reviewed Murray City's existing and master plan utility maps (available for review or purchase at the Planning Division Office).
- 50. JM Traffic Study conducted by a licensed traffic engineer.

**Step 3. Murray City Department Review:** The application is routed to various departments and divisions within Murray City who provide insight or information to the Planning Commission to help make an informed decision. If there are unique circumstances that require additional information, a meeting may be requested by the City to be held in person on Tuesday's at 9 am. The applicant will be notified ahead of time if attendance is required.

**Step 4. Attend Planning Commission Meeting:** The applicant will be sent a copy of the planning commission agenda and staff recommendation in advance of the meeting date. The agenda will give the date, time, and location of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If the applicant or the representative is not present, the Planning Commission may move on to the next agenda item and/or may take no action on the application. It is the applicant's responsibility to reschedule another hearing date. The applicant should be prepared to present the proposal in detail and answer questions from the Planning Commission members and other interested parties. The Planning Commission will then make a motion to approve, modify the conditions, continue the application or deny the request.

**Appeal of Planning Division Decision:** Anyone aggrieved with a decision of the Planning Division may appeal the decision to the Hearing Officer. The appellant may be the applicant, neighboring property owner, or the City itself. Appeals must be in writing and received by the Planning Division within ten (10) calendar days of the Planning

Commission or Division's written decision. Appeals must contain all pertinent documents and state the reason(s) for the appeal. Payment of a fee is required at the time of filing.

## PRELIMINARY SUBDIVISION APPLICATION

Name of Proposed Subdivision: 49th Street Galleria Subdivision

Project Address: 4998 S Galleria Drive

Parcel Identification (Sidwell) Number: 21-12-176-016

Parcel Area(acres): 26.07 Zoning District: MCMU Total # of Lots: 6

### Applicant Information

Name: Cottonwood Residential

Mailing Address: 1245 Brickyard #250 City: Millcreek State: UT ZIP: 84106

Phone #: 801-826-4946 Fax #: NA Email Address: TMORRIS@COTTONWOODRES.COM

### Property Owner's Information (If different)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email Address: \_\_\_\_\_

### Licensed Engineer Information

Name: ENSIGN

Mailing Address: 45W 10000S #500 City: Sandy State: UT ZIP: 84070

Phone #: 801-335-0529 Fax #: \_\_\_\_\_ Email Address: BMORRIS@ensignutah.com

Authorized Signature: Tyler Mauer Date: 04/30/25

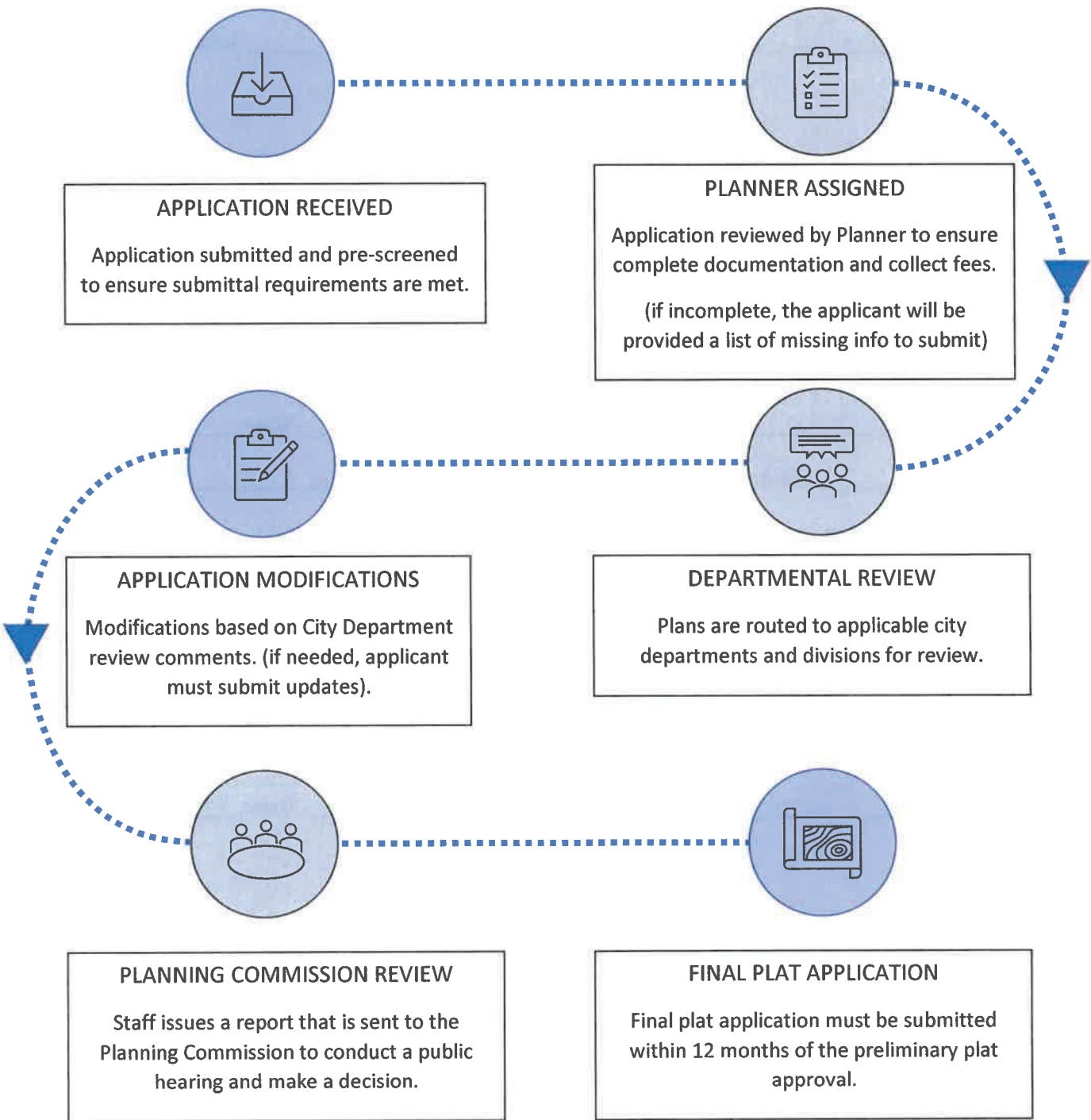
### **For Office Use Only**

Project Number: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

Planner Assigned: \_\_\_\_\_

# PROCESS TIMELINE

- Applicant
- Staff





Property Owners Affidavit

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

Adam Larson

Owner's Signature Adam Larson, CFO

Owner's Signature (co-owner if any)

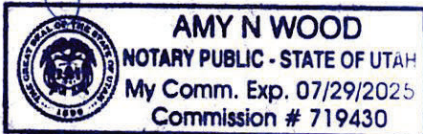
State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 12<sup>th</sup> day of May, 2025 by Adam Larson.

Amy N Wood  
Notary Public



Residing in Salt Lake City, UT

My commission expires: 7.29.2025

Agent Authorization

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

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

§

County of Salt Lake

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

Notary public

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_



## NOTICE OF PUBLIC HEARING

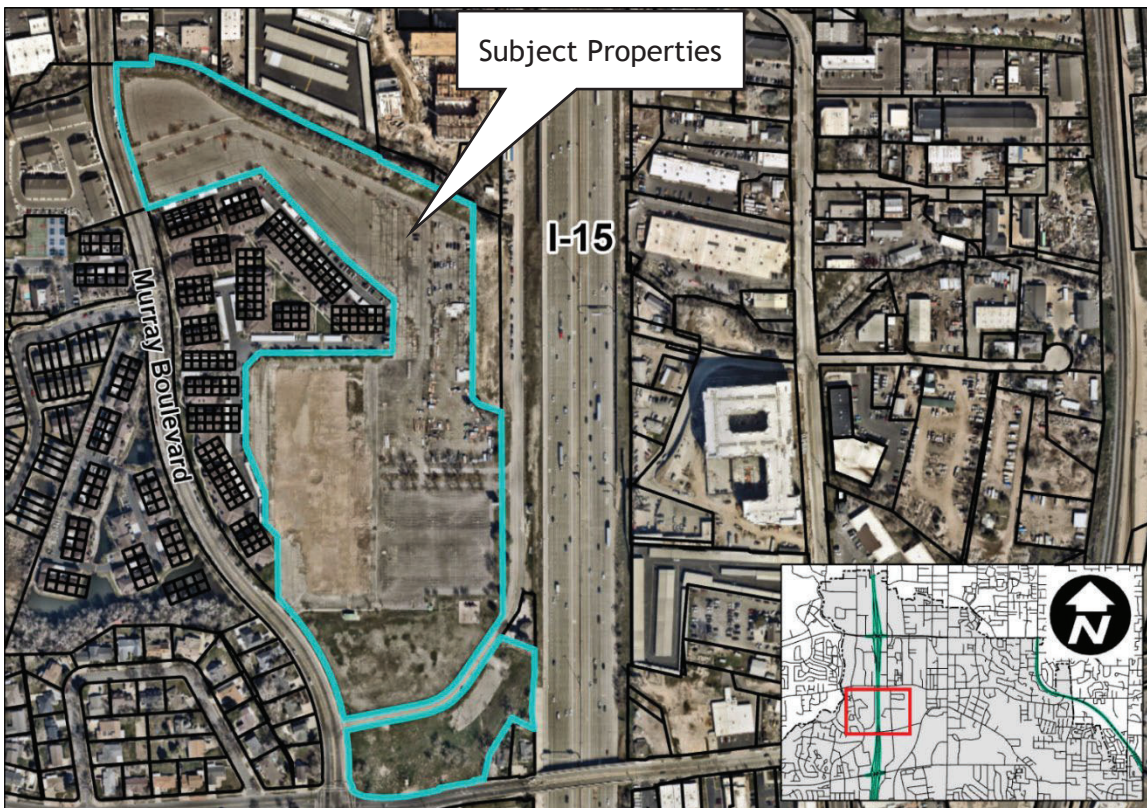
June 5<sup>th</sup>, 2025, 6:30 PM

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

**Cottonwood Residential** is requesting to **preliminary and final subdivision approval for the 49<sup>th</sup> Street Galleria Subdivision** located at 4998 South Galleria Drive. The proposal is divide the property into six lots.

To make comments regarding this proposal the public may do so at the meeting, by calling Murray City Planning Division at (801) 270-2430, or email [pc@murray.utah.gov](mailto:pc@murray.utah.gov). You have received this notice because you own property within 500 feet of the subject properties.

The meeting will be streamed online, at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/).



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.









AS101

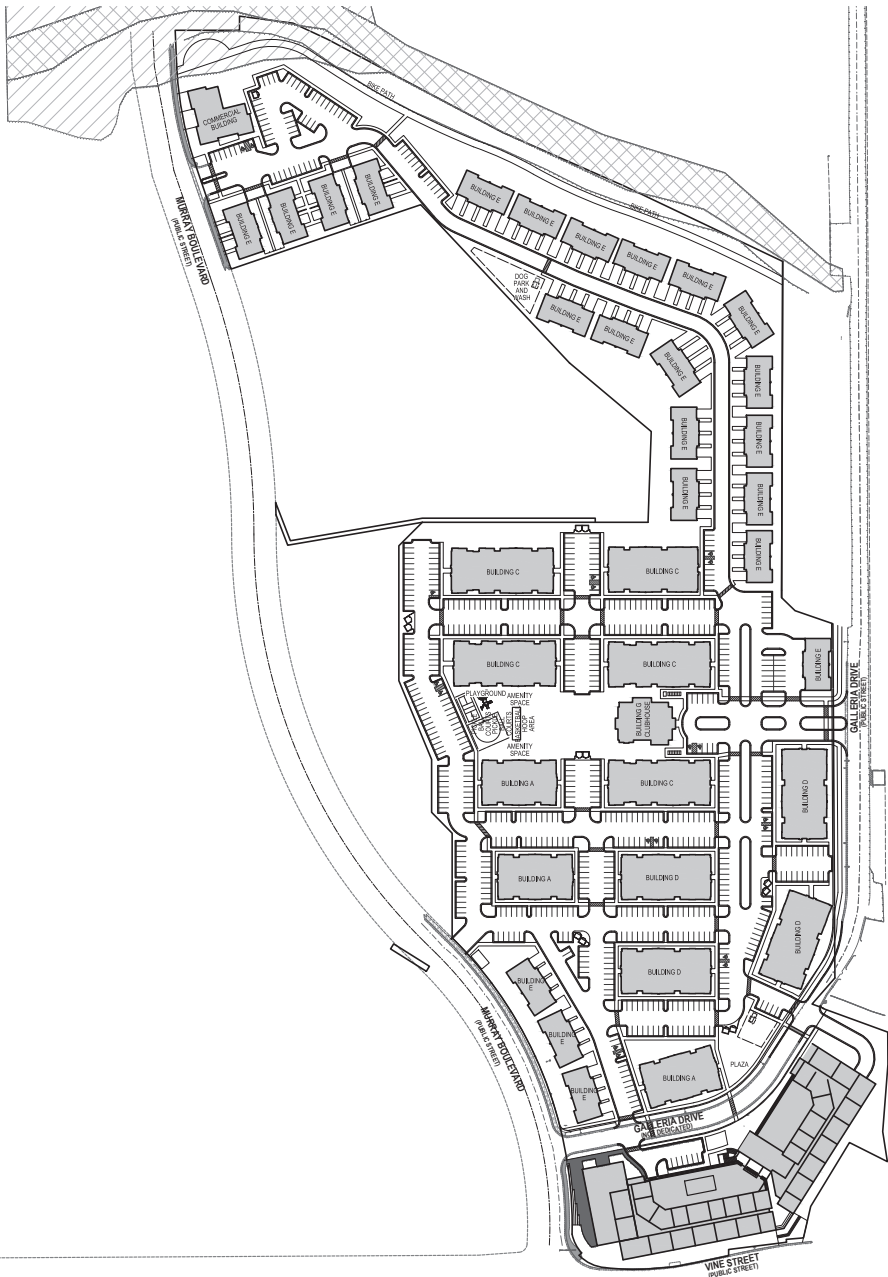






CALL BEFORE YOU DIG

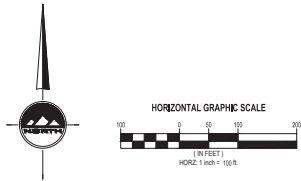
CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.  
Call when you dig.



- GENERAL NOTES**
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  2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
  3. SEE LANDSCAPE ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH, AND SCORE PATTERNS THROUGHOUT SITE.
  4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE MUTCD (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
  5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TREES AND DECORATIVE SHRUBS, SOIL, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
  6. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
  7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.

SITE INFORMATION	
522 TOTAL UNITS. SEE ARCHITECT SITE PLAN FOR UNIT SIZE BREAKDOWN.	

PARKING SUMMARY TABLE	
PARKING REQUIRED - 1,070 STALLS REQUIRED	
SURFACE STALLS	999
ADA STALLS	25
GARAGE/ DRIVEWAY STALLS	96
TOTAL STALLS	1,090





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**CEDAR CITY**  
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**RICHFIELD**  
Phone: 435.896.2983

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**GALLERIA PROPERTY CONCEPT PLAN**

4998 S. GALLERIA DR, MURRAY, UTAH

**OVERALL SITE PLAN**

PROJECT NUMBER  
10653D

PROJECT MANAGER  
B. MORRIS

PRINT DATE  
2024-07-08

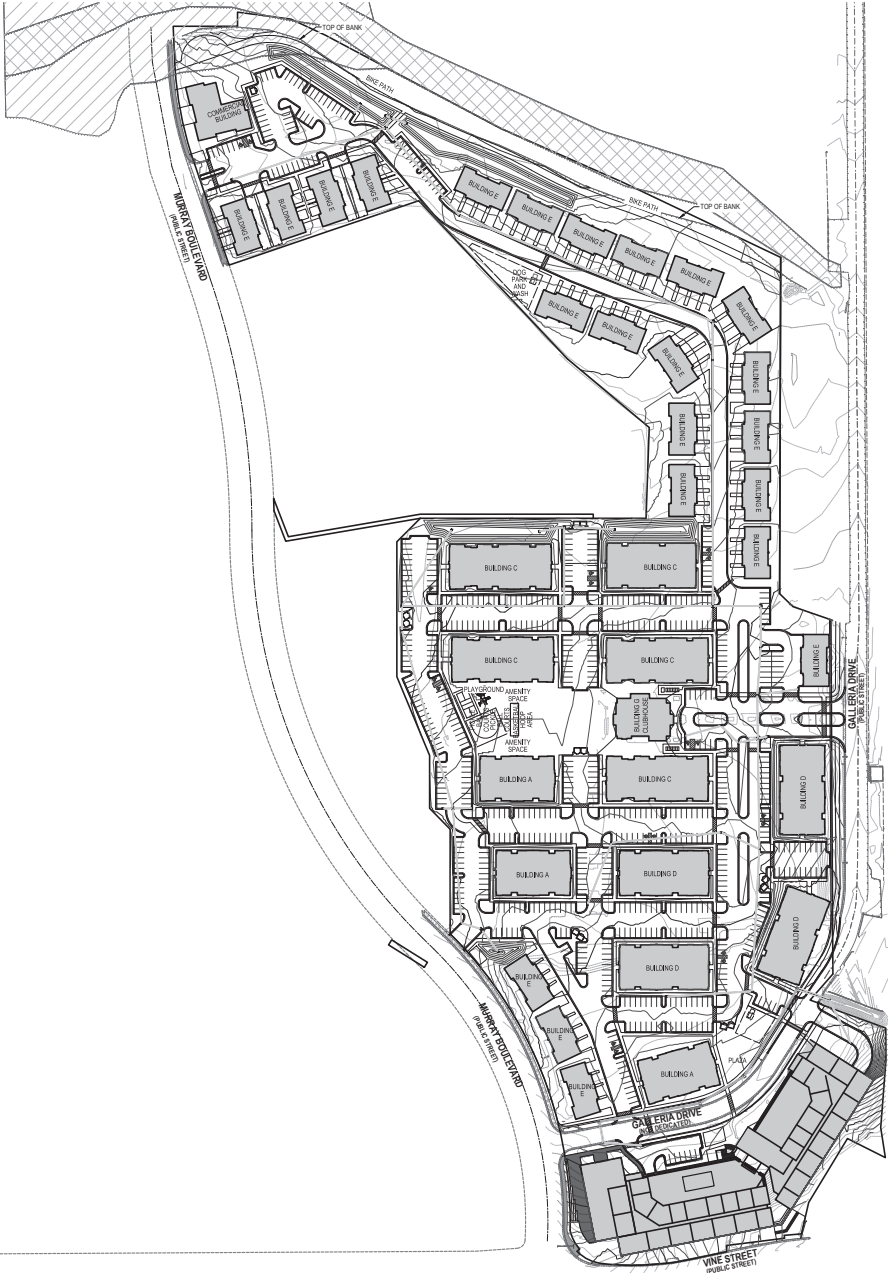
DRAWN BY  
C. CARPENTER

**C-100 SP**

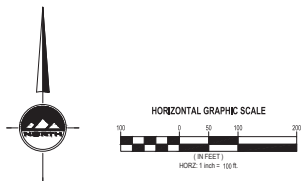
811

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Call before you dig.

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EN SIGN

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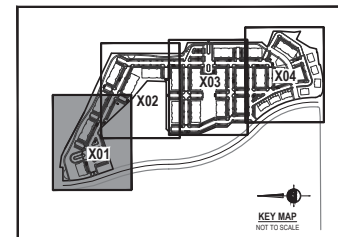
GALLERIA PROPERTY CONCEPT PLAN

4998 S. GALLERIA DR, MURRAY, UTAH

OVERALL GRADING PLAN

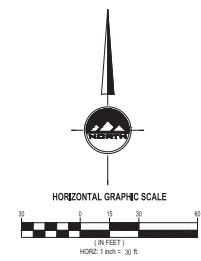
PROJECT NUMBER: 10653D  
PROJECT MANAGER: B. MORRIS  
DESIGNER: C. CARPENTER  
PRINT DATE: 2024-07-08

C-200 GP



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**GALLERIA PROPERTY CONCEPT PLAN**

4998 S. GALLERIA DR, MURRAY, UTAH

**GRADING PLAN**

PROJECT NUMBER 10653D	PRINT DATE 2024-07-08
PROJECT ENGINEER B. MORRIS	DRAWN BY C. CARPENTER
<b>C-201 GP</b>	

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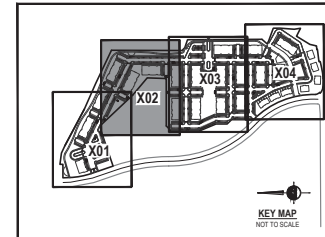
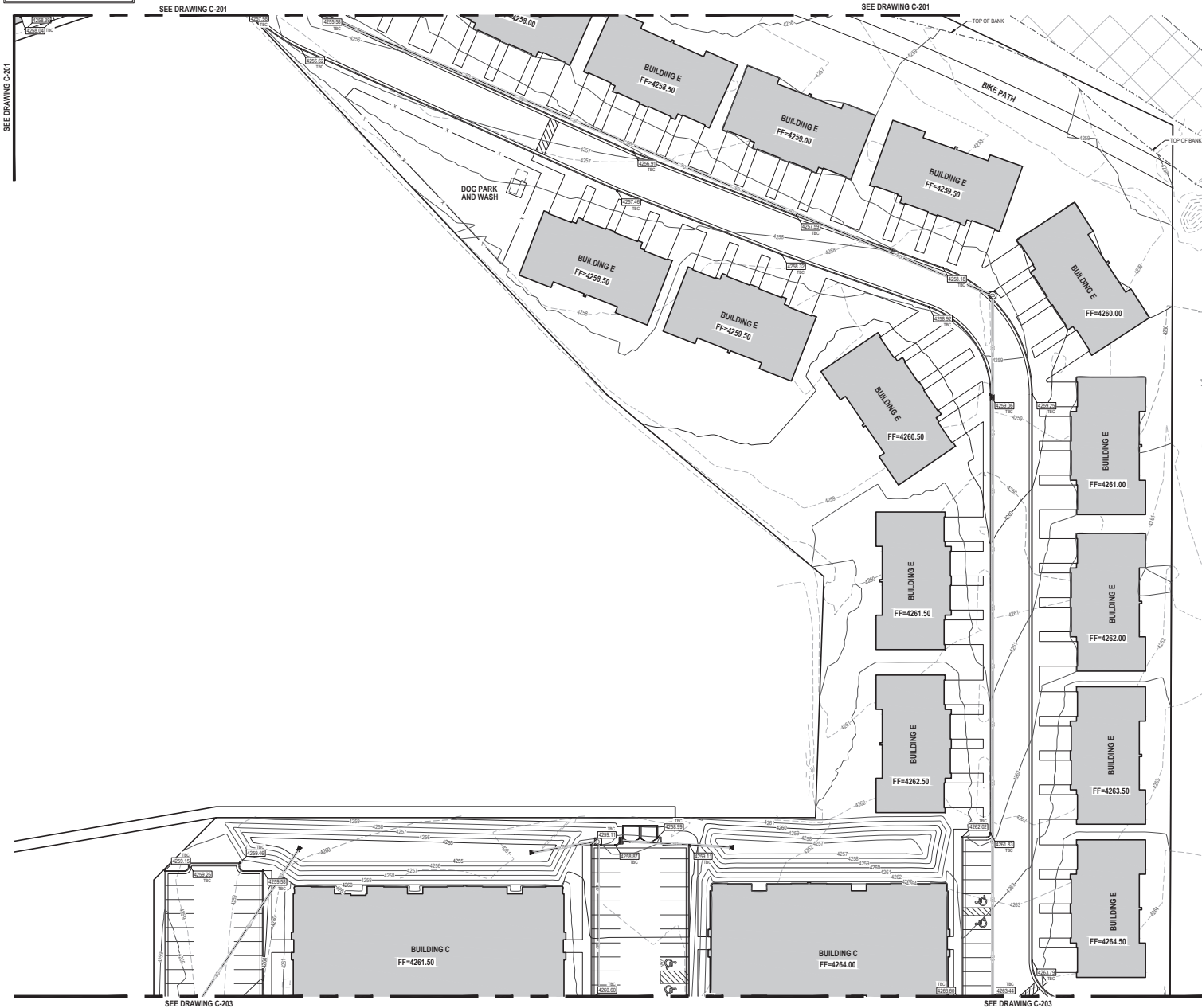
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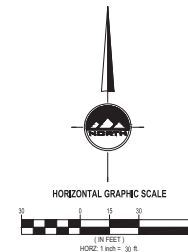
FOR:  
COTTOWOOD RESIDENTIAL,  
146 BRICKYARD RD, SUITE 250  
SALT LAKE CITY, UT 84106

CONTACT:  
TYLER MORRIS  
PHONE: 801.825.9946



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## GALLERIA PROPERTY CONCEPT PLAN

4998 S. GALLERIA DR, MURRAY, UTAH

#### GRADING PLAN

PROJECT NUMBER: 106530  
PROJECT MANAGER: B. MORRIS  
DESIGNED BY: C. CARPENTER

2024-07-08  
C-202 GP



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FOR:  
COTTONWOOD RESIDENTIAL,  
1465 BRICKYARD RD, SUITE 250  
SALT LAKE CITY, UT 84106

CONTACT:  
TYLER MORRIS  
PHONE: 801.635.9565

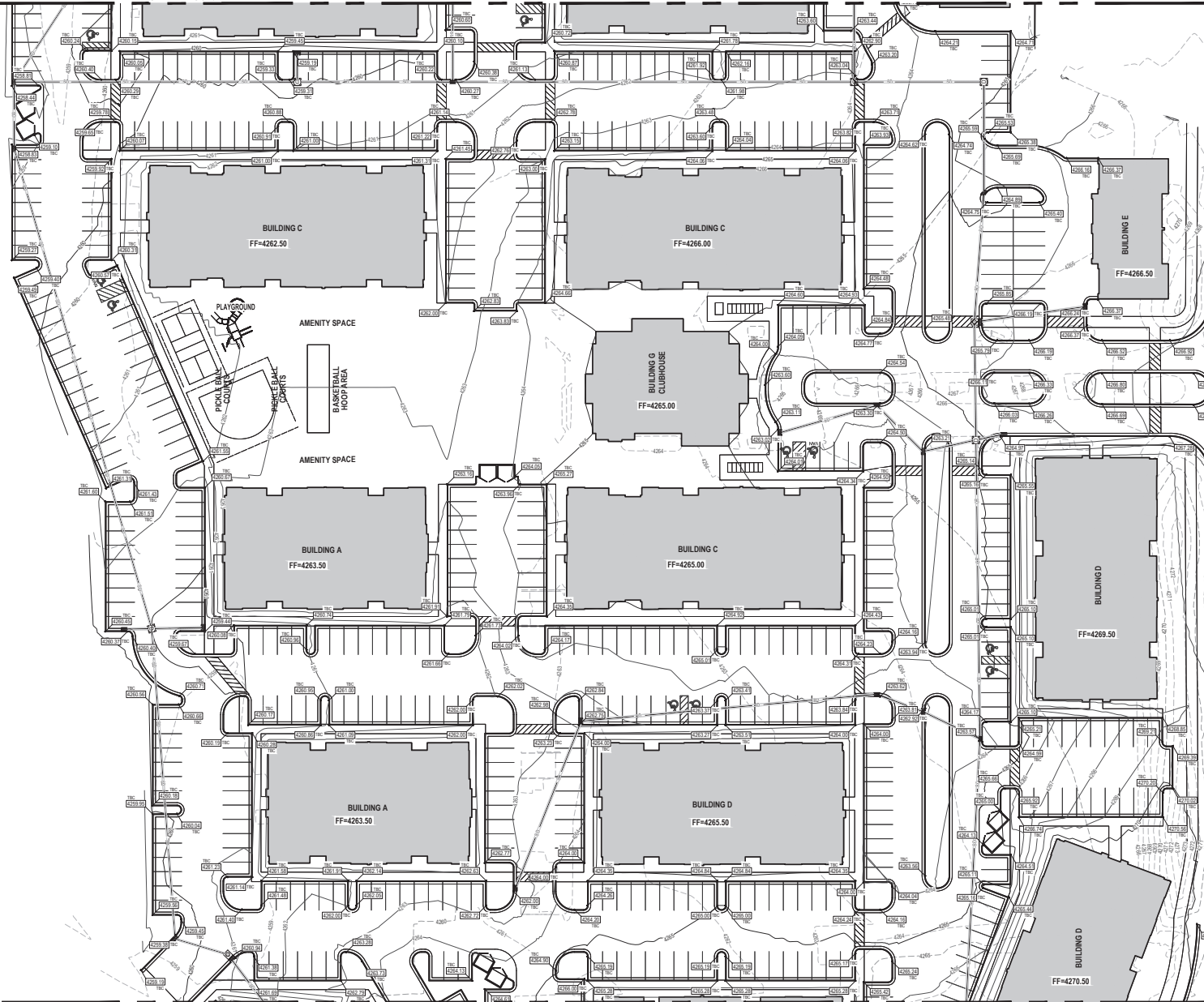




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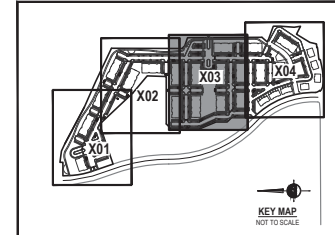
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SEE DRAWING C-202



SEE DRAWING C-204

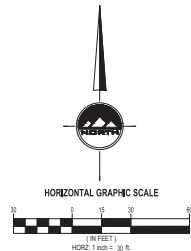
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KEY MAP  
NOT TO SCALE

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## GALLERIA PROPERTY CONCEPT PLAN

4998 S. GALLERIA DR, MURRAY, UTAH

#### GRADING PLAN

PROJECT NUMBER: 10653D  
PROJECT MANAGER: B. MORRIS  
DESIGNER: C. CARPENTER

PRINT DATE: 2024-07-08  
**C-203 GP**



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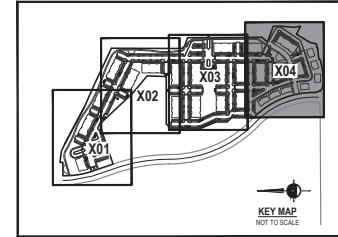
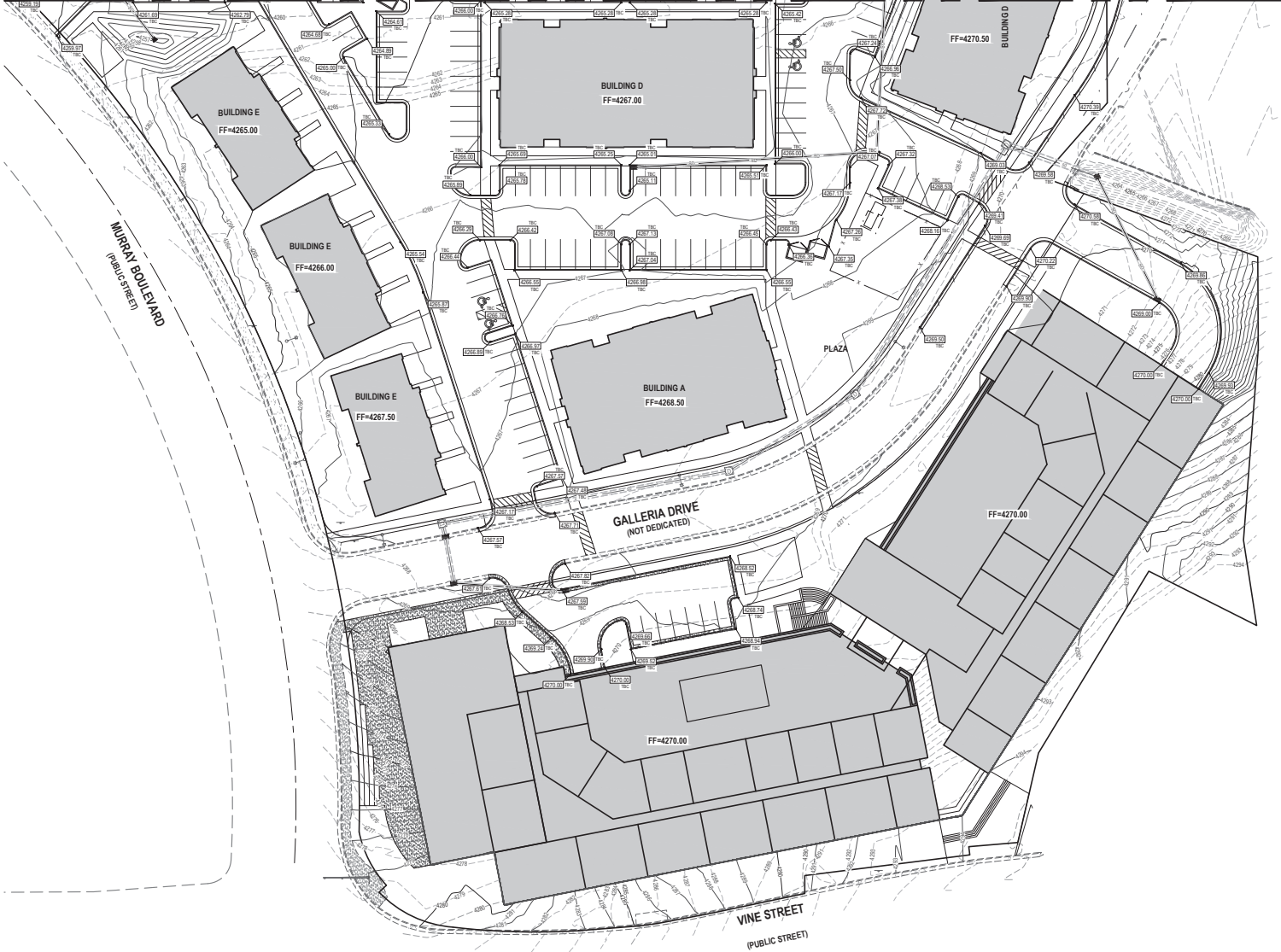
FOR:  
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SALT LAKE CITY, UT 84106  
CONTACT:  
TYLER MORRIS  
PHONE: 801.255.0546





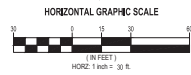
SEE DRAWING C-203

SEE DRAWING C-203



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10. ENSURE MINIMUM COVER OVER ALL STORM DRAIN PIPES PER MANUFACTURER'S RECOMMENDATIONS. NOTIFY ENGINEER IF MINIMUM COVER CANNOT BE ATTAINED.
11. ALL FACILITIES WITH DOWNPOUT/ROOF DRAINS SHALL BE CONNECTED TO THE STORM DRAIN SYSTEM. SEE PLUMBING PLANS FOR DOWNPOUT/ROOF DRAIN LOCATIONS AND SIZES. ALL ROOF DRAINS TO HAVE MINIMUM 1% SLOPE.
12. THE CONTRACTOR SHALL ADJUST TO GRADE ALL EXISTING UTILITIES AS NEEDED PER LOCAL GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.
13. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE, ASPHALT, OR STORM DRAIN STRUCTURES OR PIPES.
14. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.



## GALLERIA PROPERTY CONCEPT PLAN

### GRADING PLAN

PROJECT NUMBER: 10653D  
PROJECT MANAGER: B. MORRIS  
DESIGNED BY: C. CARPENTER  
PRINT DATE: 2024-07-08

C-204 GP



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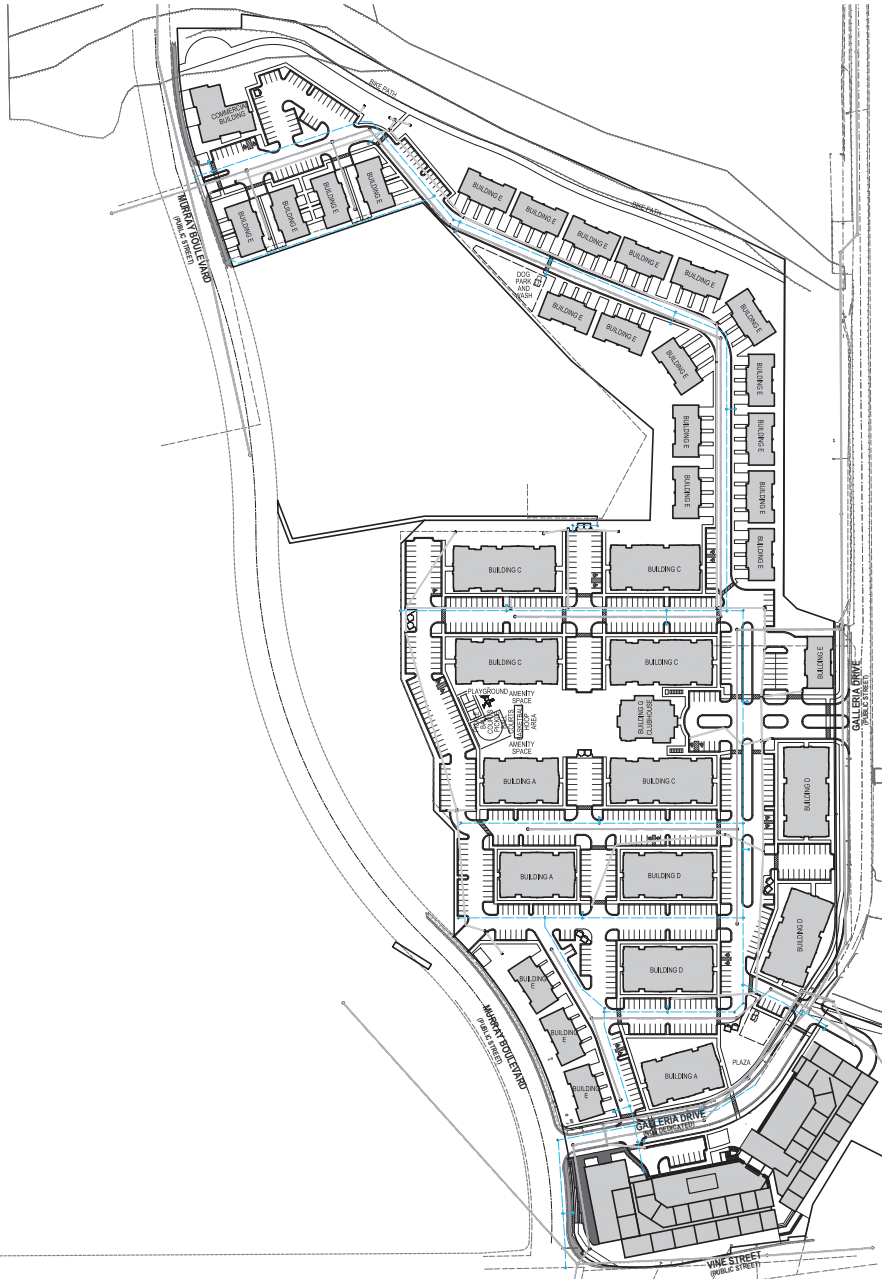
RICHFIELD  
Phone: 435.896.2983

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FOR:  
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146 BRICKYARD RD, SUITE 250  
SALT LAKE CITY, UT 84106

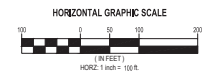
CONTACT:  
TYLER MORRIS  
PHONE: 801.635.9946

4998 S. GALLERIA DR., MURRAY, UTAH



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## GALLERIA PROPERTY CONCEPT PLAN

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#### OVERALL UTILITY PLAN

PROJECT NUMBER: 10553D  
PROJECT MANAGER: B. MORRIS  
PRINT DATE: 2024-07-08  
DESIGNED BY: C. CARPENTER

C-300 UP



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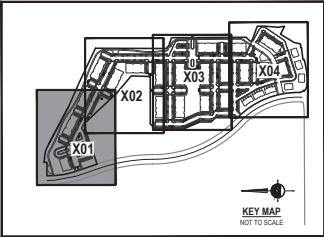
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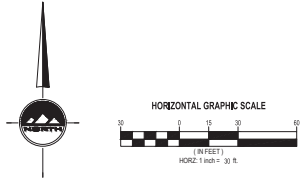
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PHONE: 801.555.9946



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PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.  
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Call before you dig.



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  15. INSTALL SS4H
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  17. INSTALL NEW 12" WATER MAIN
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**GALLERIA PROPERTY CONCEPT PLAN**

4998 S. GALLERIA DR, MURRAY, UTAH

**UTILITY PLAN**

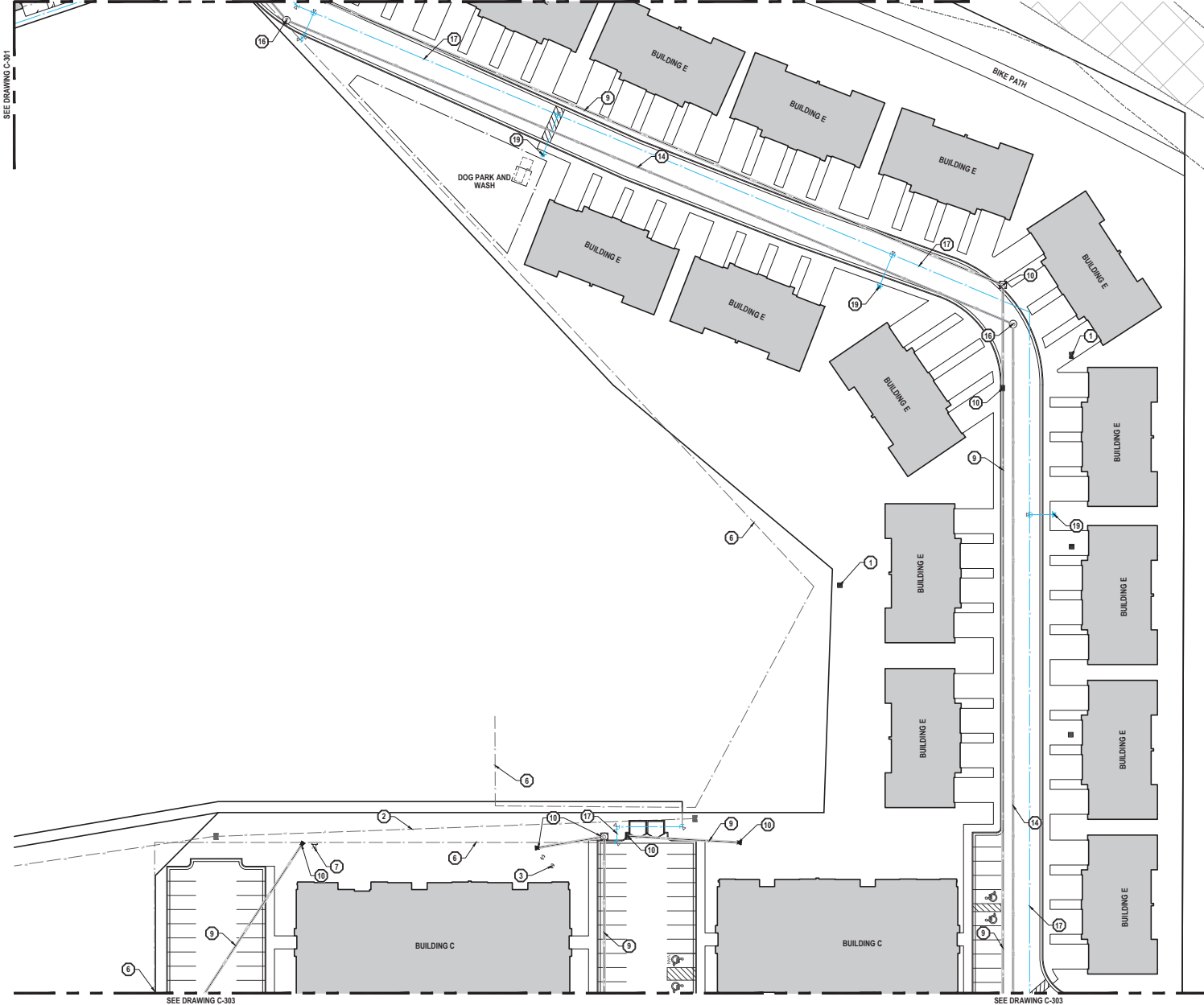
PROJECT NUMBER 10653D	PRINT DATE 2024-07-08
PROJECT MANAGER B. MORRIS	DRAWN BY C. CARPENTER

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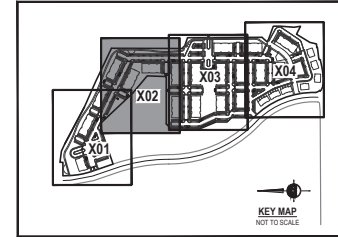
SEE DRAWING C-301

SEE DRAWING C-301



SEE DRAWING C-303

SEE DRAWING C-303



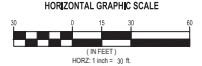
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12. INSTALL TRENCH DRAIN
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15. INSTALL SSBH
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18. INSTALL NEW FIRE HYDRANT



## GALLERIA PROPERTY CONCEPT PLAN

### UTILITY PLAN

PROJECT NUMBER: 106530  
PROJECT MANAGER: B. MORRIS  
DESIGNER: C. CARPENTER

PRINT DATE: 2024-07-08

C-302 UP



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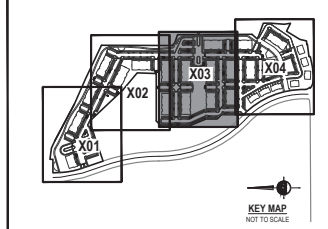
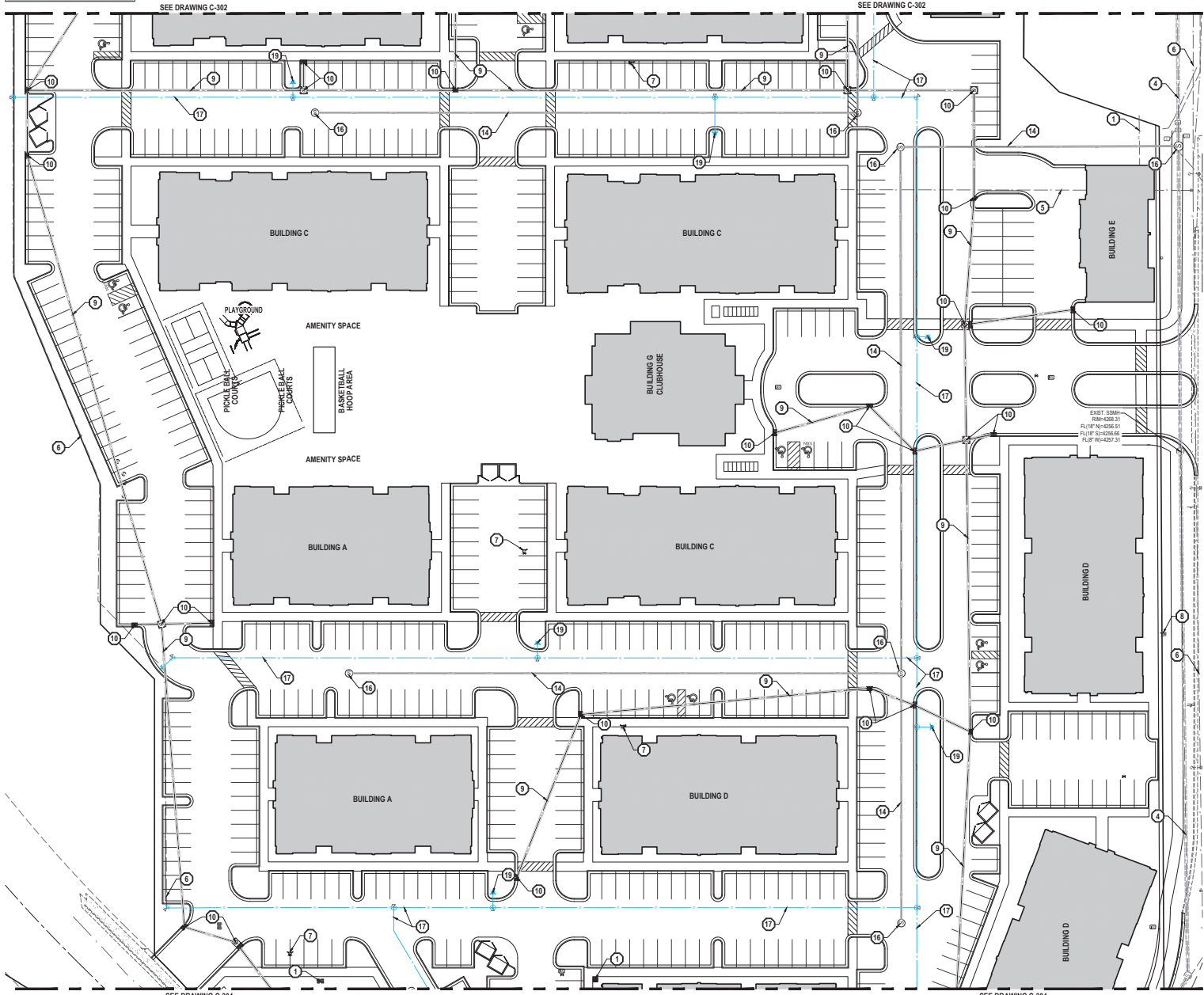
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CONTACT:  
TYLER MORRIS  
PHONE: 801.625.9965

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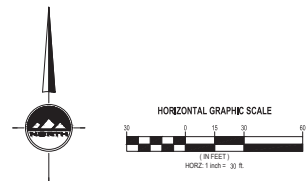
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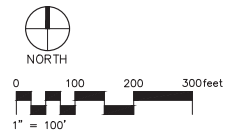
**GALLERIA PROPERTY CONCEPT PLAN**

**4998 S. GALLERIA DR, MURRAY, UTAH**

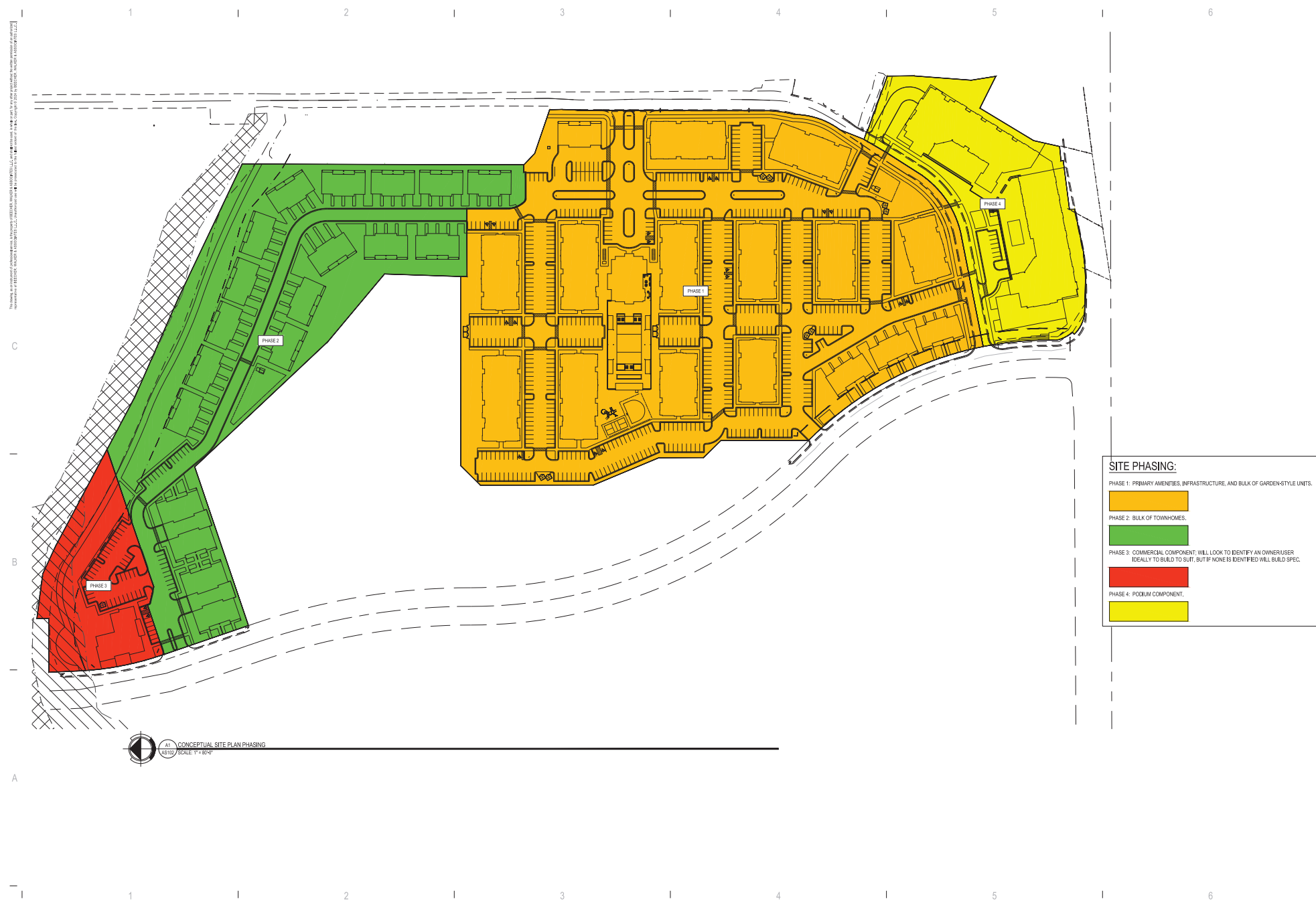
**UTILITY PLAN**

PROJECT NUMBER: 10653D  
PROJECT MANAGER: B. MORRIS  
DESIGNER: C. CARPENTER  
DATE: 2024-07-08

**C-303 UP**



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**SITE PHASING:**

PHASE 1: PRIMARY AMENITIES, INFRASTRUCTURE, AND BULK OF GARDEN-STYLE UNITS.

PHASE 2: BULK OF TOWNHOMES.

PHASE 3: COMMERCIAL COMPONENT. WILL LOOK TO IDENTIFY AN OWNER/USER. IDEALLY TO BUILD TO SUIT, BUT IF NONE IS IDENTIFIED WILL BUILD SPEC.

PHASE 4: PODIUM COMPONENT.

CONCEPTUAL SITE PLAN PHASING  
SCALE: 1" = 80'

NO.	ISSUE DESCRIPTION	ISS. DATE	REV. DESCRIPTION	REV. DATE

COTTONWOOD GALLERIA MIXED-USE  
4998 SOUTH GALLERIA DRIVE  
MURRAY, UT 84123

**beecherwalker**  
Architecture/Interiors  
3115 EAST LON LANE, #200  
HOLLADAY, UTAH 84121  
P. 801.438.5501  
F. 801.438.5501  
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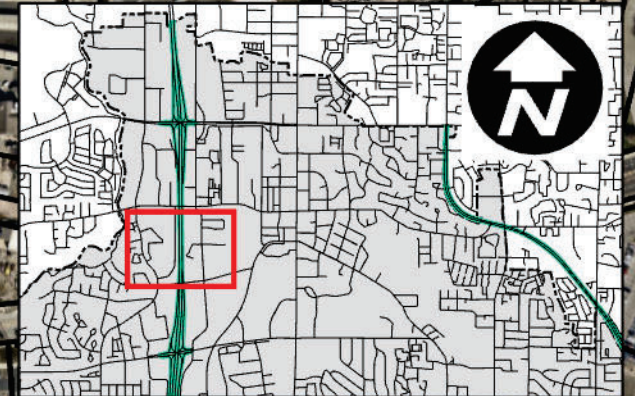
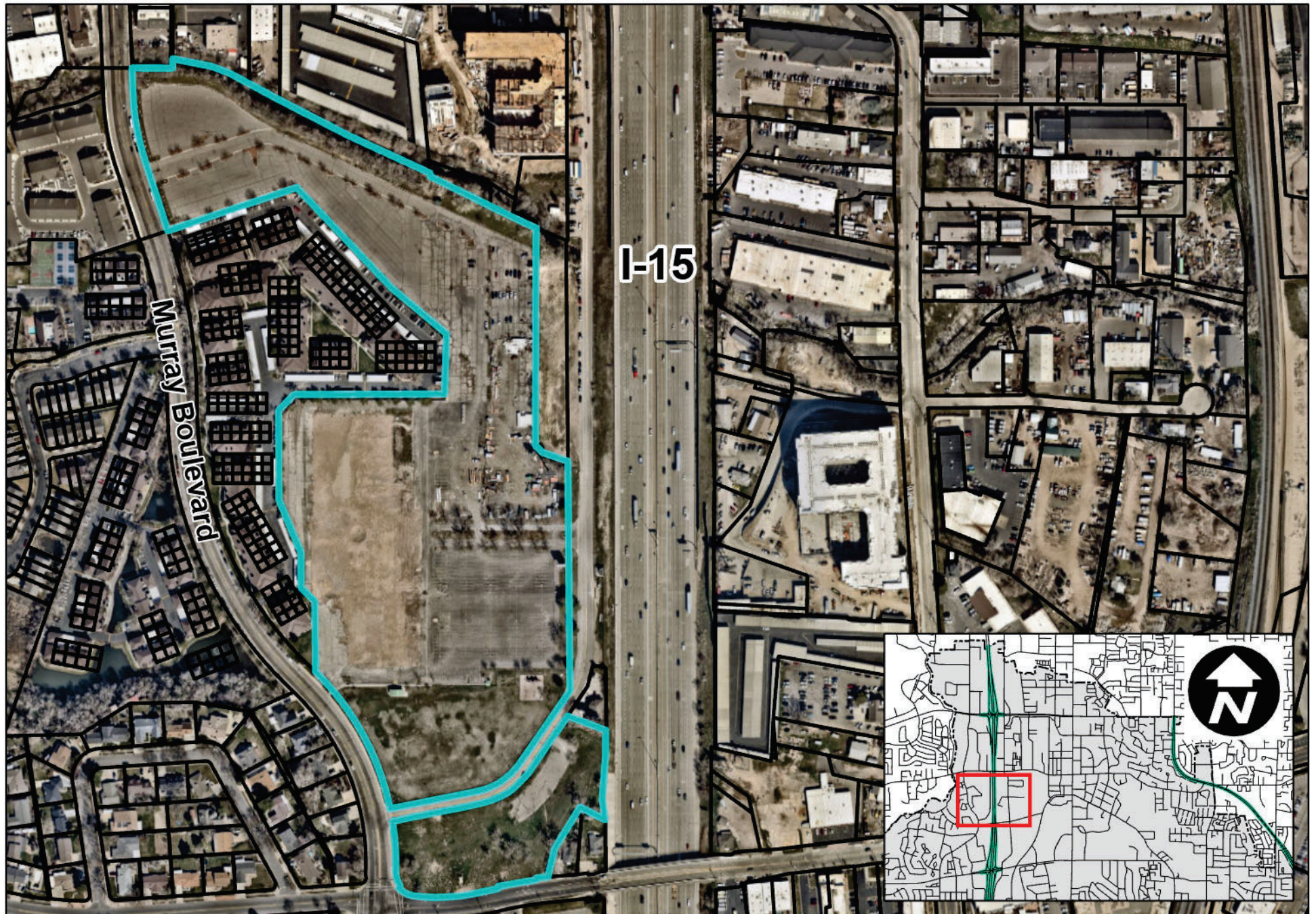
PROJECT NUMBER  
510.2301  
DRAWN BY  
SM  
CHECKED BY  
RG  
MASTER SITE PLAN  
(07.09.2024)

CONCEPTUAL  
SITE PLAN  
PHASING

DRAWING NUMBER  
AS102

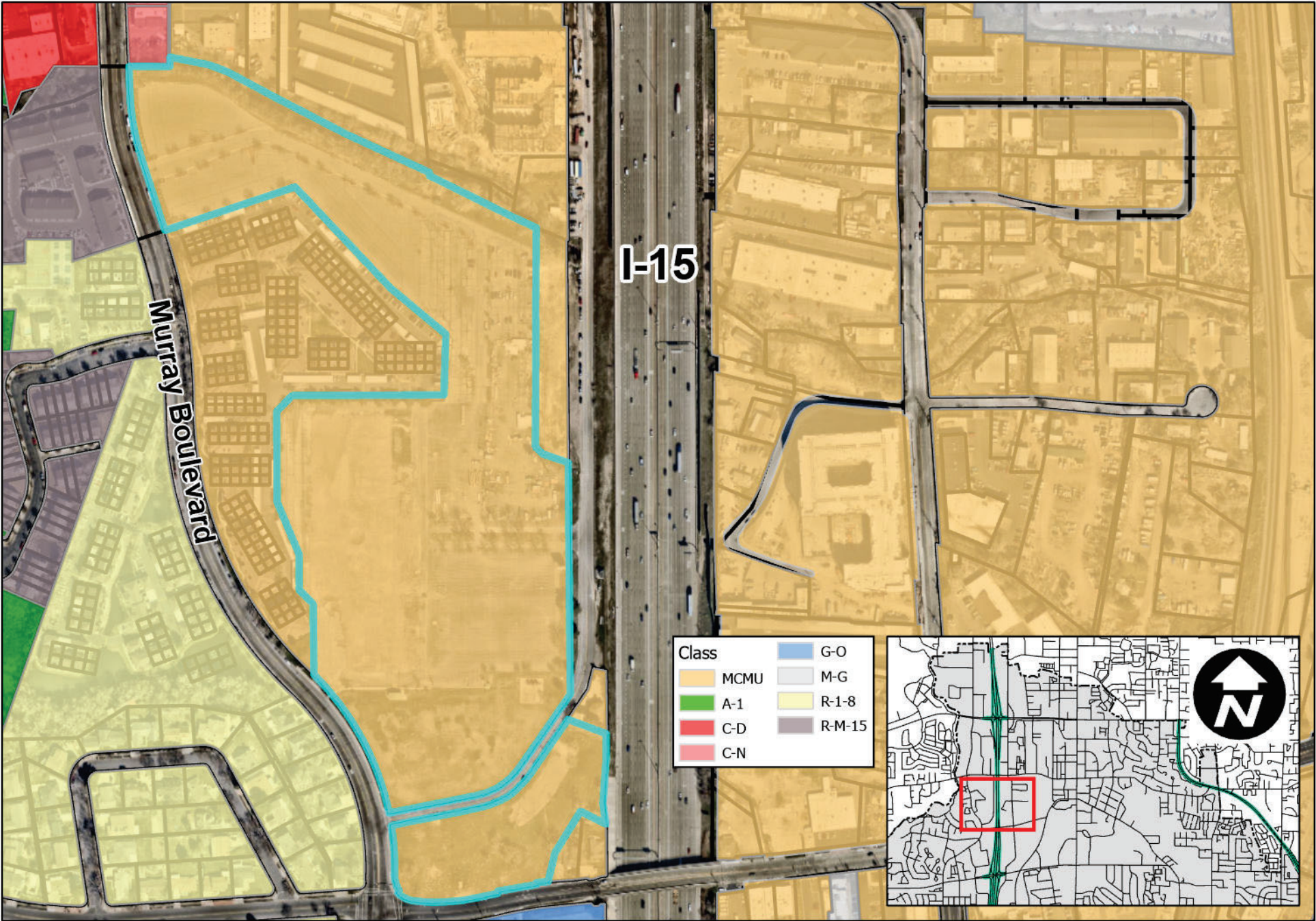


# 4998 South Galleria Drive





# 4998 South Galleria Drive





## AGENDA ITEM # 5 Landscaping Amendments

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

### I. STAFF REVIEW & ANALYSIS

#### History & Background

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

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

#### Review of Proposed Changes

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

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

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

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

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

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

## **II. DEPARTMENT REVIEWS**

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

## **III. PUBLIC INPUT**

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

## **IV. FINDINGS**

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

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

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

## **V. CONCLUSION/RECOMMENDATION**

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed amendments to Chapters 17.08 Definitions and 17.68 Landscaping Requirements as reviewed in the Staff Report.**





## NOTICE OF PUBLIC HEARING

June 5th, 2025, 6:30 PM

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

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

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

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

The meeting will be streamed online, at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/).

17.08.020: TERMS DEFINED:

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

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

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

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

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

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

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

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

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

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

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

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

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

**AUTOMOBILE AUTOMATIC CAR WASH:** A facility for automatic or self- service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons' capacity.

**AUTOMOBILE BODY AND FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons' capacity.

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

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

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

**AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.

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

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

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

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

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

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

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

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

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

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

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

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



## EXISTING CODE

A. The average elevation of the top back of curb abutting the lot on which the building is to be built;

B. In the absence of curb and gutter, the average elevation of the centerline of the street abutting the lot on which the building is to be built; or

C. Where any part of the rear lot line is more than six feet (6') above the average top back of curb, the average elevation of the perimeter of the lot on which the building is being built.

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

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

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

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

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

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

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

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

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

**CHILD:**

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

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

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

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

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

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

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

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

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

**CONGREGATE CARE:** See definition of Independent Living.

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

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

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

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

**CULVERT:** Pipe conductor for conveying water.

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

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

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

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

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

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

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

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

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

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

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

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

**EXCAVATION:** The deliberate disturbance of any soil at a site equal to or greater than four (4) cubic yards (2 1/2 ton dump truck load), thereby requiring an excavation plan and a city excavation permit.

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

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

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

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

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

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

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

**GARAGE, PRIVATE:** "Private garage" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers and boats for each dwelling unit in the premises, each such vehicle having a GVW of one and one-half (1 1/2) tons or less, provided that nothing herein prohibits storing personal recreational vehicles, such as snowmobiles, personal watercraft and ATVs in addition to other vehicles, boats or trailers herein permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

**LOT LINES:** The property lines bounding the lot.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**MUNICIPAL COUNCIL:** The municipal council of Murray City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. The Utah department of human services under title 62A, chapter 2 of the Utah code, licensure of programs and facilities, or

B. The Utah department of health under title 26, chapter 21 of the Utah code, health care facility licensing and inspection act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.08.020: TERMS DEFINED:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**AUTOMOBILE AUTOMATIC CAR WASH:** A facility for automatic or self- service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons' capacity.

**AUTOMOBILE BODY AND FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons' capacity.

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

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

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

**AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.

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

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

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

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

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

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

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

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

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

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

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

A. The average elevation of the top back of curb abutting the lot on which the building is to be built;

B. In the absence of curb and gutter, the average elevation of the centerline of the street abutting the lot on which the building is to be built; or

C. Where any part of the rear lot line is more than six feet (6') above the average top back of curb, the average elevation of the perimeter of the lot on which the building is being built.

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

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

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

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

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

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

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

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

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

**CHILD:**

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

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

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

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

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

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

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

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

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

**CONGREGATE CARE:** See definition of Independent Living.

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

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

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

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

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

CULVERT: Pipe conductor for conveying water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## REDLINE CHANGES

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

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

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

**LOT LINES:** The property lines bounding the lot.

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

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

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

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

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

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

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

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

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

## REDLINE CHANGES

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

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

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

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

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

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

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

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

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

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

**MUNICIPAL COUNCIL:** The municipal council of Murray City.

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

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

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

## REDLINE CHANGES

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

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

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

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

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

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

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

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

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

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

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

## REDLINE CHANGES

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

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

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

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

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

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

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

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

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

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

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



## REDLINE CHANGES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## REDLINE CHANGES

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

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

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

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

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

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

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

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

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

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

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

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

## REDLINE CHANGES

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

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

17.08.020: TERMS DEFINED:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**AUTOMOBILE AUTOMATIC CAR WASH:** A facility for automatic or self- service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons' capacity.

**AUTOMOBILE BODY AND FENDER SHOP:** A facility for major automobile body, frame or fender repairs, or rebuilding for automobiles and small trucks not exceeding one and one-half (1 1/2) tons' capacity.

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

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

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

**AUTOMOBILE REPAIR GARAGE:** A structure or portion thereof other than a private garage, used for general repair of automobiles and small trucks not exceeding one and one-half (1 1/2) tons in capacity including major and minor repairs such as rebuilding and reconditioning of engines, transmission service, starter motor and generator service, muffler shop, but not including body and fender work or painting.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CHILD:**

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

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

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

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

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

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

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

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

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

**CONGREGATE CARE:** See definition of Independent Living.

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

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

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

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

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

CULVERT: Pipe conductor for conveying water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOT LINES:** The property lines bounding the lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MUNICIPAL COUNCIL:** The municipal council of Murray City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 17.68  
LANDSCAPE REQUIREMENTS

SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Requirements

17.68.050: Provision For Street Trees

17.68.060: Residential Landscaping

17.68.010: PURPOSE:

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

17.68.020: APPLICABILITY:

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

17.68.030: GENERAL PROVISIONS:

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

1. A conditional use permit is required; or
2. A site plan review is required; or
3. The cost of construction or remodeling exceeds fifty percent (50%) of the market value of the structure.

a. Market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.

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

B. Landscape Plan Required; Exemptions:

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

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

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

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

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

e. All areas to be planted in shrubs;

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

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

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

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

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

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



c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;

d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;

e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;

f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;

g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;

h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots at the time of planting and at maturity;

i. The percentage of landscape proposed for the site and interior lot(s);

j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

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

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

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

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

d. A license to encroach upon public utility easement.

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

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

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

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

#### 17.68.040: REQUIREMENTS:

A. Perimeter:

1. Front Setback Areas:

## EXISTING CODE

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

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

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

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

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

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

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

### B. Interior:

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.

2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:

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

b. Parking Islands:

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

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

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

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

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

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

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

C. Concrete Curbing:

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

D. Accommodation Of Bus Benches And Shelters:

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

a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,

b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and

c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;

2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;

3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;

## EXISTING CODE

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

### 17.68.050: PROVISION FOR STREET TREES:

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

### 17.68.060: RESIDENTIAL LANDSCAPING:

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

## REDLINE EDITS

### CHAPTER 17.68 LANDSCAPE REQUIREMENTS

#### SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Requirements

17.68.050: Provision For Street Trees

17.68.060: Residential Landscaping

#### 17.68.010: PURPOSE:

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

#### 17.68.020: APPLICABILITY:

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

#### 17.68.030: GENERAL PROVISIONS:

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

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



## REDLINE EDITS

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

### B. Landscape Plan Required; Exemptions:

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

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

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

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

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

e. All areas to be planted in shrubs;

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

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

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

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

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

## REDLINE EDITS

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

## REDLINE EDITS

~~dc.~~ A license to encroach upon public utility easement.

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

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

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

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

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

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

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

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

17.68.040: LANDSCAPING REQUIREMENTS:

## REDLINE EDITS

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

### A. Perimeter:

#### 1. Front Setback Areas:

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

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

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

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

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

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

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

### B. Interior:

## REDLINE EDITS

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.

2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:

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

b. Parking Islands:

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

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

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

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

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

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

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

### C. Lawn Restrictions:

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

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

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

### €D. Concrete Curbing:

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

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### ~~D~~E. Accommodation Of Bus Benches And Shelters:

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

### 17.68.050: PROVISION FOR STREET TREES:

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

### 17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS:

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

#### A. Turf grass/ ~~L~~awn shall not be installed in:

1. park strips, or
2. paths, or



## REDLINE EDITS

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

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

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

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

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CHAPTER 17.68  
LANDSCAPE REQUIREMENTS

SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Requirements

17.68.050: Provision For Street Trees

17.68.060: Residential Landscaping

17.68.010: PURPOSE:

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

17.68.020: APPLICABILITY:

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

17.68.030: GENERAL PROVISIONS:

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

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

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

B. Landscape Plan Required; Exemptions:

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

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

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

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

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

e. All areas to be planted in shrubs;

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

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

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

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

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

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

c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;

d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;

e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;

f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;

g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;

h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots at the time of planting and at maturity;

i. The percentage of landscape proposed for the site and interior lot(s);

j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

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

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

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

c. A license to encroach upon public utility easement.

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

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

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

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

#### 17.68.040: LANDSCAPING REQUIREMENTS:

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

A. Perimeter:

1. Front Setback Areas:

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

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

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

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

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

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

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

B. Interior:

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.

2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:



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

b. Parking Islands:

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

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

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

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

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

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

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

C. Lawn Restrictions:

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

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

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

D. Concrete Curbing:

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

E. Accommodation Of Bus Benches And Shelters:

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

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

17.68.050: PROVISION FOR STREET TREES:

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

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS:

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

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

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



## AGENDA ITEM # 6 Residential Yard Exemption Amendments

<b>ITEM TYPE:</b>	Text Amendment		
<b>ADDRESS:</b>	Citywide	<b>MEETING DATE:</b>	June 5 <sup>th</sup> , 2025
<b>APPLICANT:</b>	CED Staff	<b>STAFF:</b>	Zachary Smallwood, Planning Manager
<b>PARCEL ID:</b>	N/A	<b>PROJECT NUMBER:</b>	25-055
<b>REQUEST:</b>	Planning Staff is requesting an amendment to the exemptions into setback areas for all residential zones. This will allow for porches, awnings, shades, etc. to encroach into setbacks if meeting certain standards.		

### I. STAFF REVIEW & ANALYSIS

#### History & Background

Planning staff is proposing an amendment to all the residential zones in the city to allow for encroachments into the front and rear setback areas. As the code is written today, Murray does not allow for patio covers, covered decks, etc. to encroach into the front or rear yard setback area. Staff has had many requests for roof extension or patio covers and have had to deny these requests as they go into the setbacks for a main dwelling.

#### Review of Proposed Changes

The proposed changes affect all residential zoning districts. This includes the following:

- 17.92: Agricultural A-1
- 17.96 Single-Family Medium Density Residential District R-1-6
- 17.100 Single-Family Low Density Residential District R-1-8
- 17.104 Single-Family Low Density Residential District R-1-10
- 17.108 Single-Family Low Density Residential District R-1-12
- 17.112 Medium Density Residential District R-2-10
- 17.116 Multiple-Family Low Density Residential District R-M-10
- 17.120 Multiple-Family Medium Density Residential District R-M-15
- 17.124 Multiple-Family High Density Residential District R-M-20
- 17.128 Multiple-Family High Density Residential District R-M-25

Staff pulled proposed language from Layton City. It allows for residents to encroach into the front or rear yard setback with a “roof extension” as long as it is open on three sides, less than half of the width of the dwelling, and does not get closer than twenty feet (20’) to the front property line or ten feet (10’) from the rear property line. The proposed language is the same for each residential zone. It states the following:

- Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - The roof or canopy is not more than one (1) story in height.
  - The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

These changes will allow for residents to utilize more of the property for things that are important to them. As preferences change, Murray is working towards supporting homeowners by allowing a more nuanced approach to regulations. This is the first in many modernizations of the residential zones that staff hopes to work on this year.

## **II. DEPARTMENT REVIEWS**

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

## **III. PUBLIC INPUT**

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

## **IV. FINDINGS**

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

1. The proposed text amendment promotes objective 3 of the neighborhoods & housing section of General Plan.

2. The proposed text amendment has been reviewed to ensure that the health, safety, and general welfare of the community are maintained.
3. Staff finds that the proposed amendment does not conflict with any recommendation in the General Plan.

## V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission **forward a recommendation of APPROVAL to the City Council for the proposed amendments to 17.92: Agricultural A-1; 17.96 Single-Family Medium Density Residential District R-1-6; 17.100 Single-Family Low Density Residential District R-1-8; 17.104 Single-Family Low Density Residential District R-1-10; 17.108 Single-Family Low Density Residential District R-1-12; 17.112 Medium Density Residential District R-2-10; 17.116 Multiple-Family Low Density Residential District R-M-10; 17.120 Multiple-Family Medium Density Residential District R-M-15; 17.124 Multiple-Family High Density Residential District R-M-20; and 17.128 Multiple-Family High Density Residential District R-M-25 as reviewed in the Staff Report.**





## NOTICE OF PUBLIC HEARING

June 5th, 2025, 6:30 PM

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

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

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

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

The meeting will be streamed online, at [www.murraycitylive.com](http://www.murraycitylive.com) or [www.facebook.com/MurrayCityUtah/](https://www.facebook.com/MurrayCityUtah/).

**A-1 Zone****17.92.080: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**R-1-6 Zone****17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**R-1-8 Zone****17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**R-1-10 Zone****17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

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

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**R-1-12 Zone****17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

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

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**R-2-10 Zone****17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

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

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**R-M-10****17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

#### **R-M-15**

##### **17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

#### **R-M-20**

##### **17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;
- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

#### **R-M-25**

##### **17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- A. Cornices, eaves, sills, buttresses or other similar architectural features;

## EXISTING CODE

- B. Fireplace structures and bays;
- C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**A-1 Zone****17.92.080: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
- A.a. \_\_\_\_\_ Cornices, eaves, sills, buttresses or other similar architectural features;
  - B.b. \_\_\_\_\_ Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
- a) The roof or canopy is not more than one (1) story in height.
  - b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- G.a. \_\_\_\_\_ In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-1-6 Zone****17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
- A.a. \_\_\_\_\_ Cornices, eaves, sills, buttresses or other similar architectural features;



B.b. \_\_\_\_\_ Fireplace structures and bays;

c. \_\_\_\_\_ Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

a) \_\_\_\_\_ The roof or canopy is not more than one (1) story in height.

b) \_\_\_\_\_ The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

c) \_\_\_\_\_ The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

d) \_\_\_\_\_ The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

E.e) \_\_\_\_\_ In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

## R-1-8 Zone

### 17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. \_\_\_\_\_ The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.a. \_\_\_\_\_ Cornices, eaves, sills, buttresses or other similar architectural features;

B.b. \_\_\_\_\_ Fireplace structures and bays;

c. \_\_\_\_\_ Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

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

## R-1-10 Zone

### 17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - ~~A.a.~~ \_\_\_\_\_ Cornices, eaves, sills, buttresses or other similar architectural features;
  - ~~B.b.~~ \_\_\_\_\_ Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

C.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

## R-1-12 Zone

### 17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.a. Cornices, eaves, sills, buttresses or other similar architectural features;

B.b. Fireplace structures and bays;

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

a. The roof or canopy is not more than one (1) story in height.

b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

C.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

## R-2-10 Zone

**17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

~~A.~~—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.

~~a.~~—Cornices, eaves, sills, buttresses or other similar architectural features;

a.

~~b.~~—Fireplace structures and bays;

b.

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

a. The roof or canopy is not more than one (1) story in height.

b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

A.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-M-10****17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

~~A.~~—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.

~~a.~~—Cornices, eaves, sills, buttresses or other similar architectural features;

a.

~~b.~~—Fireplace structures and bays;

b.

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

a. The roof or canopy is not more than one (1) story in height.

b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

A.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

## R-M-15

### 17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.

a.—Cornices, eaves, sills, buttresses or other similar architectural features;

a.

b.—Fireplace structures and bays;

b.

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot

tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:

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

## R-M-20

### 17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.

a.—Cornices, eaves, sills, buttresses or other similar architectural features;

a.

b.—Fireplace structures and bays;

b.

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

a. The roof or canopy is not more than one (1) story in height.

b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.



- c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
- d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
- A.e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-M-25****17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

A.—The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

A.

a.—Cornices, eaves, sills, buttresses or other similar architectural features;

a.

b.—Fireplace structures and bays;

b.

c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

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

a. The roof or canopy is not more than one (1) story in height.

b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.

c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.

d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

## REDLINE EDITS

~~A.e.~~ In no instance may the additions encroach to within less than twenty  
(20) feet of a front or street side yard property line, or to within less than ten  
(10) feet of a rear property line

**A-1 Zone****17.92.080: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a) The roof or canopy is not more than one (1) story in height.
  - b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - a. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-1-6 Zone****17.96.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;

- c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a) The roof or canopy is not more than one (1) story in height.
  - b) The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c) The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d) The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - e) In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

## R-1-8 Zone

### 17.100.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:

- A. The structures listed below may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.

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

## **R-1-10 Zone**

### **17.104.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

## **R-1-12 Zone**

### **17.108.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line.

## **R-2-10 Zone**

### **17.112.100: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):

- a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights, and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-M-10**

**17.116.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2 1/2'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:



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

**R-M-15**

**17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.

- e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-M-20**

**17.124.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line

**R-M-25**

**17.128.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

- A. The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet (2½'):
  - a. Cornices, eaves, sills, buttresses or other similar architectural features;
  - b. Fireplace structures and bays;
  - c. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)
- B. Any permanent roof or canopy attached to the main building which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no further than one-half the required rear yard setback distances, and into a front yard not more than seven (7) feet, if the following criteria are met:
  - a. The roof or canopy is not more than one (1) story in height.
  - b. The roof or canopy is no longer than one-half (1/2) the width of the main dwelling on which it is located.
  - c. The roof or canopy is entirely open on three (3) sides except for supporting columns and customary architectural features.
  - d. The columns supporting the roof or canopy are constructed on individual pad footings or similar design, and not on a continuous footing wall that could be used for future expansion of living space.
  - e. In no instance may the additions encroach to within less than twenty (20) feet of a front or street side yard property line, or to within less than ten (10) feet of a rear property line