



Murray City Municipal Council Murray City Planning & Zoning Commission Land Use Training

The Murray City Municipal Council and the Murray City Planning & Zoning Commission met at 5:30 p.m. on Thursday, July 30, 2015 at the Murray City Center, 5025 South State Street, Murray Utah for a Land Use Training Session.

Council Members in Attendance:

Blair Camp
Brett Hales
Diane Turner
Dave Nicponski

Planning & Zoning Commission Members in Attendance:

Philip Markham
Karen Daniels
Gary Dansie
Travis Nay
Tim Taylor
Buck Swaney

Members Excused:

Jim Brass	Council Member
Scot Woodbury	Planning & Zoning Commission

Others in Attendance:

Janet M. Lopez	Council Administrator	Frank Nakamura	City Attorney
Susan Dewey	Community Development	G.L. Critchfield	Attorney
Ray Christensen	Community Development	Brad McIlrath	Community Development
Jared Hall	Community Development	Ted Eyre	Mayor
Mark Boren	Community Development	Janet Towers	Mayor's Office

Tim Tingey welcomed everyone to the Land Use Training meeting. Following introductions, he complimented his staff on the work they do daily in carrying out their duties and preparation for the training session.

Mr. Tingey distributed an agenda for the evening, which is attached. (Attachment #1)

Mr. Tingey provided an overview of the purpose of land use, which is “promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City.”

Further details were reviewed as contained in the attached Power Point presentation material. (Attachment #2)

Mr. Critchfield presented information related to the legal aspects of land use. He discussed where the City's authority to regulate land use originates from, the Land Use Development and Management Act (LUDMA), land use and police power, and requirements and limitations to the City's exercise of police power.

Details of these legalities are attached in a handout that was distributed. (Attachment #3)

Mr. Hall gave a review of the General Plan process, which identifies goals, policies, future land use, zoning, urban design and other elements. In response to a question, he informed the group that a master plan, different from a general plan, usually applies to a specific area within the City. The General Plan is a guiding document and serves as advisory documentation for legislative decision making relating to future development in the City. The City is currently updating its General Plan, a process that will be completed in 2016. The new General Plan is expected to serve the City for about ten years. (Attachment #2.)

Ms. Dewey expounded on the details of the 21 zoning classifications in the City for residential, business, commercial and industrial development. She explained for each classification the main criteria including purpose, permitted uses, design standards, lot size, setbacks, lot coverage, height limitations, density, and other standards and restrictions. Pictures from throughout the City were used in the presentation to show examples of each classification. (Attachment #2.)

Mr. Christensen presented the parking requirements for residential and commercial properties and how those requirements are evaluated. He also explained the landscaping requirements for commercial, multi-family and single family residential projects. Pictures were included in the presentation to show good landscaping examples, landscaping used as a buffer, as well as, properties not in compliance. (Attachment #2.)

Mr. McIlrath gave information on home occupations, accessory dwelling units, non-conforming issues and the City sign code. Many requirements are intended to mitigate the impact on surrounding neighbors. In some cases a neighbor consent form is mandatory. He said some standards of the sign code for mixed use and transit oriented development zones are still being created. (Attachment #2.)

Code enforcement is a huge issue, with compliance based on a complaint basis, Mr. Tingey noted. He stated that many of the processes can take months to complete.

Mr. Tingey concluded the training with the comment that consistency in administering the zoning ordinance is an important aspect of community development. Regarding applications, he stressed that if a particular land use is allowed, and the standards are met, the use must be approved.

The training session adjourned at 7:30 p.m.

Janet M. Lopez
Council Administrator

Attachment

1



City Council and Planning Commission

Land Use Training

July 30th—5:30 PM

We plan to invite attendees to arrive at 5:15 in order to allow time for them to prepare dinner plates and be seated. We want to begin the meeting at 5:30.

Agenda

1. **Welcome** *(Tim Tingey - 5 minutes)*
General Overview of Meeting
2. **State Law Land Use Overview, Administrative Vs. Legislative Training** *(G.L. Critchfield, Attorney's Office - 20 minutes)*
And Federal Law Implications for Local Land Use Decisions
3. **General Plan Discussion** *(Jared Hall – 20 minutes)*
 - State Law requirements
 - Current Plan and Processes, including how we evaluate recommendations
 - Future Plan Process
4. **Land Use and Zoning Ordinance Overview (Highlights)**
 - Classifications *(Community Development Staff – 40 minutes)*
 - Residential zones, general brief description, important differentiating points
 - Commercial zones, general brief description, important points
 - Parking
 - Residential and commercial
 - How we evaluate, requirements
 - Landscaping
 - Residential and commercial
 - How we evaluate, requirements
 - Common and Special Issues (definitions and requirements)
 - Home Occupations
 - Accessory Dwelling Units (ADU)
 - Non-Conforming
 - Sign Code
5. **Consistency in Administering the Ordinance and Enforcement** *(Tim Tingey – 10 minutes)*
6. **Question/Answer and Discussion** *(All Staff - 20 minutes)*

Attachment

2

*Murray City Council
& Planning Commission*

Land Use Training



MURRAY
ADMINISTRATIVE &
DEVELOPMENT SERVICES

Thursday, July 30, 2015

Murray Land Use



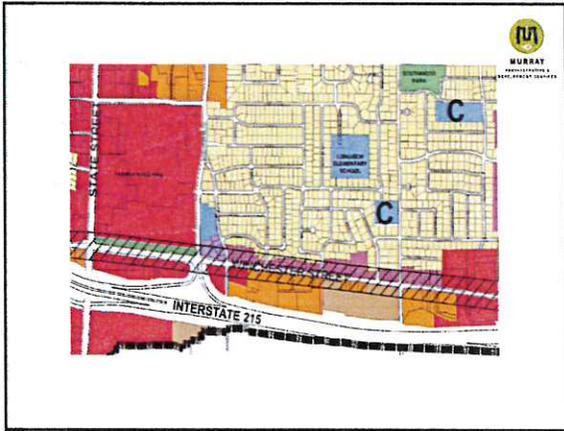
Purpose:

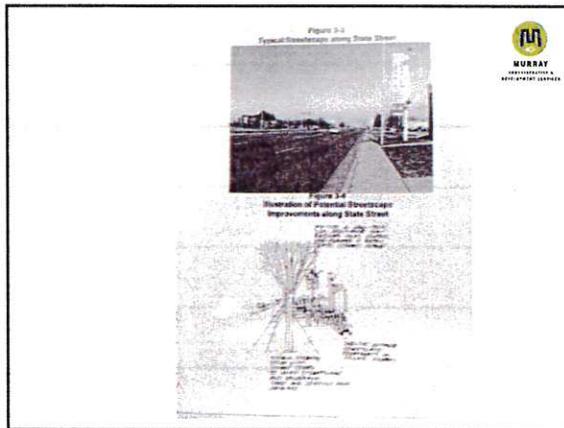
"Promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city to:"

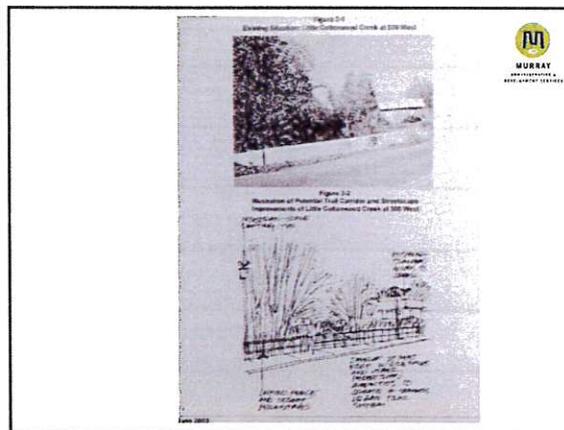
- A. Encourage and facilitate the orderly growth and development of the city;
- B. Provide adequate open space for light and air and prevent overcrowding of the land;
- C. Secure economy in governmental expenditures, to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other facilities and services;

- D. Preserve and create a favorable environment for the citizens and visitors of the city;
- E. Enhance the economic and cultural well being of the inhabitants of the city;
- F. Foster the city's residential, business and industrial development;
- G. Provide classification of land uses and distribution of land development and utilization;
- H. Promote the development of a wholesome, serviceable and attractive city resulting from an orderly, planned use of resources. (Ord. 07-30 § 2)









Update, 2015
our city : our vision

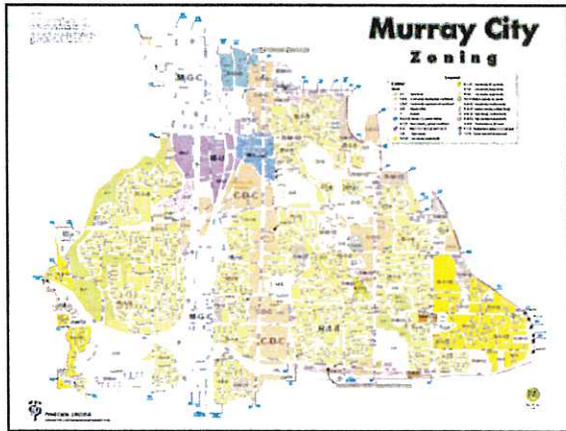
- "The purpose of the general plan update is to analyze the changes that have occurred in the community and to formulate goals, policies, and implementation measures to guide future development in the City."

The diagram is a horizontal timeline arrow pointing right, divided into four main stages: 1. Planning & Analysis (with sub-steps: Vision Development, Data Collection, Community Input, and Analysis); 2. Staff Development of Plan Components; 3. Plan Revision; and 4. Adoption Process (with sub-steps: Public Review, Council Approval, and Final Adoption). The timeline spans from approximately 2012 to 2016.

public participation

A photograph showing a public meeting in progress. Several people are seated around a long table, looking at documents or presentations. An American flag is visible in the background.

Zoning Classifications
Overview



Zoning Classifications – Single Family

A-1 Agricultural – Agricultural Uses and Residential Living

- Minimum Lot Size - 1 acre (43,560 sq.-)
- Phasing out of General Plan/Land Use Code
- Setbacks 30' front; 25' rear; side yard 10'; corner side yard 20' to street right of way 8' to the other side
- Maximum height 35', 40' with CUP
- Maximum lot coverage 40%
- Only district that allows chickens, bees, horses, cattle, e

The slide includes a Murray City logo in the top right corner. It features three cartoon illustrations: a bee, a yellow chicken, and a brown horse. Below the text is a photograph of a rural farmstead with a barn, a fence, and several horses in the foreground.

Zoning Classification – Open Space

O-S Open Space - Recreational uses.

- All A-1 to be phased out and changed to Parks & O-S (Future Land Use)
- Sports activities, golf, play areas, swimming, parks, etc.
- No residential uses allowed
- Setback for structures: Front 25 ft.; rear 25 ft.; side 10 ft. & total of 25 ft. total side yards; corner side yard 20 ft.

The slide includes a Murray City logo in the top right corner. Below the text is a photograph of a park area featuring a lake with a fountain, trees, and a grassy field.

Zoning Classifications – Single Family

R-1-6 Medium Density Single-Family Residential

- Minimum Lot Size - 6,000 sq. ft. (.14 acre) per dwelling
- Setbacks: 20' front; 25' rear; 15' prior to April 7, 1987; side 5'; corner side yard 20' to street right of way and 8' to other side
- Maximum height 30'
- Maximum lot coverage 40%.
- Only 2 household pets allowed per dwelling

Shay's Grove-
6250 S 1300 E





Zoning Classifications – Single Family

R-1-8 Low Density Single-Family Residential

- Minimum Lot Size - 8,000 sq. ft. (.18 acre) per dwelling
- Setbacks: 25' front; 25' rear; 15' prior to April 7, 1987; side yard 8' for one side with 20' total; corner side yard 20' to street right of way 8' to other side.
- Maximum height 35'
- Maximum lot coverage 35%
- Majority of Murray City residential areas.
- Only 2 household pets allowed per dwelling




Zoning Classifications – Single Family

R-1-10 Low Density Single-Family Residential

- Minimum Lot Size - 10,000 sq. ft. (.23 acre) per dwelling
- Setbacks: 25' front; 25' rear; 15' prior to April 7, 1987; side yard 8' for one side 20' total; corner side yard 20' to street right of way 8' to other side
- Maximum height 35'
- Maximum lot coverage 35%
- Only 2 household pets allowed per dwelling

R-1-12 Low Density Single-Family Residential

- Minimum Lot Size - 12,000 sq. ft. (.28 acre) per dwelling
- Setbacks: 25' front; 25' rear; 15' prior to April 7, 1987; side yard 8' for one side 20' total; corner side yard 20' to street right of way 8' to other side.
- Maximum height 35'
- Maximum lot coverage 35%.
- Only 2 household pets allowed per dwelling



Zoning Classifications - Multi Family



R-2-10.....Medium Density Single & Two-Family Residential

- Minimum Lot Size - 10,000 sq. ft.
- Setbacks: 25' front; 25' rear; 8' side yard, 18' total; corner side yard 20' to street right of way 8' to the other side.
- Maximum height 35';
- Maximum lot coverage 40%.

R-M-10.....Low Density Multiple-Family Residential

- Maximum Density - 10 units per acre
- Minimum Lot Size - 8,000 sq. ft. single family; 10,000 sq. ft. duplex.
- Setbacks: 25' front; 25' rear; 8' side yard, 20' total; corner side yard 20' to street right of way 8' to the other side.
- Maximum height 35';
- Maximum lot coverage 40%.

Avonlea Condos -
639 E Vine Street



Zoning Classifications – Multi Family



R-M-15.....Medium Density Multiple-Family Residential

- Maximum Density – 15 units per acre
- Minimum Lot Size - 8,000 sq. ft. single family; 10,000 sq. ft. duplex.
- Setbacks: 25' front; 25' rear; 8' side yard, 20' total; corner side yard 20' to street right of way 8' to the other side.
- Maximum height 40';
- Maximum lot coverage 40%.

R-M-20.....High Density Multiple-Family Residential

- Maximum Density – 20 units per acre
- Minimum Lot Size - 8,000 sq. ft. single family; 10,000 sq. ft. duplex.
- Setbacks: 25' front; 25' rear; 8' side yard, 20' total; corner side yard 20' to street right of way 8' to the other side.
- Maximum height 40';
- Maximum lot coverage 40%.

R-M-20
Stillwater Apts-
5500 S Vine Str



Zoning Classifications- Multi Family



R-M-25.....High Density Multiple-Family Residential

- Maximum Density – 25 units per acre
- Minimum Lot Size - 8,000 sq. ft. single family; 10,000 sq. ft. duplex
- Setbacks: 25' front; 25' rear; 8' side yard, 20' total; corner side yard 20' to street right of way 8' to the other side
- Maximum height 40'
- Maximum lot coverage 40%
- * Special allowances for elderly apartments such as height 45', etc.

Vine Gate
Apartments
6152 S Vine Str



Zoning Classifications



M-U **Mixed Use Development District** - Mixed use residential and business.

- Pedestrian oriented design, compact, mixed use
- All main buildings shall front a public street; entrances on all frontages;
- Front setback for main buildings 15' min/25' max from back of curb;
- Courtyard or plaza area may be part of front setback of the building.
- Buildings on corner lots shall front both streets; entrances on both sides;
- Residential use on ground floor limited to 25%; balance must be commercial or industrial use (75);
- No height restrictions in the district;
- Parking is calculated based on height/stories and parking structures are encouraged.
- Surface parking located to side or behind building;



M-U examples:



AAA Restoration – 249 W 4860 S



RecoveryWays – 4848 S Commerce Drive



Zoning Classifications – Non Residential



H **Hospital – Cottonwood / TOSH site**

- Hospital and related medical facilities in a way that is harmonious with surrounding area.
- The minimum lot area shall be five (5) acres.



Zoning Classifications – Non Residential



M-G.....Manufacturing General- Commercial & Light industrial uses

- Setbacks: Front 20 ft.; adjacent to residential zone 20 ft.; corner side yard 20 ft.;
- Height: 35 ft. within 100 ft. of residential zone; plus 1 adtl ft. for 4 ft. of adtl setback
- Landscaping: 10 ft. frontage landscaping; 10 ft. buffer from residential zone & 6 ft. solid masonry fence;

6120 South
300 West



Zoning Classifications – Non Residential



C-N..... Commercial Neighborhood – Light Commercial

- Locations where convenience buying is possible to serve surrounding residential neighborhoods
- Setbacks: Front 20 ft.; 15 ft. from residential zone; corner side yard 20 ft.;
- Height: 35 ft. maximum
- 10 ft. depth frontage landscaping; 10 ft. buffer from residential zone plus 6 foot solid masonry fence
- Landscaping coverage of 10% for site

C-D.....Commercial Development – General Commercial

- Locations for higher intensity of commercial, entertainment & related activities;
- Setbacks: Front 20 ft.; adjacent to residential zone 20 ft.; corner side yard 20 ft.;
- *Front setback for buildings 4600-4800 South State -0 ft. or 10 ft.;
- Height: 35 ft. within 100 ft. of residential zone; plus 1 adtl ft. for 4 ft. of adtl setback
- Landscaping coverage of 10% of total site; 10 ft. frontage landscaping;
- 10 ft. buffer from residential zone & 6 ft. solid masonry fence;

C-N example: 700 W 5300 South



C-D
examples:
State
Street



Zoning Classifications – Non Residential

T-O-D Transit Oriented Development District - Mixed use residential and business

- Encourage compact mixed use and pedestrian development;
- Fireclay area, north Trax station, west of Main St. to 4500 South, D&RGW railroad on west;
- **Design Guidelines**
- **No height restrictions;**
- Corner buildings front both streets;
- Setbacks: **Front 15' min/25' max from curb;**
- Parking not permitted in front setback; and cannot front on principal streets; strict parking regulations;
- Current projects average **60 units/acre.**

T-O-D examples:



Lions Gate Apartments



Fireclay

Zoning Classifications – Non Residential

MCCD Murray City Center District (formerly DHOD)

- Mixed use commercial, civic, residential district; maintain historic fabric
- **Design standards**
- **Certificate of Appropriateness** for Major & Minor alterations
- Encourages sustainable development
- **Design elements** for building facades; blank walls less than 50%;
- Building entrances every 75 feet
- Off street parking **not allowed in front setback**
- Parking minimums/maximums
- **Height regulations** west of State St. min of 40' & 4 stories; east of State Street scaled back 50' within 150' of residential zone
- Right of way width requirements, wider sidewalk and landscaping
- Sign regulations unique to zone.
- **Prohibited uses** such as auto sales & repair; self storage units; etc.
- Current projects average **76 units/acre**

MCCD examples:



Home 2 Suites - Vine & State Street




Center Court Apts- 4600 S Center Str.

LAND USE ORDINANCE



1. PARKING REQUIREMENTS- 17.72
2. LANDSCAPING REQUIREMENTS- 17.68

There Are Many Types of Land Use Categories with Specific Parking Requirements such as:



- Commercial Medical Uses General Office
- General Retail Restaurants Hospitals
- Hotels/Motels Nursing/Convalescent
- Schools Libraries Manufacturing Uses
- Retirement Facility Theaters
- Auditoriums Sports Arenas Malls
- Multi-Family Residential Apartments
- Condominiums
- Single Family Residential

Off Street Parking Is Required



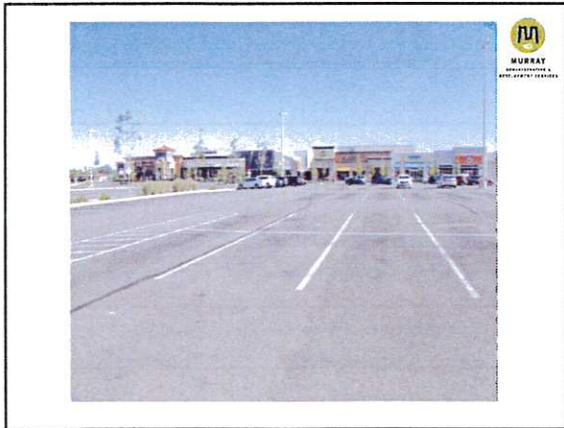
- At the time any building is erected or enlarged in capacity.
- A new use is established.
- Paving is required in the off street parking area with adequate provisions for ingress and egress by standard sized automobiles.

















COMMERCIAL LANDSCAPING

For New Buildings, Additions or Remodel on Existing Buildings and on Non-Conforming Properties when new landscaping is required:

1. The cost of construction of remodeling exceeds twenty five percent of the market value of the structure; or
2. A conditional use permit is required; or
3. A site plan review is required.

LANDSCAPING REQUIREMENTS FOR COMMERCIAL & MULTIPLE FAMILY RESIDENTIAL PROJECTS

- For commercial and multiple family residential projects detailed formal landscaping and irrigation plans are required to be submitted with the building permit and/or site plan review improvements in compliance to the Land Use Ordinance requirements.

Xeriscaping is allowed with in compliance with City regulations.

- Xeriscaping (often incorrectly spelled zero-scaping) is landscaping and gardening that reduces or eliminates the need for supplemental water from irrigation.
- In some areas terms such as water-conserving landscapes, drought-tolerant landscaping, and smart scaping are used instead. Plants whose natural requirements are appropriate to the local climate are emphasized, and care is taken to avoid losing water to evaporation and run-off.



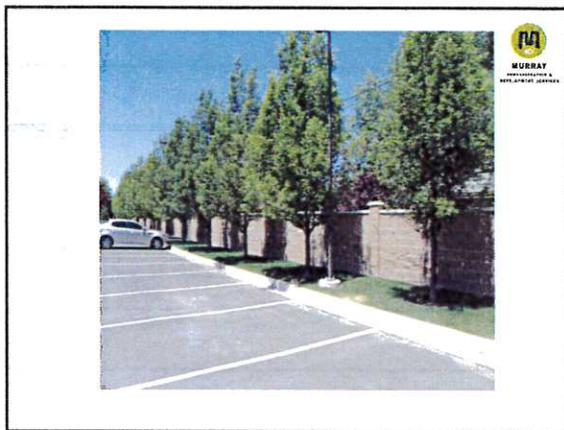
The photograph shows a modern commercial building with a large parking lot. A paved sidewalk runs along the front of the building. There are some plants and trees in the landscaping. A white car is parked in the lot. The sky is clear and blue.





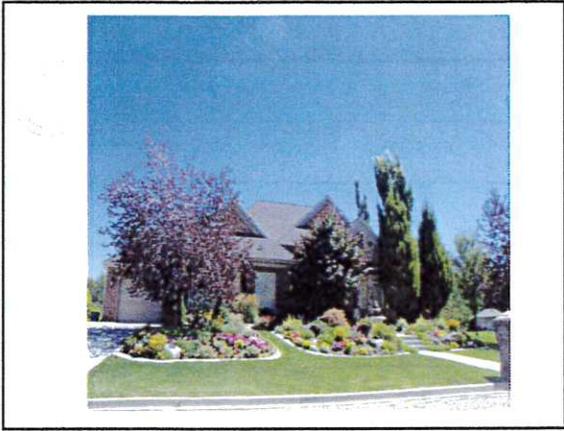




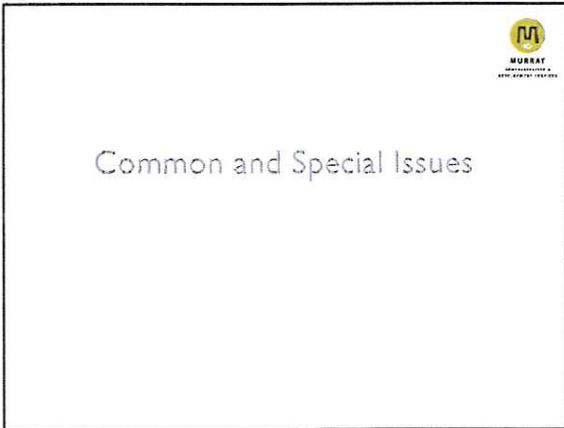


SINGLE FAMILY RESIDENTIAL LANDSCAPING CODE REQUIREMENTS

- 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.
- Landscape areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape landscape.
- 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.

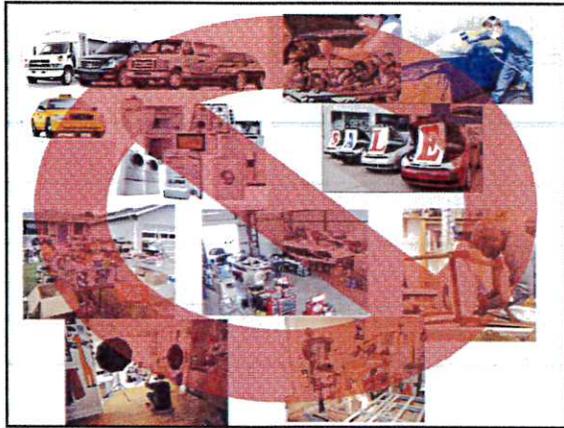






Home Occupations 

- Permitted in all residential zones.
- Limits on area, employees, storage and vehicles.
- Major Home Occupations
 - Require client to come to home or may result in neighborhood impacts if not properly managed.
 - Requires either Neighbor Consent Form or Planning Commission approval.
- Prohibited Uses:
 - Limousine or Taxi Service, On-site Carpentry Work & Similar Uses, Vehicle Repair or Sales, Permanent Yard Sales, Etc.



Accessory Dwelling Units (ADU) 

- Conditional Use Permit required.
- Limitations/Requirements:
 - Less than 40% sq. footage of primary residence & no more than 1,000 total sq. ft.
 - Separate utility meters or addresses prohibited.
 - Primary residence or ADU owner occupied with affidavit recorded at Salt Lake County.
- Detached ADU's
 - Minimum lot size of 12,000 sq. feet.
 - Maximum height of 1 story.
 - Compliance with setback & yard regulations of underlying zone.

Non-Conforming Buildings & Uses

- Use of a building, structure, or land which is prohibited ordinance (zoning, sign, building, etc.), but which existed lawfully before the said ordinance.

“Zoning has selected these uses for extinction in that zone”

- One Year Vacancy – May Not Continue
- Restoration of Damaged Buildings.
- Expansion permitted with Hearing Officer approval.
 - Examples: Additions to *nonconforming homes, businesses, and communications towers.*

Sign Code

Provides standards for:

- Attached
- Detached (Pole Signs)
- Ground or Monument
- Electronic Message Centers (LED's)
- Prohibited Signs
- **Murray City Center District (M-C-C-D)**
 - Located in code chapter.
- **Mixed Use & Transit Oriented Development Zones (M-U & T-O-D)**
 - Ordinance amendments pending.

Attached & Detached Basics

Zone District	Attached Signs	Detached Signs
General Office (G-O) & Residential Neighborhood Business (R-N-B)	2 sq. ft. per each linear foot of building frontage	½ sq. ft. per each linear foot of street frontage Max. area of 50 sq. ft.
Open Space (O-S) Hospital (H) & All Residential Zones	As approved by Planning Commission	As approved by Planning Commission
Commercial & Manufacturing (C-D, C-N & M-G)	3 sq. ft. per each linear foot of building frontage	1 ½ sq. ft. per each linear foot of street frontage Max. area of 300 sq. ft.
Murray City Center District (M-C-C-D)	Individual chapter & design guidelines.	Individual chapter & design guidelines.
Mixed Use & Transit Oriented Development (M-U & T-O-D)	Amendments Pending	Amendments Pending

Ground or Monument Signs

- Restrictions on overall height and location.
- Area is calculated into the sum of all on premise detached signs.



Electronic Message Centers

- Allowed *only* in C-D & M-G Zones.
- Requires a Conditional Use Permit.
- Limitations on lamp size and intensity. Day 54 watts, Night 30 watts.
- May not operate between 10:00 P.M. and 6:00 A.M. of following day if located within 500 feet of a residential area.



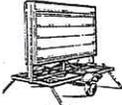
Prohibited Signs

Signs which are located on the roof of a building or structure, except as permitted in section 17.48.280 of this chapter.

A-frame and portable signs of any nature:




Portable trailer or flashing sign.

Flashing or scintillating lights:



Attachment

3

1- WHERE DOES CITY'S AUTHORITY TO REGULATE LAND USE COME FROM?

10 th Amendment to the U.S. Constitution	<p>"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."</p> <p>(States' Rights – Police Power)</p>
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<p>POLICE POWER</p> <p>(See Utah Constitution Article XI Section 5)</p>	<ul style="list-style-type: none"> • The fundamental right of a government to make all necessary laws; • Authority and capacity to regulate behavior
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<p>"LUDMA"</p> <p>(Land Use Development and Management Act) Utah Code Ann. Chapter 10-9a</p>	<p>For Land Use purposes, City exercises Police Power through LUDMA.</p>
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City's General Plan	Murray City Land Use Code Title 16 (Subdivisions) and Title 17 (Zoning)	City's Land Use Map
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2 - STATE LAW OVERVIEW OF LAND USE

LUDMA

<u>Land Use Authorities</u> City Council Planning Commission Staff Appeal Authorities	<u>Controlling Documents</u> General Plan Land Use Ordinances Land Use Map	<u>Fair Process</u> Public Notice & Public Meeting
Development Approvals	Subdivisions	Vested Rights
Exactions & Impact Fees	Conditional Uses	Nonconforming Uses & Noncomplying Structures
Variances	Appeals	

3 - LAND USE AND THE POLICE POWER

SCOPE OF POLICE POWER IN LAND USE



ENACT THE LAW

CITY COUNCIL
 Legislative Decisions
 Discretion: Broad
 Decision upheld if "*Reasonably Debatable*" that the action could promote the general welfare.



ENFORCE/APPLY THE LAW

PLANNING COMMISSION
 Administrative Decisions
 Discretion: Very limited (if any)
 Decision upheld if supported by "*Substantial Evidence*" in the record.

Legislative Decisions	Recommendation	Administrative Decisions
General Plan Land Use Ordinances Land Use Map	General Plan Land Use Ordinances Land Use Map Subdivision (Mayor)	Conditional Use Permit Planned Unit Dvlpmnt Flag Lot Major Home Occ Certif of Appropriateness

So far in 2015, the Planning Commission has considered the following number of applications:

- 29 Conditional Use Permits
- 9 Subdivision Review (includes flag lot, PUD and condominium)
- 3 General Plan Amendment/Zone Change
- 2 Land Use Ordinance Text Amendment
- 2 Major Home Occupation
- 1 Certificate of Appropriateness

4 - REQUIREMENTS AND LIMITATIONS

CITY'S EXERCISE OF POLICE POWER: REQUIREMENTS & LIMITATIONS



<u>FAIR PROCESS</u>	<u>LEGAL DOCTRINES</u>	<u>FEDERAL LIMITS</u>
<ul style="list-style-type: none">● Vested Rights● Notice● Public Meeting● Public Hearing● Record● Appeal: notice & time frame	<ul style="list-style-type: none">● Substantive Due Process● Procedural Due Process● Equal Protection● Authority● Takings● State Preemption	<ul style="list-style-type: none">● First Amendment<ul style="list-style-type: none">◦ Sign Ordinance◦ Billboards◦ SOBs◦ Religious Land Uses● Group Homes-Fair Housing Act● Cellular Towers and Communications Facilities