



## Application for a Conditional Use Permit

### Overview:

A Conditional Use Permit (CUP) is required for land uses that have the potential to negatively impact neighboring properties. If the Planning Commission determines that the impacts of the proposed use can be adequately mitigated than it shall be permitted upon the land for which the Conditional Use Permit application was applied for. Specified conditions and development plans associated with a conditional use permit (CUP) may only be amended by the Planning Commission. The conditional use permit is revocable by the City if any of the conditions are violated. Conditional use permit applications are reviewed by the Planning Commission and staff to determine compliance with the following city code:

### **17.56.060 Determination.**

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless the evidence establishes:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;
- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single-family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets;
- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

### Application Submittal:

Applications for a Conditional use Permit/Site Plan 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.

**Take Note.** If there is an existing building on the property that is proposed to be demolished or remodeled, and the building is over 50 years old, it may require review by the Historic Preservation Board. Please contact Lori Edmunds at (801) 264-2620 for additional information.

**Application Fee (non-refundable):**

- Conditional Use Permit: \$300.00
- Conditional Use Amendment: \$300.00

**Application Process:**

**Step 1. Contact the Planning Division:** Meet informally with a member of the planning staff to discuss your proposal and review the issues, procedures and fees associated with the application.

**Step 2. Submit Application:** For all CUP/site plan applications, please submit the following information, ensuring each item is either checked off or marked 'NA' if not applicable. For each 'plan' submitted, include at least one (1) 11x17 copy (or larger if requested by staff) and a digital PDF.

Required for all applications:

- 1. Completed application form.
- 2. Property Owner's Affidavit (i.e. a written statement made before a notary).
- 3. If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form.
- 4. Owner's Certification Form (required only for multi-tenant warehouse facilities).
- 5. Payment of application fee.
- 6. Site Plan. The site plan should include the following information:
  - a. Include the project name and exact street address.
  - b. Accurate dimensions of the subject property, drawn to scale (i.e. 1"=10', 1"=30', etc.), with north arrow and date of drawing.
  - c. Property lines, adjoining streets, right-of ways, waterways, easements, etc. with dimensions.
  - d. Location and dimension of existing and proposed buildings, entries and exits, driveways, parking areas, landscape areas, sidewalks, retaining walls, fences, exterior lighting, dumpster enclosures, etc.
  - e. Location of existing property features such as streets, canals, ditches, waterways, hillsides, wetlands, flood plain, etc.
- 7. Floorplans. Include both existing and proposed floor plans. Indicate the scale (i.e. 1/8"=1', 1/4"=1', etc.) used on the plans.

Required for new buildings and site improvements:

- 1. Grading and Drainage Plan. A preliminary grading and drainage plan is required showing the road and lot layout; topography at two-foot contour intervals; north arrow; subdivision name; areas of substantial earth moving with erosion control plan; location of existing water courses, canals, ditches, springs, culverts, and storm drains; location of any 100-year flood plain designated by FEMA; show water flow directions, inlets, outlets, catch basins, waterways, culverts, detention basins, orifice plates, outlets to off-site facilities; existing wetlands;
- 2. Utility Plan. A preliminary utility plan may be required showing the road and lot layout; north arrow; subdivision name; show all existing and proposed utilities including sewer, water, fire hydrants, storm drains; subsurface drains, gas lines, power lines (existing only); street lights, location and dimensions of all utility easements;
- 3. Building elevations. These must be dimensioned to show an accurate representation of the proposed building. Provide a summary of the type of building materials which will be used for all structures. Indicate the scale (i.e. 1/8"-1', 1/4"=1', etc.) used on the elevation.

- 4. Written description of the proposed project.
- 5. Preliminary Landscape Plan. This must include:
  - a. Areas to be planted in lawn;
  - b. Specific locations for each existing and proposed shade, evergreen, ornamental or fruit tree;
  - c. Areas to be planted in shrubs;
  - d. Areas to be planted as flower beds or with living ground covers;
  - e. Areas for non-living landscape materials (i.e. boulders, cobblestones, bark, etc.);
  - f. Ten (10) feet of landscaping is required along all frontage areas not occupied by drive access.

Additional Information:

The applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, and any other information which may be needed in order to render a proper decision.

**\*All plans submitted with the application will not be returned to the applicant and are the property of Murray City.\***

**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 and/or staff 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.

**Conditional Use Permit Issuance:**

Following the approval of the conditional use permit by the Planning Commission, the permit will be issued in a letter to the applicant that will state the conditions of approval. This document should be retained in the records of the property owner or applicant. All conditions outlined in the permit must be maintained in order for the permit to remain valid and in effect. All conditions must be met prior to issuance of a Murray City Business License.

**Expiration of Conditional Use Permit:**

Approval of the conditional use permit expires 24-months after the date of approval unless the applicant has obtained a building permit, where required, or a business license, for the use within the 24-month period following approval. The Planning Commission may grant a maximum extension of one (1) year when deemed in the public interest.

**Appeal of Decision:**

The City, an applicant, or an adversely affected party may appeal a final written decision made by the Planning Commission or staff to the Hearing Officer. Appeals must be in writing and received by the Planning Division within ten

(10) calendar days of the Commission'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.

# CONDITIONAL USE PERMIT APPLICATION

Type of Application(check one):  New Construction  Remodel  Amendment to existing CUP  
 Land Use Change  Addition

## Application Information

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

Project Address: \_\_\_\_\_

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area(acres): \_\_\_\_\_ Current Use: \_\_\_\_\_ Proposed: \_\_\_\_\_

Floor Area(square feet): \_\_\_\_\_ Zoning District: \_\_\_\_\_ Land Use Code: \_\_\_\_\_

## Applicant Information

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

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

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

## Property Owner's Information (If different)

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

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

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

Describe the request in detail (use additional pages, or attach narrative if necessary):

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Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **For Office Use Only**

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

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

### **Property Owners Affidavit**

I (we) \_\_\_\_\_, 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.

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Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

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County of Salt Lake

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Notary Public

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

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

### **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.

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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.

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Notary public

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

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

**OWNERS CERTIFICATION FORM**  
**(To Be Complete and Signed by Property Owner)**

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_ Murray, UT \_\_\_\_\_

Name of Organization/Business: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ UT Zip \_\_\_\_\_

Email address: \_\_\_\_\_

Project Description: \_\_\_\_\_

Additional information or comments:

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Per City Code Section 17.76.180: Multi Warehouse Facilities:

A. Owners Certification: Upon application for planning and zoning commission or community development division approval for each tenant of a multiuse warehouse facility, the owner's affidavit must reflect in addition to other required information:

1. Certification that the Owners property complies in all respects to all applicable zoning ordinances; and
2. Where applicable, further certification that the Owner's property will comply with any further conditions imposed as a result of each tenant's application for approval.

B. Parking Stalls: Each tenant shall have designated parking stalls meeting all city, state and federal requirements, including signage clearly assigning the required number of stalls to each tenant's business.

As owner of the property being considered for site plan review/conditional use permit, I will comply with Section 17.76.180 as specified above.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Murray City Corporation  
Community & Economic Development  
10 East 4800 South, Suite 260  
Murray, UT 84107  
(801) 270-2430