

ORDINANCE NO. 26-26

AN ORDINANCE AMENDING AND RENUMBERING SECTIONS
17.76.030, 17.76.050, 17.76.060, 17.76.070, 17.76.080, 17.76.090,
17.76.100, 17.76.110, 17.76.120, 17.76.130, 17.76.140, 17.76.150,
17.76.160, 17.76.165, 17.76.170, 17.76.180, 17.76.190 AND ENACTING A
NEW SECTION 17.76.040 OF THE MURRAY CITY MUNICIPAL CODE
RELATED TO NEW LAND USES AND CLASSIFICATION REQUESTS.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend and renumber sections 17.76.030, 17.76.050, 17.76.060, 17.76.070, 17.76.080, 17.76.090, 17.76.100, 17.76.110, 17.76.120, 17.76.130, 17.76.140, 17.76.150, 17.76.160, 17.76.165, 17.76.170, 17.76.180, 17.76.190 and to enact a new section 17.76.040 of the Murray City Municipal Code related to new land use classification requests.

Section 2. Amendment and renumbering of sections 7.76.030, 17.76.050, 17.76.060, 17.76.070, 17.76.080, 17.76.090, 17.76.100, 17.76.110, 17.76.120, 17.76.130, 17.76.140, 17.76.150, 17.76.160, 17.76.165, 17.76.170, 17.76.180, 17.76.190 of the Murray City Municipal Code. Sections 7.76.030, 17.76.050, 17.76.060, 17.76.070, 17.76.080, 17.76.090, 17.76.100, 17.76.110, 17.76.120, 17.76.130, 17.76.140, 17.76.150, 17.76.160, 17.76.165, 17.76.170, 17.76.180, 17.76.190 of the Murray City Municipal Code shall be amended and renumbered to read as follows:

17.76.030: CLARIFICATION OF AMBIGUITY:

If ambiguity arises concerning matters of height, yard requirements, area requirements, or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, the community development director or designee shall ascertain all pertinent facts and shall make decisions as are appropriate. (Ord. 07-30 § 2)

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17.76.050: LOT STANDARDS:

Except as otherwise provided in this chapter, every lot, existing or intended to be created, shall have such area, width and depth as required for the district in which such lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right of way approved by the planning commission. (Ord. 07-30 § 2)

17.76.060: EVERY DWELLING TO BE ON A LOT; EXCEPTIONS:

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title. However, cluster dwellings, condominiums, planned unit developments and other similar multistructure dwelling complexes under single ownership and/or management may be permitted in designated zoning districts with conditional use permits approved by the planning commission. Nothing herein shall be construed to require a dwelling or structure to be located on each lot. (Ord. 07-30 § 2)

17.76.070: LOCATION OF RECREATIONAL VEHICLES:

Boats, boat trailers, campers, travel trailers and other similar recreational vehicles may not be placed, kept, stored, or maintained within the front yard of any residential zone except on established driveways. Such vehicles must maintain a minimum setback of five feet (5') from the front property line so as to preserve adequate visibility for pedestrian and traffic safety. Further, such use shall not be located in the clear vision zone of a corner lot as defined in this title. (Ord. 07-30 § 2)

17.76.080: LOCATION OF MOBILE HOMES:

It is unlawful for any person to place, keep, occupy or maintain a mobile home upon any lot or parcel of land within the city except in a mobile home park or mobile home subdivision. Mobile offices are permitted as a temporary conditional use as provided in section [17.56.100](#) of this title. (Ord. 07-30 § 2)

17.76.090: HEIGHT LIMITATIONS; EXCEPTIONS:

A. Where doubt exists as to height of fences, hedges, buildings, structures, etc., provided for in this title, height limitations shall be measured from the average finished grade of the front yard for buildings or from the average finished grade of the yard in which fences, hedges, or other such structures are located.

B. Except as provided in chapter 17.80 of this title pertaining to low power radio communication towers and antennas and related service facilities, or as provided specifically elsewhere in this title, the height limitations of this title shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, or to chimneys, ventilators, fire or parapet walls, flagpoles, skylights, water tanks, silos, cornices without windows, antennas, radio towers, or properly screened mechanical appurtenances usually located above the roof level of a building; except that it is unlawful to construct, build or establish a building, tree, smokestack, chimney, flagpole, wire, tower, or other structures or appurtenances thereto which may constitute a hazard or obstruction to navigation or landing and takeoff of aircraft at a publicly used airport or otherwise violate regulations established by the Federal Aviation Agency. (Ord. 07-30 § 2)

17.76.100: ADDITIONAL HEIGHT ALLOWED:

Public and quasi-public buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit. (Ord. 07-30 § 2)

17.76.110: YARD SPACE FOR ONE BUILDING ONLY:

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. (Ord. 07-30 § 2)

17.76.120: SECURITY FOR PERFORMANCE:

A. When an applicant receives Planning Commission approval for any new structure or change of use, all requirements of this title and any conditions set by the Planning Commission as part of the approval must be met.

B. If the installation of any of these improvements cannot be done due to weather or other circumstances beyond the control of the applicant, a temporary certificate of occupancy may be issued if a performance security and deferral agreement is received by the City which shall guarantee completion of all unfinished improvements. Similar agreements shall be required in cases where a certificate of occupancy is not needed for the approved use. These agreements shall be approved by the City Attorney. The performance security and deferral agreement shall authorize the City or its agents to install any required on site or off site improvements and shall constitute license or permission to enter upon applicant's property to complete the required improvements. The performance security shall be provided in an amount equal to one hundred twenty five percent (125%) of the estimated cost of installation of the improvements and shall consist of cash or an approved letter of credit. Time for completion of the improvements shall be established by the Community and Economic Development Manager and/or the Public Works Director. (Ord. 18-06: Ord. 07-30 § 2)

17.76.130: DEDICATION OF PROPERTY:

In all zones, all developments in excess of ten thousand dollars (\$10,000.00) evaluation as set by the building official, shall be required to dedicate for Municipal purposes one-half ($\frac{1}{2}$) of the width of the proposed adjacent public road. (Ord. 07-30 § 2)

17.76.140: REAPPLICATION AFTER DENIAL OF REQUEST FOR ZONING:

Denial of an application to amend the zoning map to reclassify any parcel of property shall prohibit the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification within

one year of the date of the final denial by the Municipal Council of the previous application unless the Planning and Zoning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord. 07-30 § 2)

17.76.150: FLAG LOTS PERMITTED:

Flag shaped lots may be approved in any single-family residential zone district if the Planning Commission determines that physical or geographical impediments or property configuration hamper the effective and efficient use of property, subject to the following conditions:

- A. Only one flag lot may be created from an existing parcel of property.
- B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original or front lot.
- C. The main body of a flag lot, exclusive of the access strip, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone district in which it is located, including the enhanced lot area requirement described in subsection G of this section, and all other applicable provisions of this title. The access strip portion of a flag lot may not be included to compute the required minimum area of the main body of the flag lot.
- D. The front lot which remains from the original parcel after the creation of the flag lot must meet the required lot area, lot width, and front, back and side yard requirements for the zone district in which it is located, and all other applicable provisions of this title. The area of the access strip for the flag lot may not be included to compute the minimum required area of the front or original lot.
- E. The access strip portion of a flag lot shall be held either in fee title as part of the entire flag lot, or the access strip may be evidenced by a recordable permanent and irrevocable ingress and egress easement or right-of-way over and across the front lot. The form and content of the easement or right-of-way must be approved by the City Attorney.
- F. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common access strip only if the access strip is thirty eight feet (38') wide or greater and meets the requirements of subsection H of this section. If the access strip is shared with the front lot, access strip landscaping may be adjusted to allow reasonable ingress and egress of the front lot.
- G. The minimum lot area of the main body of a flag lot may not be less than 1.25 times the minimum lot area required for a regular lot in the same district.

H. The access strip portion of a flag lot:

1. Shall be at least twenty eight feet (28') wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot;
2. Shall be paved except for the portion reserved for landscaping;
3. Shall have four feet (4') of landscaping on each side; and
4. Shall front on a dedicated public street or on a private street that existed prior to November 13, 2007.

I. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street. (Ord. 08-05 § 2: Ord. 07-30 § 2)

17.76.160: STORAGE OF COMMERCIAL VEHICLES; RESIDENTIAL ZONE:

No trucks, motor vehicles or commercial trailers having a gross vehicle weight rating of more than twelve thousand (12,000) pounds shall be stored or parked on any lot or parcel within any residential zone or within thirty five feet (35') of any residential zone, nor shall any contracting and/or earthmoving equipment be stored or parked on any lot or parcel in a residential zone or within thirty five feet (35') of any residential zone. (Ord. 08-04 § 2)

17.76.170: SWIMMING POOLS:

A. Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five feet (5') from all rear or side yard property lines in single-family residential and agricultural zones. Each pool shall be surrounded by a substantial fence or wall starting at ground level and having a height of at least six feet (6') from the ground to the top of the fence with only one opening for a self-closing and self-latching gate. However, a second gate for maintenance or service access may be installed if approved by City staff. Fences shall be of a chainlink material, masonry, solid wood, or wood or metal rail with the spacing between rails less than four inches (4"). All swimming pools shall comply with the International Building Code requirements adopted by the City.

B. Swimming pools of permanent construction which are not enclosed within a building in commercial and multi-family developments shall be surrounded by a substantial fence or wall starting at ground level and having a height of at least six feet (6') from the ground to the top of the fence and shall comply with the International Building Code requirements adopted by the City. (Ord. 12-31)

17.76.175: RESIDENTIAL PONDS:

A pond is defined as any artificial basin of water that is not intended or designed with the primary purpose of wading or swimming.

- A. Ponds are allowed in all residential zoning districts as an accessory use.
- B. All ponds shall be setback a minimum of five feet (5') from any property line.
- C. All ponds shall have a liner composed of a natural or synthetic material designed to retain water within the pond.
- D. Electrical permits shall be required for any pumps or lighting as determined by adopted building and electrical codes. (Ord. 26-01, 1-6-2026)

17.76.180: REFUSE SITING STANDARDS:

- A. When refuse storage containers are used in multiple-family, commercial, industrial, office or church sites, the containers shall be of sufficient size and numbers to provide suitable capacity to contain the refuse generated at the site. Containers shall be closed by an attached cover at all times.
- B. All containers shall be kept at a location easily accessible by collection vehicles and refuse producers. Refuse containers shall be kept away from overhead utility lines and structures with projections to facilitate pick up. Container siting shall also comply with International Building and Fire Codes.
- C. Outdoor refuse containers in multiple-family, office, and commercial areas shall be enclosed by a solid barrier fence with attached solid barrier access gates with vehicle access from a paved surface or as approved by the Planning Commission.
- D. Outdoor refuse containers in industrial areas shall comply with the same fencing standards as established in subsection C of this section except refuse containers located within a fenced yard area and not visible from the street will not need a separate barrier fence enclosure.
- E. In cases where a refuse container enclosure is required, the container shall be enclosed by a not greater than eight foot (8') high barrier fence with a minimum gate opening of nine feet (9') wide. The fence enclosure shall have a minimum clearance of two feet (2') away from the refuse container.
- F. No refuse collection areas shall be permitted between the street and the front building line except as allowed by the Planning Commission.
- G. Temporary refuse containers on construction sites or other related uses are exempt from barrier fencing. (Ord. 07-30 § 2)

17.76.190: MULTIUSE WAREHOUSE FACILITIES:

A. Owner's 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 owner's property complies in all respects to all applicable zoning ordinances; and
2. Where applicable, further certification that 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. (Ord. 07-30 § 2)

17.76.200: RESIDENTIAL SHORT-TERM RENTALS (STR):

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G. Violations and Penalties.

1. Failure to comply with this section, [17.76.200](#) shall constitute a violation for which the City may issue a citation for a class C misdemeanor and impose penalties. Each day that a violation occurs or continues is a separate violation.

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K. Injunction. An entity or individual who operates or causes to be operated a short-term rental without a valid permit or business license or who operates or causes to operate an STR in violation of the provisions of this section [17.76.200](#) is subject to a suit for injunction in addition to the civil and criminal violations provided in this title 17, title 5, and any other remedy available at law or in equity.

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Section 3. Enactment of a new section 17.76.040 of the Murray City Municipal Code. The new Section 17.76.040 of the Murray City Municipal Code shall be enacted to read as follows:

17.76.040: NEW USES AND CLASSIFICATION REQUEST:

Where ambiguity exists regarding a land use, the Community and Economic Development (CED) Director or designee shall first attempt to define the use using the criteria in Section 17.76.020. The Director may also use other methods including, but not limited to, standard dictionary definitions or definitions from Chapter 17.08. If the ambiguity remains, or the applicant does not agree with the informal determination of the Director, the applicant must file a formal Classification Request on a form provided by the city as described below:

A. Classification Request: Any individual may submit a written Classification Request to the CED Director to determine whether a proposed land use aligns with an existing land use specified in the Standard Land Use Code. The request shall include:

1. A detailed description of the proposed business operations.
2. Typical hours of operation and physical characteristics.
3. Any other information the Director deems necessary to evaluate the impact profile of the use.

B. Determination:

The CED Director, acting as the Land Use Authority, shall review the request and issue a formal determination.

1. Alignment with Existing Use: If after review of materials and information submitted by the applicant the proposed use is determined to be functionally equivalent to an existing listed use and shares the same impact profile (intensity, traffic, noise, etc.), the applicant may proceed under the regulations of that existing use. If an existing defined use is not allowed in a certain zoning district the applicant may request a zoning text amendment and the provisions related to new or unlisted uses shall not apply.

2. New or Unlisted Business Use: If the Director determines that a proposed activity does not align with any existing land use, it shall be deemed a "new or unlisted business use" and the applicant may proceed with the legislative process described below.

3. Notification and Appeal: The Director shall notify the applicant in writing of the classification. If the applicant disagrees with this classification, they may appeal the decision to the Land Use Appeal Authority in accordance with Chapter 17.16.

C. Legislative Process: If the Director determines that a proposed activity does not align with any existing land use, it shall be deemed a "new or unlisted business use" and the applicant may apply for a legislative classification of the use.

1. Application to Legislative Body: The applicant shall submit the request directly to the City Council (Legislative Body) requesting the adoption of a land use ordinance to allow the use as a permitted or conditional use.

2. Bypass of Planning Commission: In accordance with Utah Code §10-20-507(2)(c), this specific application shall not be required to be submitted to the Planning Commission for consideration or review.

3. Public Hearing Required: Within 60 days of the receipt of the application for determination the City Council shall hold a public hearing to allow public comment on any proposed new or unlisted business use requested.

4. Public Notice Required: Notice of the public hearing will be sent in accordance with Utah Code §10-20-205.

5. City Council Action: The City Council shall determine whether to approve or deny the use and, if approved, shall designate the appropriate zone(s) for said use.

6. Written Notice: If the City Council denies the application, they shall notify the applicant in writing of each reason for the denial.

D. Appeals: The applicant or adversely affected party may challenge a final decision regarding a Classification Request in accordance with the appeal processes established in Section 10-20-1109 of the Utah Code.

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Section 4. Effective date. This Ordinance shall take effect upon first publication.

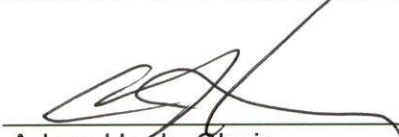
PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 18th day of August 2026.



ATTEST:


Brooke Smith, City Recorder

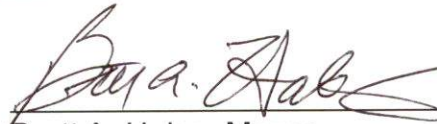
MURRAY CITY MUNICIPAL COUNCIL


Adam Heck, Chair

Transmitted to the Office of the Mayor of Murray City on this 21st day of August, 2026.

MAYOR'S ACTION: Approved

DATED this 21st day of August, 2026.


Brett A. Hales, Mayor

ATTEST:



Brooke Smith, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the 21st day of August, 2026.



Brooke Smith, City Recorder