



**HOLLADAY CITY COUNCIL
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that the Holladay City Council will hold two public hearings on **Thursday, April 25, 2024 as close to 6:00 P.M. as possible**, in the Holladay City Council Chambers, 4580 S 2300 E, Holladay UT.

The purpose of the first hearing is to consider proposed amendments to ordinance §13.86.110 of the Holladay City Code. The proposal intends to amend the maximum building height in the Commercial (C-2) land use zones from the current 35 feet to a proposed 40 feet, an increase of five (5) feet.

The purpose of the second hearing is to consider proposed amendments to various sections of Title 13 of the Holladay City Code as they relate to historic site; designation process, preservation and modifications procedures, allowed uses, and conditional use permit requirements.

The proposed amendment is available for public inspection on the City's website www.holladayut.gov and at the Community Development Dept. during normal business hours.

The public may remotely watch the **live video stream** of the meeting - https://holladayut.gov/government/agendas_and_minutes.php To make a public comment or to make a comment during any public hearing may provide such comments as follows: **In-person attendance:** at Holladay City Hall or you can **Email** your comments by 5:00 pm on the date of the meeting to scarlson@holladayut.gov or 801-272-9450,

CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted at City Hall, the City website www.holladayut.gov, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: Monday, April 15, 2024 at 11:00 am
Stephanie N. Carlson MMC,
City Recorder City of Holladay

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3 **CHAPTER 13.62**
4 **C-2 COMMERCIAL ZONE**
5

6 SECTION:

- 7 13.62.010: Purpose Of Provisions
8 13.62.020: Site Plan Review And Approval
9 13.62.030: Primary Uses
10 13.62.040: Accessory Uses
11 13.62.050: Businesses And Uses; Conditions
12 13.62.060: Lot Area
13 13.62.070: Lot Width
14 13.62.080: Front Yard
15 13.62.090: Side Yard
16 13.62.100: Rear Yard
17 **13.62.110: Building Height**
18 13.62.120: Coverage Restrictions
19 13.62.130: Landscaping
20

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22 **13.62.110: BUILDING HEIGHT:**

23 No building or structure in the C-2 zone shall contain more than three (3) stories, or exceed ~~thirty five feet~~
24 ~~(35')~~ forty feet (40') in height, and no dwelling structure shall contain less than one story.

25 In the C-2 zone, firewalls, skylights, clock or bell towers, steeples, flagpoles, chimneys, and wireless
26 telecommunication masts may be erected above the height limit prescribed in this title. However, no
27 space above the height limit shall be allowed for the purpose of providing additional floor space. (Ord.
28 2012-15, 9-20-2012)
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Historic Preservation

CHAPTER 13.07 DEVELOPMENT REVIEW AND APPROVAL FOR LEGISLATIVE PROCEDURES

SECTION:

13.07.010: Purpose

13.07.020: General Plan Amendment

13.07.030: Text And Zoning Map Amendment

13.07.040: Temporary Land Use Regulation

13.07.050: Historic Site Designation

13.07.010: PURPOSE:

The purpose of this chapter is to establish procedures and standards for review and approval of land use and development applications that are legislative proceedings. These procedures are adopted to assure that all applications are processed on a uniform basis.

13.07.020: GENERAL PLAN AMENDMENT:

***NO AMENDMENT PROPOSED*

13.07.030: TEXT AND ZONING MAP AMENDMENT:

***NO AMENDMENT PROPOSED*

13.07.040: TEMPORARY LAND USE REGULATION:

***NO AMENDMENT PROPOSED*

13.07.050: HISTORIC SITE DESIGNATION:

An application for a historic site designation for a district, building, structure, object or property within the city shall follow the procedure set forth in section 2.24.060 of this code.

A. Purpose: As a means of providing recognition and encouraging historic preservation, this section sets forth the procedure for historic site designation for a district, building, structure, object or property within the city.

B. Authority: The city council shall act as the Land Use Authority and may designate historic properties in the city to the "City of Holladay Historic Site Register".

C. Initiation: Proposal for historic designation may be made by a property owner or the property owner's authorized agent. An agent of a property owner shall provide an affidavit of authorization from the owner.

D. Submission Requirements: Submission for Historic Site Register designation shall be as provided in section 13.03.020 of this title

E. Noticing Requirements: The city shall provide notice as per public noticing provisions provided in Appendix C: "Noticing" of this Title.

F. Criteria: Any district, building, structure, object or site may be designated to the city's historic site register if it meets all the criteria outlined below:

1. It is located within the city.

2. One of the following Historic Designations – does not involve a city review

a) National Register of Historic Places

b) Utah State Historic Preservation Office

3. If the structure does not meet the requirements outlined in subsection 2(1) of this section, the council may determine the site to qualify for designation if documentation is provided ascertaining that the site meets one of the following requirements for exceptional significance:

a) It is directly associated with events of historic significance in the community.

1 b) It is closely associated with the lives of persons who were of historic importance to the
2 community.

3 c) It exhibits significant methods of construction or materials that were used within the
4 historic period.

5 1. Vernacular shall retain its historic integrity, in that there are no major alterations
6 or additions that have obscured or destroyed the significant historic features.
7 Major alterations that would destroy the historic integrity include but are not
8 limited to, changes in the pitch of the main roof, enlargement or enclosure of
9 windows on the principal facades, addition of upper stories or the removal of
10 original upper stories, covering the exterior walls with non-historic materials,
11 moving the resource from its original location to one that is dissimilar to the
12 original, additions which significantly detract from or obscure the original form
13 and appearance of the structure when viewed from the public way.

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15 G. Procedure:

16 1. After the application for a historic designation is complete, the community and economic development
17 director shall review for completeness, accuracy and compliance with the provisions set forth in this
18 chapter and shall provide written recommendation to the city council.

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20 2. Following receipt of the community and economic development director's recommendation, the city
21 council shall hold a public hearing on the proposed designation during a public meeting in accordance
22 with the noticing provision of 13.102.010 Appendix C.

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24 3. The city shall notify the property owner in writing of the city council's determination within one week of
25 the decision.

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27 H. Effect of Approval: Approval of an application for historic designation shall not be deemed an approval of any
28 zone, conditional use permit, site plan, or other land use or modification/construction permit. Approval of a
29 particular zone or permit shall be obtained in accordance with applicable provisions of this title.

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31 I. Removal of properties from the city's historic site register.

32 1. Properties which, in the council's opinion, no longer meet the criteria for eligibility may be removed from
33 the historic site register after review and consideration by the council. The city council may, without
34 public notice, amend adopted historic site register, including deleting existing sites or adding additional
35 sites. Decision shall be made during a regularly scheduled public meeting

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37 2. The property owner, or the property owner's authorized agent may petition the council to remove,
38 without a public notice, a designated property from the historic site register. Decisions shall be made
39 during a regularly scheduled public meeting. An agent of a property owner shall provide an affidavit of
40 authorization from the owner.

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42 J. Property Owner(s) of officially designated historic sites may obtain a historic site certificate from the city
43 containing the historic name of the property, the date of council designation, and signature of the mayor.

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45 H. Appeal: Any person adversely affected by a final decision of a historic designation by the city council may appeal
46 that decision to the district court as provided in Utah Code Annotated section 10-9a-801 et seq., as amended

1 **CHAPTER 13.86**
2 **HISTORIC PRESERVATION**

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4 SECTION:

5 13.86.010: Purpose

6 13.86.020: Historic Sites Designated Register

7 13.86.030: Historic Site Modification Permit Conditional Use Permit Required

8 13.86.040: Noncomplying Conditional Uses

9 13.86.045: Protective Maintenance Required

10 13.86.050: Site Modification

11 13.86.060: Additional Uses For Historic Sites

12 13.86.065: Modification Defined

13 13.86.070: Interpretation Of Chapter

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15 13.86.010: PURPOSE:

16 This chapter is enacted to establish a Historic Site Register and to provide a sustainable means by which a property
17 owner may maintain a historic site designated by the city council. Provisions within this chapter intend to preserve
18 sites, structures, landmarks or buildings with special historical, architectural or aesthetic value which are unique
19 and irreplaceable assets. To accomplish this purpose, planning commission may approve conditional permits for
20 additional land uses approval is required for and all modifications to historical sites.

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22 13.86.020: HISTORIC SITES DESIGNATED REGISTER:

23 A. Existing Sites: Each of the following structures and sites in the city is designated a historic site and are subject
24 to the provisions and standards of this chapter:

- 25
26 1. David Branson Brinton home, 1981 East Murray-Holladay Road, Holladay.
27 2. Santa Anna Casto home, 2731 Casto Lane, ~~Salt Lake City~~ Holladay (relocated to City Hall Park, 2009).
28 3. William J. Bowthorpe home, 4910 Holladay Boulevard, Holladay.
29 4. George Boyes home, 4766 Holladay Boulevard, Holladay.
30 5. Anders Hintze home, 4249 South 2300 East, Holladay.
31 6. Brinton-Dahl home/dairy, 1501 E Spring Lane, Holladay.
32 7. David McDonald home, 4659 S Highland Drive, Holladay.
33 8. Carl Peterson home, 2152 E Walker Lane, Holladay.

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35 B. Amendments: The city council may amend the above list of historic sites and structures, including removing or
36 designating of additional historic sites, subject to the amendment procedures in chapter 13.07.050 of this code.

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38 13.86.030: HISTORIC SITE MODIFICATION REQUIRMENTS CONDITIONAL USE PERMIT REQUIRED:

39 A. Modifications: A conditional use permit is required for any modifications to a historic site or structure,
40 including modifications to the landscaping, fencing or appearance of any lot, or demolition, construction,
41 alteration, relocation, improvement or conversion of a historic site.

42 B. Demolitions: A site listed on the Historic Site Register proposed to be demolished or extensively altered is
43 subject to the following

- 44 1. Upon verification of a complete permit, the city will delay issuing the modification permit for a
45 maximum of 30 days to document the property. The property owner shall work with the city staff in
46 providing access to the site for documentation process.
47 2. Documentation shall include, at minimum, exterior photographs of all elevations of the structure.
48 When possible, both exterior and interior measurements of the structure will be made in order to
49 provide an accurate floor-plan drawing of the structure.
50 3. The demolition permit will be issued after 30 days of the initial application whether or not the city has
51 completed documenting the building. The permit may be issued earlier if documentation is completed
52 before the 30-day deadline.

1 1.4. The documentation will be kept on file with the Community and Economic Development Department,
2 which shall be open to the public.
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4 B. Application: Applications for a conditional use permit on a historic site shall be made by the property owner in
5 the manner and subject to the procedures and requirements set forth in section 13.08.040 of this title. To the
6 extent that the requirements of this chapter and section 13.08.040 of this title are inconsistent, the requirements of
7 this chapter shall prevail.
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9 13.86.040: NONCOMPLYING CONDITIONAL USES:

10 The planning commission shall not approve a conditional use for a historic site which would be contrary to the
11 purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the
12 educational and historical value of the site unless all the following conditions have been met:
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14 A. Conditional Use Permit Requirements: The application meets the requirements for a conditional use permit set
15 forth in section 13.08.040 of this title;

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17 B. Zone Requirements: The application meets all the requirements of the base zone in which the property is
18 located;

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20 C. Length Of Term Before Planning Commission: The application has been pending before the planning
21 commission for a period of at least one year.
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23 13.86.045: PROTECTIVE MAINTENANCE REQUIRED:

24 A. Maintenance Required: In addition to the requirements of the applicable building code, the owner of any
25 historic site shall maintain and repair the historic site in accordance with this section. A historic site shall not be
26 destroyed by neglect of any structure that has or is incurring permanent damage, by weather, or by vandalism.
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28 B. Extent Of Maintenance: The owner shall maintain and repair the historic site to the extent that in the opinion of
29 the city is sufficient to prevent damage to the structural components or the exterior of the structure, or to prevent
30 the collapse of the structure, or to prevent the structure from becoming so deteriorated as to render impossible its
31 repair and preservation.
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33 C. Investigation: The city can investigate the condition of any historic site. Upon finding that the historic site is
34 dilapidated or deteriorating, the city shall notify the property owner by certified letter of the failure of meeting city
35 codes and standards. The city shall identify specific repairs and any work necessary to comply with the conditions
36 and requirements approved by the city. The owner shall have one hundred twenty (120) days from written
37 notification to complete necessary repairs and improvements that were approved by the city. All effort to work
38 with the property owner will be expended before written notification is mailed to the property owner. Failure to
39 complete the necessary repairs and work within one hundred twenty (120) days shall constitute a violation of this
40 chapter
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42 13.86.050: SITE MODIFICATION:

43 Upon application by the property owner and according to the procedures and requirements set forth in section
44 13.08.040 of this title, The planning commission may modify all yard, parking, landscaping, height and other
45 requirements of the zone in which the historic site is located, as necessary to fulfill the purposes of this chapter. In
46 so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety,
47 convenience and general welfare will not be impaired. The planning commission may establish development
48 criteria to control impacts associated with the heaviest permitted use in the base zone, including, but not limited
49 to, noise, ~~glare~~ Dark Sky compliant lighting, dust or odor.
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1 13.86.060: ADDITIONAL USES FOR HISTORIC SITES:

2 A. Residential And Forestry Zones: The planning commission may approve any of the following uses for a historic
3 site in addition to the permitted and conditional uses allowed in the forestry or residential zone in which the site is
4 located:

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- 6 Antique shop.
- 7 Art shop.
- 8 Boarding house.
- 9 Child nursery.
- 10 Dental office or clinic.
- 11 Dwelling, single-, two-, three-, four- or multiple- family (up to a maximum of 16 units per acre).
- 12 Nursing home.
- 13 Office.
- 14 Private educational institution.
- 15 Reception centers.
- 16 Restaurant.
- 17 Other uses of similar intensity to the above.
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19 B. Commercial Zone: The planning commission may approve any use listed in ~~the a~~ commercial zone of this title
20 for a historic site located in a commercial zone including residential dwellings, ancillary to the primary commercial
21 use.

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23 13.86.065: MODIFICATION DEFINED:

24 For purposes of this chapter, "modification" means demolition or construction where a demolition or building
25 permit is required. "Modification" also includes substantial changes to landscape, fencing or appearance of a
26 historic site. "Modification" does not include minor changes to landscape, fencing or appearance of a historic site
27 such as painting the historic site substantially the same color, changes to flowerbeds or trimming.

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29 13.86.070: INTERPRETATION OF CHAPTER:

30 This chapter does not guarantee the right of any person, firm or corporation to any provision of this chapter.
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1 **13.102.010: NOTICING:**
 2 **APPENDIX C – NOTICING**
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ACTION:	POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY:	DIRECT MAILING:	PUBLISHED (UTAH PUBLIC NOTICE WEBSITE)* <i>Previously General Circulation:</i>
Agenda, Posting of; City Council, Planning Commission, Design Review Board, Tree Board.	Minimum 24 hours in advance of meeting. In Accordance with Utah State Code, as amended.		Minimum 24 hours in advance of meeting, In Accordance with Utah State Code, as amended.
Zone Map Amendments	10 days prior to the first hearing before Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing. On the subject property .	Required mailing 10 days prior to the first hearing to each Affected Entity and to each Property Owner whose property is at least partially within the area to be zoned or rezoned.	10 days prior to the first hearing before the Planning Commission and City Council.
General Plan Amendments	10 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 10 days prior to the first hearing to each Affected Entity, Wasatch Front Regional Council.	10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
Ordinance Amendments	10 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.		10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
<u>Historic Designations</u>	<u>10 days prior to the first hearing before City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.</u>	<u>Required mailing 10 days prior to the first hearing to the affected property and to each property owner within 500 ft.</u>	<u>10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.</u>
Appeals of a; Administrative Decision, Planning Commission Decisions	10 days prior to the date set for the appeal, reconsideration, or call-up hearing.	Courtesy mailing 10 days prior to the appeal, reconsideration, or call-up hearing, to all parties who received mailed notice for the action being appealed.	10 days prior to the date set for the appeal, reconsideration, or call-up hearing.
Conditional Use Permit	10 days prior to the first hearing before the Planning Commission. On the subject property.	Courtesy mailing 10 days prior to the first hearing before the Planning Commission, to Property Owners within 500 ft.	10 days prior to the first hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications	10 days prior to the first hearing before the Appeal Officer.	Courtesy mailing 10 days prior to the first hearing before the Appeal Officer, to owners within 500 ft.	10 days prior to the first hearing before the Appeal Officer.
Annexations	In accordance with current State law. Consult with the City of Holladay Recorder's Office.		
Subdivision & Condominium Plat Applications	10 days prior to the first hearing. On the subject property.	Courtesy mailing 10 days prior to the first hearing to Property Owners within 500 ft.	10 days prior to the first hearing before the Planning Commission and City Council.
Subdivision & Condominium Plat Amendments	10 days prior to the first hearing.	Courtesy mailing 10 days prior to the first hearing to Property Owners within 500 ft.	10 days prior to the first hearing before the Planning Commission and City Council.
Implementing an Amendment to Adopted Specifications for Public Improvements that Apply to a Subdivision or Development		The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.	
Vacating or Changing a Public Street, Right-of-Way, or Easement	10 days prior to each hearing before the City Council on or near the Street, Right-of-Way, or easement in a manner that is calculated to alert the public.	Required mailing to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement at least 10 days prior to the hearing before the City Council.	10 days prior to the hearing before the City Council.
1) For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application. 2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed. 3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. 4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. 5) All days listed are the minimum number of days required.			