



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Holladay Planning Commission will hold a public hearing on **Tuesday, April 2nd as close to 6:00 P.M. as possible**. The purpose of the hearing is to allow comment during consideration of amendments to City of Holladay Historic Preservation ordinance.

The proposed amendment would amend various applicable sections of Title 13 of the Holladay City Code, Land Use and Development Regulations as they relate to historic site; designation, preservation and modifications, 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://cityofholladay.com/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 jteerlink@cityofholladay.com or 801-527-3890.

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: Friday, March 22, 2024 at 1:30 pm

*Stephanie N. Carlson MMC,
City Recorder City of Holladay*

**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 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.
 - b) It is closely associated with the lives of persons who were of historic importance to the community.
 - c) It exhibits significant methods of construction or materials that were used within the historic period.

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

10
 11 G. Procedure:

- 12 1. After the application for a historic designation is complete, the community and economic development
 13 director shall review for completeness, accuracy and compliance with the provisions set forth in this
 14 chapter and shall provide written recommendation to the city council.
- 15
 16 2. Following receipt of the community and economic development director's recommendation, the city
 17 council shall hold a public hearing on the proposed designation during a public meeting in accordance
 18 with noticing provision of 13.102.010 Appendix C.
- 19
 20 3. The city shall notify the property owner in writing of the city council's determination within one week of
 21 the decision.

22
 23 H. Effect Of Approval: Approval of an application for historic designation shall not be deemed an approval of
 24 any zone, conditional use permit, site plan, or other land use or modification/construction permit. Approval of a
 25 particular zone or permit shall be obtained in accordance with applicable provisions of this title.

26
 27 I. Removal of properties from the city's historic site register.

- 28 1. Properties which, in the council's opinion, no longer meet the criteria for eligibility may be removed
 29 from the historic site register after review and consideration by the council. The city council may,
 30 without public notice, amend adopted historic site register, including deleting existing sites or adding
 31 additional sites.
- 32
 33 2. The property owner, or the property owner's authorized agent may petition the council to remove,
 34 without public notice, a designated property from the historic site register. An agent of a property
 35 owner shall provide an affidavit of authorization from the owner.

36
 37 J. Property Owner(s) of officially designated historic sites may obtain a historic site certificate from the city
 38 containing the historic name of the property, the date of council designation, and signature of the mayor.

39
 40 H. Appeal: Any person adversely affected by a final decision of a historic designation by the city council may
 41 appeal that decision to the district court as provided in Utah Code Annotated section 10-9a-801 et seq., as
 42 amended

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

4
5 SECTION:

- 6 13.86.010: Purpose
7 13.86.020: Historic Sites ~~Designated Register~~
8 13.86.030: Conditional Use Permit Required
9 13.86.040: Noncomplying Conditional Uses
10 13.86.045: Protective Maintenance Required
11 13.86.050: Site Modification
12 13.86.060: Additional Uses For Historic Sites
13 13.86.065: Modification Defined
14 13.86.070: Interpretation Of Chapter

15
16 13.86.010: PURPOSE:

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

22
23 13.86.020: HISTORIC SITES ~~DESIGNATED REGISTER~~:

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

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

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

39
40 13.86.030: ~~HISTORIC SITE MODIFICATION REQUIRMENTS~~ ~~CONDITIONAL USE PERMIT REQUIRED~~:

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

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

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

1 [4.4. The documentation will be kept on file with the Community and Economic Development](#)
 2 [Department, which shall be open to the public.](#)
 3

4 B. Application: Applications for a conditional use permit on a historic site shall be made [by the property owner](#)
 5 in 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
 7 requirements of this chapter shall prevail.

8
 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:

13
 14 A. Conditional Use Permit Requirements: The application meets the requirements for a conditional use permit
 15 set forth in section 13.08.040 of this title;

16
 17 B. Zone Requirements: The application meets all the requirements of the base zone in which the property is
 18 located;

19
 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.

22
 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.

27
 28 B. Extent Of Maintenance: The owner shall maintain and repair the historic site to the extent that in the
 29 opinion of the city is sufficient to prevent damage to the structural components or the exterior of the structure,
 30 or to prevent the collapse of the structure, or to prevent the structure from becoming so deteriorated as to
 31 render impossible its repair and preservation.

32
 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
 35 city codes and standards. The city shall identify specific repairs and any work necessary to comply with the
 36 conditions and requirements approved by the city. The owner shall have one hundred twenty (120) days from
 37 written notification to complete necessary repairs and improvements that were approved by the city. All effort
 38 to work with the property owner will be expended before written notification is mailed to the property owner.
 39 Failure to complete the necessary repairs and work within one hundred twenty (120) days shall constitute a
 40 violation of this chapter

41
 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,](#) ~~t~~he 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
 46 chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the
 47 health, safety, convenience and general welfare will not be impaired. The planning commission may establish
 48 development criteria to control impacts associated with the heaviest permitted use in the base zone, including,
 49 but not limited to, noise, ~~glare~~[Dark Sky compliant lighting](#), dust or odor.

50
 51 13.86.060: ADDITIONAL USES FOR HISTORIC SITES:

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

55
 56 Antique shop.

- 1 Art shop.
- 2 Boarding house.
- 3 Child nursery.
- 4 Dental office or clinic.
- 5 Dwelling, single-, two-, three-, four- or multiple- family [\(up to a maximum of 16 units per acre\)](#).
- 6 Nursing home.
- 7 Office.
- 8 Private educational institution.
- 9 Reception centers.
- 10 Restaurant.
- 11 Other uses of similar intensity to the above.

12
13 B. Commercial Zone: The planning commission may approve any use listed in ~~the~~ a commercial zone of this
14 title for a historic site located in a commercial zone [including residential dwellings, ancillary to the primary](#)
15 [commercial use](#).

16
17 13.86.065: MODIFICATION DEFINED:

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

22
23 13.86.070: INTERPRETATION OF CHAPTER:

24 This chapter does not guarantee the right of any person, firm or corporation to any provision of this chapter.
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

1 **13.102.010: NOTICING:**
 2 **APPENDIX C – NOTICING**

ACTION:	POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY:	DIRECT MAILING:	PUBLISHED (UTAH PUBLIC NOTICE WEBSITE)* Previously General Circulation:
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.
Historic Designations	10 days prior to the first hearing before 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 the affected property and to each property owner within 500 ft.	10 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
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.			