

1 **The following are sections of Title 13, Title 14 and Title 17**
2 **where the terms "Abutting" and "Adjacent" occur.**
3 **Changes are indicated where needed.**
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6 **13.03.040: SUBMISSIONS REQUIREMENTS FOR ALL OTHER LAND USE**
7 **APPLICATIONS**

- 8 E. *Variance*: For a variance, the following shall be submitted:
9 1. A brief narrative describing:
10 a. The specific feature or features of the proposed use, construction or
11 development that require a variance, and the amount of the requested variance;
12 b. The specific chapter and section references of this title from which a variance is
13 sought;
14 c. A statement of the characteristics of the subject property that prevent
15 compliance with the provisions of this title; and
16 d. An explanation of how the application satisfies the variance standards set forth
17 in section 13.09.020 of this title.
18 2. A plot plan showing all of the following information:
19 a. The applicant's name and address;
20 b. Site address;
21 c. Property boundaries and dimensions;
22 d. Layout of existing and proposed buildings, parking, landscaping, and utilities;
23 and
24 e. Adjoining abutting property lines, and;
25 f. Uses within one hundred feet (100') of the subject property.
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29 **(Definitions)**

30 **13.04.040:**

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32 ABUTTING: Properties which have a common property line or corner.

33
34 ADJACENT: Properties in close proximity but may, or may not, have ~~having~~ a common
35 property line.
36

37
38 DENSITY, MAXIMUM The total number of lots or dwelling units allowed by the
39 application of a standard subdivision design, using the minimum lot size, width,
40 and setback dimensions required by each unique zone.
41

42 SUBDIVISION: Land that is divided, resubdivided, or proposed to be divided into two
43 (2) or more lots, parcels, sites, units, plots, or other division of land for the
44 purpose, whether immediate or future, for offer, sale, lease, or development either
45 on the installment plan or other plans, terms, and conditions.

- 1 A. "Subdivision" includes the division or development of land whether by deed,
2 metes and bounds description, devise and testacy, map, plat, or other recorded
3 instrument; and except as provided in subsection B of this definition, divisions of
4 land for residential and nonresidential uses, including land used or to be used for
5 commercial, agricultural, and industrial purposes.
- 6 B. "Subdivision" does not include:
7 1. A bona fide division or partition of agricultural land for the purpose of joining
8 one of the resulting separate parcels to a contiguous parcel of unsubdivided
9 agricultural land, if neither the resulting combined parcel nor the parcel remaining
10 from the division or partition violates an applicable land use ordinance;
11 2. A recorded agreement between owners of **adjoining** abutting unsubdivided
12 properties adjusting their mutual boundary if no new lot is created; and the
13 adjustment does not violate applicable land use ordinances;
14 3. A recorded document, executed by the owner of record revising the legal
15 description of more than one contiguous unsubdivided parcel of property into one
16 legal description encompassing all such parcels of property; or joining a
17 subdivided parcel of property to another parcel of property that has not been
18 subdivided, if the joinder does not violate applicable land use ordinances; or a
19 recorded agreement between owners of **adjoining** abutting subdivided properties
20 adjusting their mutual boundary if no new dwelling lot or housing unit will result
21 from the adjustment; and the adjustment will not violate an applicable land use
22 ordinance.
- 23 C. The joining of a subdivided parcel of property to another parcel of property that
24 has not been subdivided does not constitute a subdivision under this definition as
25 to the unsubdivided parcel of property or subject the unsubdivided parcel to the
26 subdivision requirements of this title.

27
28
29 **(Land Use Authorities)**

30 **13.05.070:**

- 31 B. *Appointment:* The DRB shall consist of five (5) members and one alternate
32 member. The board should include where possible professionals who have
33 expertise in the fields of architectural design, landscape design, interior design,
34 urban design, architectural history, art or graphic design, engineering, or planning;
35 a property owner or business owner within the Holladay Village commercial area;
36 and a property owner who resides within a residential neighborhood **adjacent** to
37 the Holladay Village area. Board members shall be appointed by the city manager
38 with the advice and consent of the city council.

39
40
41 **(Legislative Procedures)**

42 **13.07.030: TEXT AND ZONING MAP AMENDMENT:**

- 43 G. *Approval Standards:*
44 1. A decision to amend the text of this title or the zoning map is a matter within
45 the legislative discretion of the city council. The city council, after reviewing the
46 planning commission recommendation, may:

- 1 a. Adopt the amendment as recommended by the planning commission;
- 2 b. Make any revisions to the proposed amendment that it considers appropriate;
- 3 c. Remand the proposed amendment back to the planning commission for further
- 4 consideration; or
- 5 d. Reject the proposed amendment.
- 6 2. In reviewing a text or map amendment, the following factors should be
- 7 considered:
- 8 a. Whether the proposed amendment is consistent with goals, objectives and
- 9 policies of the city's general plan;
- 10 b. Whether the proposed amendment is harmonious with the overall character of
- 11 existing development in the vicinity of the subject property;
- 12 c. The extent to which the proposed amendment may adversely affect **abutting**
- 13 properties; and
- 14 d. The adequacy of facilities and services intended to serve the subject property,
- 15 such as, roadways, parks and recreation facilities, police and fire protection,
- 16 schools, stormwater drainage systems, environmental hazard mitigation measures,
- 17 water supply, and wastewater and refuse collection.
- 18

19 **(Administrative Procedures)**

20 **13.08.040: CONDITIONAL USE PERMIT:**

- 21 E. *Approval Standards:* A conditional use shall be approved if reasonable conditions
- 22 are proposed by the applicant, or can be imposed by the land use authority, to
- 23 mitigate the potential detrimental effects of the proposed use in accordance with
- 24 applicable standards set forth in this section.
- 25 1. A conditional use shall:
 - 26 a. Be consistent with policies set forth in the city's general plan applicable to the
 - 27 site where the conditional use will be located.
 - 28 b. Be allowed by the zone regulations where the conditional use will be located.
 - 29 c. Be compatible with the character of the site, **adjacent** properties and uses, and
 - 30 existing development within the vicinity of the site where the use will be located.
 - 31 d. Provide vehicular access to the site without materially degrading the existing
 - 32 level of service of the **abutting** streets.
 - 33 e. Locate all driveways oriented to direct traffic to streets, major or local, without
 - 34 impacting the safety, purpose, and character of these streets.
 - 35 f. Locate on site parking areas and structures, particularly those locations likely to
 - 36 encourage street side parking for the proposed use, in areas of the site that will not
 - 37 adversely impact the reasonable use of **adjacent** properties.
 - 38 g. Accommodate peak traffic to the site without impairing the use and enjoyment
 - 39 of **abutting** adjacent properties.
 - 40 h. Provide an internal circulation system designed to mitigate adverse impacts on
 - 41 adjacent ~~and~~ **abutting** property from motorized, nonmotorized, and pedestrian
 - 42 traffic.
 - 43 i. Restrict hours of operation of the proposed conditional use in relation to the
 - 44 hours of activity or operation of other nearby uses to mitigate noise, light, odor, or
 - 45 other nuisances that unreasonably impair the use and enjoyment of **abutting** ~~and~~
 - 46 adjacent properties.

- 1 j. Demonstrate existing or proposed utility and public services will be adequate to
2 support the proposed use at normal service levels and is designed in a manner to
3 avoid adverse impacts on adjacent and abutting land uses, public services, and
4 utility resources.
- 5 k. Install appropriate buffering, such as landscaping, setbacks, and building
6 location, to protect adjacent land uses from light, noise, and visual impacts
7 resulting from the proposed use.

8
9

10 **13.08.080: SITE PLAN:**

- 11 E. *Approval Standards:* The planning commission shall approve a site plan only
12 upon conformance with the requirements of this title as applicable to the zone in
13 which the development occurs and the following standards relating to:
 - 14 1. Safety for persons and property:
 - 15 a. Building elevations and grading plans designed to prevent or minimize
16 floodwater damage, where property may be subject to flooding;
 - 17 b. Relocation, covering, or fencing of irrigation ditches, drainage channels, and
18 other potential attractive nuisances existing on or adjacent to abutting the
19 property;
 - 20 c. Increased or decreased setback distances from lot lines where the planning
21 commission determines it to be necessary to ensure public safety and to ensure
22 compatibility with the intended characteristics of the properties in the area;
 - 23 d. Limitations and control of the number, location, color, size, height, lighting,
24 and landscaping of outdoor advertising signs and structures in relation to the
25 creation of traffic hazards and appearance and harmony with adjacent
26 development;
 - 27 e. The location, arrangement, and dimensions of truck loading and unloading
28 facilities;
 - 29 f. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire
30 hydrants, and street lighting, as well as, dedication of property within a future
31 right of way as shown on the city of Holladay circulation map adopted as part of
32 the Holladay City general plan;
 - 33 g. Reduction of permitted street grades for winter and storm conditions, or
34 exposure;
 - 35 h. Proposed fence heights that will not create visual or other safety hazards,
36 including backing movements, passing vehicles, sidewalk traffic, and small
37 children; and
 - 38 i. Mitigation measures designed to prevent graffiti;
 - 39 2. Health and sanitation measures:
 - 40 3. Environmental concerns:
 - 41 4. Conformance with the goals, objective and policies of the general plan;
 - 42 5. Removal of incompatible structures, debris, or plant materials;
 - 43 6. Landscaping;
 - 44 7. The location, height, and materials of walls, fences, hedges, and screen
45 plantings to ensure harmony with adjacent abutting development;

8. Relocation of proposed or existing structures as necessary to provide for future streets as shown on the Holladay City circulation map, adequate sight distances for general safety, groundwater control, or similar problems;
9. Provision for, or construction of, recreational facilities necessary to satisfy needs of the proposed use;
10. Other improvements which serve the property and which may compensate for possible adverse impacts to the district from the proposed use;
11. Consideration of specific short and long range use of development to assure future timeliness, feasibility, and impact on the community;
12. Energy conservation concerns;
13. Dark sky protection (elimination of off site light source visibility and light trespass).

13.08.150: SPECIAL EXCEPTIONS AUTHORIZED

- B. *Driveway Approach in the Public Right of Way:* The planning commission may grant a special exception for a driveway approach in the public right of way exceeding the maximum width as per section 14.12.110 of this code upon a recommendation from the community development director and the technical review committee based on the following:
1. Unusual topographical conditions;
 2. Aesthetic considerations; or
 3. Other exceptional conditions or circumstances such as:
 - a. Current and future street width as per the city's adopted circulation map;
 - b. The nature and condition of the street;
 - c. Posted vehicle speed;
 - d. Location and width of **abutting** and **adjacent** driveways;
 - e. Types of established uses within five hundred feet (500') of the proposed exception; and
 - f. Existing public improvements in the immediate vicinity.

(Subdivisions)

13.10.070: REVIEW PROCEDURE

- D. *Vacating, Altering, or Amending A Plat:*
1. If a petition is filed under section 13.10.040 of this chapter, the planning commission shall hold a public hearing within forty five (45) days after the petition is filed if:
 - a. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification; or
 - b. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 2. The public hearing requirement of subsection D1 of this section does not apply and the planning commission may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if the petition seeks to:
 - a. Join two (2) or more of the petitioner fee owner's contiguous lots;

- 1 b. Adjust the lot lines of adjoining abutting lots or parcels if the fee owners of
2 each of the adjoining abutting lots or parcels join in the petition, regardless of
3 whether the lots or parcels are located in the same subdivision, and where no new
4 lots will be created by the lot line adjustment and the newly configured lots
5 comply with the land use regulations in this title;
6 c. Adjust an internal lot restriction imposed by the local political subdivision; or
7 d. Alter the plat in a manner that does not change existing boundaries or other
8 attributes of lots within the subdivision that are not:
9 (1) Owned by the petitioner; or
10 (2) Designated as a common area; and
11 (3) Notice has been given to adjacent property owners in accordance with section
12 13.10.060 of this chapter 13.10.060 of this chapter.
13 3. The name of a recorded subdivision may be changed by recording an amended
14 plat making that change, as provided in this section. An owner of land may not
15 submit for recording an amended plat that gives the subdivision described in the
16 amended plat the same name as a subdivision in a plat already recorded in the
17 county recorder's office.
18

19 **13.10.080: APPROVAL STANDARDS**

- 20 J. *Lot Line Adjustment:* A petition to adjust lot lines between adjacent properties
21 may be executed upon the recordation of an appropriate deed if:
22 1. No new dwelling lot or housing unit results from the lot line adjustment;
23 2. The adjoining abutting property owners consent to the lot line adjustment;
24 3. The lot line adjustment does not result in remnant land that did not previously
25 exist;
26 4. The adjustment does not result in violation of applicable requirement of this
27 title; and
28 5. The petition has been reviewed and approved by the community development
29 director prior to recordation with the Salt Lake County recorder's office.
30
31

32 **13.10.120: DESIGN STANDARDS:**

- 33 D.5. In general, all remnants of lots below the minimum lot size shall be added to
34 adjacent abutting lots, rather than allowed to remain as unusable parcels.
35
36 D. *Lots:*
37 1. Lot arrangement and design shall be such that lots will provide satisfactory and
38 desirable sites for buildings, and be properly related to topography, to the
39 character of surrounding development and to existing requirements.
40 2. All lots shown on a preliminary or final plat shall conform to the minimum
41 requirements of this title for the zone in which the subdivision is located, and to
42 the minimum requirements of the Salt Lake County health department for water
43 supply and sewage disposal. The minimum width for any residential building lot
44 shall be as required by the zone in which the lot is located.

1 3. Each lot shall abut a public street or private right of way and be shown on a
2 subdivision plat. Double frontage lots shall be prohibited except where unusual
3 conditions make other designs undesirable.

4 4. Unless there are unusual conditions associated with the property, side lot lines
5 or lots shall be approximately at right angles, or radial to street lines.

6 5. In general, all remnants of lots below the minimum lot size shall be added to
7 ~~adjacent~~ abutting lots, rather than allowed to remain as unusable parcels.

8
9 E. *Protection Strips:* Where subdivision streets parallel contiguous property of
10 abutting owners, the subdivider may, upon approval of the planning commission,
11 retain a protection strip not less than one foot (1') in width between the street and
12 ~~adjacent~~ abutting property, provided that an agreement, approved by the city
13 attorney, has been made by the subdivider, contracting to deed to the then owners
14 of the contiguous property, the protection strip for a consideration named in the
15 agreement. Such consideration may not be more than the fair cost of land in the
16 protection strip, the street improvements properly chargeable to the contiguous
17 property, plus the value of one-half (1/2) the land in the street at the time of
18 agreement, together with interest at a fair rate from the time of agreement until the
19 time of the subdivision of such contiguous property. One copy of the agreement
20 shall be submitted by the city attorney to the planning commission prior to
21 approval of the final plat. Protection strips shall not be permitted at the end of or
22 within the boundaries of a public street or proposed public street or within any
23 area intended for future public use. Each agreement shall be recorded against all
24 ~~adjacent~~ abutting properties in the records of the Salt Lake County recorder.
25

26 **13.10.130: REQUIRED IMPROVEMENTS:**

27 C. *Storm Drainage (Canals and Ditches):*

28 1. No ditch or canal shall be approved as suitable for the use of storm drainage
29 water without the written permission of the appropriate ditch or canal company or
30 of the water users for such use. No ditch or canal shall be used for stormwater
31 unless adequately improved to handle such water as may be reasonably expected
32 to be conveyed through the canal or ditch including, irrigation water, subdivision
33 runoff water, and other water expected to reach such canal or ditch. Any
34 modification to an existing canal or ditch is also subject to the review and
35 approval of the city engineer.

36 2. The subdivider shall work with irrigation, drainage or ditch companies as to:

37 a. Methods of covering, realigning or eliminating ditches or canals within or
38 ~~adjoining~~ abutting the subdivision;

39 b. The size of pipe and culverts required; and

40 c. The responsibility for the periodic inspection, cleaning and maintenance of
41 such ditches, pipes and culverts. In cases where canals or ditches cross public
42 roads or proposed public roads, specifications and grades for pipe or culvert must
43 be approved by the community development department.
44
45
46

1 **(R-1 Zones)**

2 **13.14.054: FRONT SETBACKS**

3 C. *Front Setbacks On Lots Less Than 1.5 Acres:* The minimum front setback for any
4 main building with frontage on a public street shall be calculated using an average
5 of the front setbacks of each of the main structures on the block face within four
6 (4) adjacent lots, two (2) on each side of the property in question and may include
7 the existing structure on the property in question. The average of each main
8 structure shall be determined by using the shortest and farthest measurement from
9 the property line to the main structure. The average calculation shall be further
10 limited by the following:

- 11 1. If one or more of the lots required in the averaging calculations is vacant, the
12 front setback for such vacant lots will be determined based upon the average front
13 setback of the main building, if any, that formerly occupied that lot. If the lot has
14 never been occupied, or if the average front setback of the former building cannot
15 be determined, the front setback shall be calculated using either a fifth adjacent
16 lot, or only three (3) adjacent lots, whichever the community development
17 director determines would most appropriately reflect the development pattern of
18 the neighborhood in question.
- 19 2. Lots fronting on a different street than the subject lot may not be used in
20 computing the average
- 21 3. When the subject lot is a corner lot, the average setback will be computed on
22 the basis of the three (3) adjacent lots on the same street as the subject lot.

23
24 **13.14.060: SETBACKS ON PRIVATE DRIVEWAYS:**

25 For the purpose of this title, lots fronting on a private driveway shall be deemed as
26 unique from lots on any other street, private road or private lane and shall have
27 setbacks as follows:

- 28
29 A. The minimum setback for any main building on a lot fronting on a "private
30 driveway" (see chapter 13.04, "Definitions", of this title) shall be as follows:
 - 31 1. A yard adjacent to abutting the rear yard of an adjoining abutting lot shall
32 maintain the minimum rear setback required by section 13.14.052 of this chapter;
33 and
 - 34 2. A yard adjacent to abutting the side yard of an adjoining abutting lot shall
35 maintain the minimum side setback required by section 13.14.056 of this chapter.
36 On lots where only one side yard is required, the minimum side setback shall be
37 ten percent (10%) of the lot width.

38
39 **13.14.070: BUILDING HEIGHT:**

- 40 A. *Purpose:* Limiting overall building height and building height in relation to the
41 property line (i.e., graduated height), is an essential element of land use planning
42 and urban design. In particular, height limitations provide some view protection,
43 light, shadow, air movement, and also contribute directly to physical and
44 psychological well being. The use of overall height limitations proportional to the
45 lot sizes, and of a graduated height envelope, is intended to keep the massing of
46 structures away from the property line, lessening the impact of new homes on

1 ~~adjoining~~ abutting lots while allowing for and encouraging architectural interest.
2 In addition to meeting all of the maximum height and graduated height envelopes
3 required in this chapter, architects, developers, and homeowners are required to
4 break up large wall and gable areas with articulations, building relief, and
5 appropriate fenestration, among other ornamental features.
6

7 **13.14.071: BUILDING CORRIDOR:**

- 8 A. *Purpose:* The building corridor is a three-dimensional regulation limiting the
9 depth of a new residential construction at the maximum height allowed.
10
11 B. *Determination:* The building corridor of a main structure shall be determined by
12 comparing only similarly sized lots on the same block face as the subject
13 property.
14 1. Where the subject property is 1.5 acres in size or larger, the determination of
15 the building corridor shall only involve other lots that are 1.5 acres or larger.
16 2. Where the subject property is smaller than 1.5 acres in size, the determination
17 of the building corridor shall only involve other lots that are smaller than 1.5
18 acres.
19 3. If there are no comparable lots, as applicable, within the comparative building
20 corridor area, the community development director shall determine the
21 appropriate building corridor for a new home, with written findings, based upon
22 what is most compatible with the other existing homes on ~~adjoining~~ adjacent lots within the
23 immediate area.
24

25 **13.14.100: MASS AND SCALE:**

- 26 A. *Purpose:* The purpose of this section is not to restrict architectural freedom but
27 address the appropriate size of a structure given its context within an established
28 neighborhood. Two (2) factors influence the perception of mass and scale of a
29 structure: the physical relationship of the structure to the size of the ~~adjoining~~ adjacent
30 structures and the physical distance between structures.
31
32 B. *Limitation: (no changes)*
33
34 C. *Second Story Locations:* Second story portions of a building shall be designed
35 with ~~adjoining~~ adjacent structures in mind. Reduction in the overall scale of the building can
36 be accomplished by the use of varied upper story setbacks, providing significantly
37 larger setbacks for the entire structure and/or placement of the major portion of
38 the second story over the rear portion of the first story.
39

40 **13.14.110: ACCESSORY BUILDINGS:**

- 41 A. *Prohibited Locations:* No accessory building/structure may be constructed in a
42 front setback area, nor shall it be placed within a required side setback area
43 ~~adjoining~~ adjacent to abutting a street. No accessory building/structure may be constructed
44 within any public utility or other easement without the express written consent of
45 all utility providers or parties holding interest in the easement.
46

- 1 B. *Rear Yard Requirements: (no changes)*
2
3 C. *Side Yard Requirements: Accessory buildings/structures may be constructed*
4 *between the primary structure and the side property line not adjacent to abutting a*
5 *street if the accessory buildings/structures:*
6
7
8

9 **(R-2/RM)**

10 **13.32.090: BUILDING HEIGHT:**

- 11 A. *Purpose: Limiting overall building height and building height in relation to the*
12 *property line (i.e., graduated height), is an essential element of land use planning*
13 *and of urban design. In particular, height limitations provide for some territorial*
14 *view protection, light, shadow, air movement, and also contribute directly to*
15 *physical and psychological well being. The use of overall height limitations*
16 *proportional to the lot sizes, and of a graduated height envelope, is intended to*
17 *keep the massing of structures away from the property line, lessening the impact*
18 *of new homes on adjoining abutting lots while allowing for and encouraging*
19 *architectural interest. In addition to meeting all of the maximum height and*
20 *graduated height envelopes required in this chapter, architects, developers, and*
21 *homeowners are strongly encouraged to break up large wall and gable areas with*
22 *articulations, building relief, and appropriate fenestration, among other*
23 *ornamental features.*
24
25

26 **(ORD)**

27 **13.45.010: PURPOSE OF PROVISIONS:**

28
29 The purpose of the O-R-D zone is to provide an aesthetically attractive
30 environment where flexibility in the land use mix can be fostered. The primary
31 intent of the zone is to establish a specific area where more intensive office,
32 research and development facilities can be located. However, the complexity of
33 the land in the zone and its adjacency to a major freeway access supports the
34 incorporation of subordinate, and compatible general commercial activity such as
35 travel and tourism related uses. Retail, service, convenience and food
36 establishments are considered appropriate for the zone when developed with
37 proper site plan and architectural design guidelines. The zone is intended to
38 ensure compatibility of new development with the surrounding land uses,
39 including abutting adjacent residential developments, and to enhance and support
40 the overall economic health of the city.
41

42 **13.45.090: PERIMETER WALL:**

- 43 A. *When Required; Waiver: The project area shall have a decorative tinted concrete*
44 *or masonry wall along all rear and side yards not fronting on a public street, but*
45 *which abut a residential use. This requirement may be waived by the planning*
46 *commission upon a determination that the wall is not necessary to buffer the*

1 adjacent abutting use. Such walls shall not be located in the required setback from
2 a public street.
3

4 **13.45.110: LIGHTING:**

5 A. *Purpose:* Site lighting is an important part of any land use development in the O-
6 R-D zone. All proposed development shall have a professionally designed
7 lighting plan approved by the planning commission as part of the site
8 plan/conditional use permit process. Such plans shall emphasize energy
9 conservation and compatibility with abutting and adjacent uses and using the
10 minimum light necessary to achieve visibility and security while ensuring the
11 enjoyment of a starry night for all members of the community.
12

13 B. *Height Of Light Poles:* The maximum height of light poles shall be thirty feet
14 (30'). The light shall be low intensity, shielded from uses on adjoining adjacent
15 lots, and directed away from adjacent property in a residential zone or use.
16

17 **13.45.130: SCREENING:**

18 C. *Roof Appurtenances:* The use of roof appurtenances is discouraged. If roof
19 appurtenances, including, but not limited to, air conditioning units, elevator shafts
20 and mechanical equipment are used, they shall be designed to be architecturally
21 compatible with the building or placed within an enclosure no taller than the
22 absolute minimum needed. Such structures shall comply with the requirements for
23 penthouses and roof structures of the international building code, as adopted by
24 the state. Such enclosures require planning commission approval, and shall
25 minimize visibility from on site parking areas, adjacent abutting public streets,
26 and adjacent abutting residentially zoned property.
27

28 E. *Loading Areas and Docks:* Loading areas and docks shall be screened by
29 landscaping and/or visual barriers from adjacent properties and public streets.
30

31 **13.45.140: ACCESS AND PARKING:**

32 A. 1. The number of access points along public streets shall be minimized by sharing
33 and linking parking areas with adjacent properties. Reciprocal ingress and egress,
34 circulation and parking agreements shall be required to facilitate the ease of
35 vehicular movement between adjoining abutting properties. The planning
36 commission may grant an exception to this requirement if it is satisfied that
37 obtaining a reciprocal parking agreement is not practical or would create an undue
38 hardship on the developing property.
39

40 **13.45.150: PEDESTRIAN WALKWAYS:**

41 A. *Required:* Pedestrian walkways, a minimum of six feet (6') wide, shall be required
42 to accommodate pedestrian movement between activity centers within the site, to
43 adjacent uses and from building entrances directly to mass transit facilities not to
44 be calculated in the impervious coverage requirement.
45

1 **13.45.160: DESIGN CONSIDERATIONS:** In order to meet the purposes of the O-R-D
2 zone, the planning commission shall consider the following prior to approval of
3 any plan:

- 4 A. *Scale:* The scale of the development shall be in character with the surrounding
5 land uses including adjacent development.
6
7

8 **(RO) 13.50.160: HAZARDOUS ACTIVITIES:**

9 No land or building devoted to uses authorized by this chapter shall be used or
10 occupied in any manner so as to create noxious or objectionable fire, explosive or
11 other hazards; noise or vibration, smoke, dust, or other form of air pollution, heat,
12 cold, dampness, glare, electrical or other disturbance, liquid or solid refuse or
13 waste, or other substance, condition or element in such a manner or in such an
14 amount as to adversely affect the surrounding area or adjoining premises.
15
16
17

18 **(NC)**

19 **13.55.020: NEIGHBORHOOD COMMERCIAL ZONE ESTABLISHED:** The
20 following zone is established:

- 21 A. *Neighborhood Commercial Zone (NC):* The purpose of the NC zone is to set
22 standards for areas where restricted and limited, small scale, low impact
23 commercial uses are allowed adjacent to residential areas. The implementation of
24 the NC zone is intended to be on a very limited basis and only on properties
25 where the existing impacts of traffic, noise or other impacts make the property
26 marginal for continued low density residential uses.
27

28 **13.55.070: ADDITIONAL DEVELOPMENT STANDARDS:**

- 29 A. *Buffer Standards for Development Abutting a Residential Property:*
30 1. The minimum setback for a primary structure is twenty feet (20') from any
31 abutting residential property line.
32 2. Building height shall not exceed the design envelope created by starting at a
33 point eight feet (8') above the ground at the residential property line and then
34 sloping along a plane at a forty five degree (45°) angle toward the center of the
35 lot.
36 3. A perimeter wall as per subsection H of this section is required.
37 4. For developments in the NC zone a landscaped buffer shall be provided as
38 required by chapter 13.77 of this title.
39 5. A primary or accessory structure with an elevation facing a residential property
40 shall not have a single, unbroken facade longer than fifty feet (50').
41 6. No trash receptacle or storage area shall be located closer than fifty feet (50')
42 from a residential dwelling unless located within a fully enclosed building.
43 7. An outdoor dining facility shall be constructed in a manner which visually
44 obscures the facility from adjoining abutting residential property and which
45 protects the property from noise and light emanating from the facility. (Ord. 2013-
46 22, 9-5-2013)

1
2 **13.55.080: DESIGN GUIDELINES:**

3 D. *Reinforcement of Design:* Building design should reinforce the building's location
4 ~~adjacent to~~ abutting the street edge. Buildings are encouraged to be sited at or
5 near the property line and larger setbacks are discouraged unless they contribute
6 to the pedestrian activity along the street. Buildings on corner lots should be
7 oriented to the corner. Corner entries and/or architectural treatment should be
8 used to emphasize the corner. At least one active entrance shall face the public
9 right of way.

10
11
12 **(C-1)**

13 **13.56.090: SIDE YARD:** None; except that wherever a building in the C-1 zone is
14 located upon a lot ~~adjacent to~~ abutting a residential zone boundary, there shall be
15 provided a side yard of not less than ten feet (10') on the side of the building
16 ~~adjacent to~~ abutting the zone boundary line, and on corner lots the side yard
17 which faces on a street shall be not less than twenty feet (20').

18
19 **13.56.100: REAR YARD:**

20 None; except that wherever a building in the C-1 zone is located upon a lot
21 ~~adjacent to~~ abutting a residential zone boundary, there shall be provided a rear
22 yard of not less than ten feet (10') on the side of the building ~~adjacent to~~ abutting
23 the zone boundary line.

24
25
26 **(C-2)**

27 **13.62.090: SIDE YARD:** In the C-2 zone:

28 A. *Multiple and/or dwelling group:* The minimum side yard for any dwelling shall be
29 fifteen feet (15'), and the total width of the two (2) required side yards shall be not
30 less than thirty feet (30'). The minimum side yard for a private garage shall be
31 fifteen feet (15'), except private garages and other accessory buildings located at
32 least six feet (6') in the rear of the main building shall have a minimum side yard
33 of not less than one foot (1'); provided, that no private garage or other accessory
34 building shall be located closer than ten feet (10') to a dwelling on an ~~adjacent~~
35 abutting lot. On corner lots, the side yard which faces on a street for both
36 dwellings and accessory buildings shall be not less than twenty feet (20').

37
38 B. *Other buildings and structures:* None; except that wherever a building is located
39 upon a lot ~~adjacent to~~ abutting a residential zone boundary, there shall be
40 provided a side yard of not less than fifteen feet (15') on the side of the building
41 ~~adjacent to~~ abutting the zone boundary line, and on corner lots the side yard
42 which faces on a street shall be not less than twenty feet (20').

43
44
45 **(HV)**

46 **13.71.080: DEVELOPMENT STANDARDS**

1
2 E. *Outdoor Uses:* The following outdoor uses are encouraged and may be approved
3 by the community development director by special permit as either an ongoing or
4 one time, periodic event:

5 1. Outdoor dining. Outdoor dining is subject to the following criteria:

6 a. The proposed seating area is located on private property or public property and
7 does not diminish parking or landscaping.

8 b. The proposed seating area does not impede pedestrian circulation.

9 c. The proposed seating area does not impede emergency access or circulation.

10 d. No music or noise in excess of that allowed by applicable noise ordinance.

11 2. Outdoor events and music excluding government sponsored events.

12 a. Outdoor events and music require a business license and the applicant shall
13 submit a site plan and written description of the event, addressing the following:

14 (1) Compliance with applicable noise ordinances.

15 (2) Impacts on adjacent residential uses.

16 (3) Proposed plans for music, lighting, structures, electrical signs, etc.

17 (4) Parking demands and impacts on neighboring properties.

18 (5) Duration and hours of operation.

19 (6) Impacts on emergency access and circulation.

20 b. The applicant shall submit the required application, pay all applicable fees, and
21 provide all required material and plans.

22
23 G. *Access, Service and Delivery:*

24 1. All access to commercial businesses and facilities shall be located within areas
25 zoned for commercial use.

26 2. Service yards, loading docks, truck parking areas and other similar areas shall
27 be screened from view by a combination of walls, fences, and dense planting.

28 Screening shall block the view of such areas from public areas of the site,
29 adjacent property, and public rights of way.

30
31 3. Drive-through windows with corresponding driveways, curb cuts, etc., are
32 prohibited.

33
34 I. *Site Lighting:* It is the intent of this subsection to encourage lighting practices and
35 systems that will minimize light pollution, glare and light trespass, conserve
36 energy and resources, and maintain nighttime safety and utility while ensuring the
37 enjoyment of a starry night for all members of the community.

38
39 6. Holiday Lighting: Holiday lighting during the months of October, November,
40 December and January shall be exempt from the provisions of this section,
41 provided that such holiday lighting does not create dangerous glare on adjacent
42 streets or properties.

43
44 **13.71.090: DESIGN GUIDELINES:**

45 E. 13. Reinforcement of Design: Building design should reinforce the building's location
46 adjacent to abutting the street edge and public space.

1
2 H. 2. Neon or very bright colors, which have the effect of unreasonably setting the
3 building apart from other adjacent buildings on the street shall not be used.
4

5 I. *Amenities:*

6 1. All major new construction involving combined uses of over seven thousand
7 (7,000) square feet of leasable area shall include at least two (2) of the following
8 amenities:

9 a. Plazas: Plazas should be designed as an outdoor room for use by people
10 as opposed to serving only as a setting for a building. Plazas should be accessible
11 from adjacent abutting sidewalks or pedestrian linkages. Plazas should be located
12 in sunny areas and provide plenty of seating on benches, steps and/or ledges,
13 public art and other amenities.

14 c. Water Feature: A water feature or fountain should be accessible and/or visible
15 by pedestrians from an adjacent abutting sidewalk or plaza. A water feature
16 should be designed to use water efficiently with low water loss from evaporation
17 and wind.

18 b. Art: Art should be integrated with the public street improvements. The location
19 should provide for public view but not hinder pedestrian traffic.

20 c. Water Feature: A water feature or fountain should be accessible and/or visible
21 by pedestrians from an adjacent sidewalk or plaza. A water feature should be
22 designed to use water efficiently with low water loss from evaporation and wind.

23 d. Clock Or Landmarks: Decorative clock or decorative landmarks.

24 e. All Weather Features: Specially designed all weather features that will make
25 spending time outdoors feasible in all seasons.

26 f. Restrooms: Public restrooms.

27 g. Greenspace: Greenspace may be similar to a plaza, but include significantly
28 more landscaping than hardscape, and exceed the minimum landscaping
29 requirement for the property.

30 2. The design review board may recommend other amenities in place of the above
31 for approval by the planning commission.
32

33 L. *Service Areas:*

34 1. All on site service areas should be located in an area not visible from public
35 streets or adjacent abutting residential zones.
36
37

38 **(FCOZ)**

39 **13.72.030: DEVELOPMENT STANDARDS:**

40 A. *Lot and Density Requirements:*

41 5. Clustering: Clustering of development (see section 13.72.080, figures 5 and 6
42 of this chapter) is generally recommended and may be required by the planning
43 commission to achieve the objectives of this chapter. Whether proposed by an
44 applicant or required by the planning commission, clustering of development may
45 only be used to reduce otherwise applicable minimum lot size requirements upon
46 satisfaction of the following findings:

- 1 a. The clustering proposal meets all other applicable requirements set forth in this
- 2 chapter or in other applicable ordinances or regulations;
- 3 b. The clustering proposal, compared with a more traditional site development
- 4 plan, better attains the policies and objectives of this chapter, such as providing
- 5 more open space, preserving existing trees and vegetation coverage, and
- 6 preserving sensitive environmental areas such as stream corridors, slide areas,
- 7 wetlands and steep slopes;
- 8 c. The clustering proposal will have no significant adverse impact on adjacent
- 9 properties or development, or, if such impacts would result, the applicant has
- 10 agreed to implement appropriate mitigation measures such as landscaping,
- 11 screening, illumination standards, and other design features as recommended by
- 12 the community development director to buffer and protect adjacent properties
- 13 from the proposed clustered development; and
- 14 d. The architecture, height, building materials, building colors, and other design
- 15 features of the development blend with the surrounding natural landscape and are
- 16 compatible with adjacent properties or development.

17
18 D. *Streets/Roads and General Site Access:*

- 19 6. Roads, other vehicular routes, or trails may be required to provide access or
- 20 maintain existing access to adjacent lands for vehicles, pedestrians, emergency
- 21 services, and essential service and maintenance equipment.

22
23 K. *Wildlife Habitat Protection:*

- 24 1. Intent And Purpose:
- 25 2. Applicability:
- 26 3. Development Limitations In Areas Of Critical Habitat: All development subject
- 27 to this subsection shall, to the maximum extent feasible, incorporate the following
- 28 principles in establishing the limits of disturbance and siting buildings, structures,
- 29 roads, trails, and other similar facilities:
- 30 a. Maintain buffers between areas dominated by human activities and core areas
- 31 of wildlife habitat, with more intense human activities, such as automobile and
- 32 pedestrian traffic, relegated to more distant zones away from the core habitat.
- 33 b. Facilitate wildlife movement across areas dominated by human activities by:
- 34 (1) Maintaining connections between open space parcels on adjacent and nearby
- 35 parcels;

36
37 M. *Traffic:*

- 38 1. Impact Study Required:
- 39 2. Impact Study; Contents:
- 40 3. Standard Of Review: All development subject to this subsection shall
- 41 demonstrate that the peak hour levels of service on adjacent roadways and as
- 42 impacted intersections after development shall comply with the city's current
- 43 transportation and impact mitigation policies.
- 44 4. Access Management Plan Required: All development required by this
- 45 subsection to submit an impact study shall also provide an overall access
- 46 management plan to ensure free flowing access to the site and avoid congestion

1 and unsafe conditions on adjacent public roads and streets. The access
2 management plan shall be combined with the required traffic and parking impact
3 study.
4

5 **13.72.040: ESTABLISHMENT OF LIMITS OF DISTURBANCE:**

- 6 B. *Criteria For Establishing Limits Of Disturbance:* In establishing limits of
7 disturbance, the following criteria and standards shall be considered and applied:
8 1. Minimize visual impacts from the development, including, but not limited to,
9 screening from adjacent and downhill properties, ridgeline area protection, and
10 protection of scenic views
11

12 **13.72.060: ADMINISTRATION AND ENFORCEMENT:**

- 13 A. *Waiver Of Slope Protection Standards For Lots Of Record:*
14 4. In granting a waiver from or modification of the slope and ridgeline protection
15 standards set forth in subsection 13.72.030B of this chapter, the planning
16 commission may impose such conditions as are reasonable and appropriate to
17 mitigate the impacts of the proposed development on adjacent properties and area
18 characteristics. Such conditions may include, for example, but are not limited to, a
19 reduction in the maximum building height otherwise permitted by the underlying
20 zone (e.g., a reduction to 20 feet from the 30 feet maximum building height
21 permitted in the FR zone).
22

23 **(FCOZ)**

24 **13.73.050: BUILDING MATERIALS AND COLORS:**

- 25 B. Use roof surfacing materials that blend with the colors of the adjacent landscape
26 and that are composed of materials which reduce the risk of fire.
27

28 **13.73.080: DRAINAGE:**

- 29 A. + 2. To the maximum extent feasible, development shall preserve the natural surface
30 drainage pattern unique to each site as a result of topography and vegetation.
31 Grading shall ensure that drainage flows away from all structures, especially
32 structures that are cut into hillsides. Natural drainage patterns may be modified on
33 site only if the applicant shows that there will be no significant adverse
34 environmental impacts on site or on adjacent properties. If natural drainage
35 patterns are modified, appropriate stabilization techniques shall be employed.
36
37 + 3. Development shall mitigate all negative or adverse drainage impacts on
38 adjacent and surrounding sites.
39

40 **13.73.090: ACCESS, CIRCULATION AND OFF STREET PARKING**

- 41 C.+ 1. To the maximum extent feasible, roads and driveways shall be screened using
42 existing land forms and vegetation and any cuts and fills shall be regraded to
43 repeat adjacent land forms. To the maximum extent feasible, long tangents shall
44 be avoided in favor of curvilinear alignments reflecting topography, and curve
45 side roads as soon as possible after intersection with arterial roads or highways
46

1 **13.73.100: FENCES:**

- 2 A. + 2. Fencing used to screen patios, other outdoor areas, and service areas that are
3 adjacent to buildings may be opaque. The use of natural or stained wood for such
4 fencing is strongly encouraged. Other appropriate fencing materials include brick,
5 rock, stone and wrought iron.
6
7
8

9 **(Flood Management)**

10 **13.74.061: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN**
11 **ADMINISTRATOR:**

- 12 F. Notify, in riverine situations, adjacent communities and the state coordinating
13 agency prior to any alteration or relocation of a watercourse, and submit evidence
14 of such notification to the federal emergency management agency.
15

16 **13.74.073: STANDARDS FOR AREAS OF SHALLOW FLOODING:**

- 17 A. All new construction and substantial improvements of residential structures have
18 the lowest floor (including basement) elevated above the highest adjacent grade at
19 least as high as the depth number specified in feet on the community's FIRM (at
20 least 2 feet if no depth number is specified).
21
22 B. All new construction and substantial improvements of nonresidential structures:
23 1. Have the lowest floor (including basement) elevated above the highest adjacent
24 grade at least as high as the depth number specified in feet on the community's
25 FIRM (at least 2 feet if no depth number is specified); or
26
27
28

29 **(Supplemental Regs)**

30 **13.76.050: LOTS IN SEPARATE OWNERSHIP:**

- 31 A. In any zone, when a lot lacks sufficient area to meet the minimum required by this
32 code and there is adjacent abutting property under the same ownership, the two
33 (2) parcels shall be combined. If the combined parcels do not meet the minimum
34 requirement and there is sufficient area upon which to construct a residence
35 reasonably comparable to those in the vicinity with required setbacks, the lot may
36 be determined to be legal nonconforming and a single-family dwelling shall be
37 permitted if such lot is in a residential zone.
38

39 **13.76.110: SETBACK SPACE FOR ONE BUILDING ONLY:**

40 No required setback area or other open space around an existing building, or
41 which is hereafter provided around any building for the purpose of complying
42 with the provisions of this title, shall be considered as providing a setback area or
43 open space for any other building; nor shall any setback area or other required
44 open space on an adjoining abutting lot be considered as providing a setback area
45 or open space on a lot whereon a building is to be erected or established. This

1 section shall be so construed to mean only one main building may be permitted on
2 one lot, unless otherwise provided in this title.

3
4 **13.76.240: ANIMAL AND FOWL RESTRICTIONS:**

- 5 A. *Separation from Residential Properties:* No animals or fowl shall be kept or
6 maintained closer than forty feet (40') from a dwelling on an adjacent abutting
7 parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than
8 forty feet (40') from a street.

9
10 **13.76.700: FILL WORK AND LAND EXCAVATIONS; SPECIAL REQUIREMENTS**

- 11 A. *Purpose And Intent:* This section is adopted to promote public safety and the
12 general public welfare; to protect property against loss from erosion, earth
13 movement and flooding; to maintain a superior community environment; to
14 provide for the continued orderly growth of the city; and to ensure the maximum
15 preservation of the natural scenic character of major portions of the city by
16 protecting against detrimental impacts to neighboring properties due to large
17 changes in the natural grade and topography; to prevent large unsightly exposed
18 surfaces of retaining walls that attract graffiti, generate large amounts of heat and
19 runoff, and create significant incompatibility between the grades of neighboring
20 properties; and to encourage preservation of the natural grade and topography,
21 and to encourage adaptation of new development to existing grades; to establish
22 minimum standards and requirements relating to land grading, excavations, and
23 fills, and procedures by which these standards and requirements may be enforced.
24 It is intended that this section be administered with the foregoing purposes in
25 mind and specifically in an attempt to:

26 1. Ensure that the development of each site occurs in a manner harmonious with
27 adjacent lands so as to minimize problems of drainage, erosion, earth movement
28 and similar hazards.

- 29
30 B. *Permit Required:*

31 1. Grading permits are required for work on new developments, construction
32 projects, rivers, washes, streams, floodplains, detention basins, dams, ditches,
33 drainage culverts, slopes in excess of fifteen percent (15%), rock pits, roads,
34 utilities, well drilling and clearing of any site which contains significant trees
35 and/or vegetation. Permitted and non-permitted work shall not encroach nor
36 impact on adjacent properties. Sanitary (garbage) landfills and hazardous material
37 depositories shall not be allowed. A grading permit may be combined with a
38 building permit.

- 39
40
41 F. *Standards and Specific Requirements for Grading:*

42 1. All grading, fill work and excavation shall comply with the requirements set
43 forth in this chapter in addition to other requirements of this code.
44 2. All grading and excavation in or contiguous adjacent to residential
45 neighborhoods shall be carried on between the hours of eight o'clock (8:00) A.M.
46 to seven o'clock (7:00) P.M. and shall comply with the city's noise ordinance.

1
2
3 H. Special Precautions:

4 1. Special precautions shall be taken to preserve life, property values, stable soils
5 conditions and aesthetics, including, but not limited to, the following:

6 a. Requiring a level exposed slope, construction of additional drainage facilities,
7 berms, terracing, compaction, or cribbing, installation of plant materials for
8 erosion control, and reports of a registered soils engineer and/or engineering
9 geologist whose recommendation may be made a requirement for further
10 mitigation of unstable conditions.

11 b. Where it appears that storm runoff damage may result from work performed
12 hereunder, such work may be stopped and the permittee required to take such
13 measures as may be necessary to protect ~~adjoining~~ adjacent property or the public
14 safety. On large operations or where unusual site conditions prevail, the
15 community development director may specify the time at which grading may
16 proceed and the time of completion or may require that the operation be
17 conducted in specific stages so as to ensure completion of protective measures or
18 devices prior to the advent of seasonal rains.
19
20

21 **13.76.710: FENCES:**

22 A. Fencing Permit Required: No fence, wall or hedge shall be constructed or
23 reconstructed within the setback area ~~adjacent to~~ abutting a public street or private
24 right of way without a fencing permit signed by the community development
25 director or his designee.
26

27 B. Fences In The Front Yard Area:

28 1. The maximum height of any fence in the front yard area as defined in section
29 13.04.040 of this title and ~~adjacent to~~ abutting a public street shall be four feet
30 (4').

31 2. Exception:

32 a. A six foot (6') fence may be allowed when directly abutting the following
33 public streets:

34 Big Cottonwood Road (6200 South Street)

35 Cottonwood Lane north of Walker Lane

36 Highland Drive

37 Holladay Boulevard

38 Spring Lane

39 Walker Lane west of the easternmost intersection of Cottonwood Lane

40 2300 East north of Holladay Village zone boundary

41 3900 South

42 4500 South

43 5600 South

44 b. And, the proposed fencing complies with the setback to height ratio as shown
45 on figure 13.76.710(B) of this section.
46

1 C. Fences In The Side And Rear Yard Areas:

2 1. The maximum height of any fence in the rear or side yard area, as defined in
3 section 13.04.040 of this title, is six feet (6').
4

5 2. The community development director or his designee is authorized to approve,
6 by permit, the installation of a fence up to eight feet (8') in height in the side
7 and/or rear yard area of any lot or parcel provided that all the following conditions
8 are met:

9 a. The proposed fencing is located along an interior side or a rear property line
10 only.

11 b. The proposed fencing does not encroach into any required setback area
12 adjacent to abutting a public street, any area designated for future street widening,
13 and/or trail designation.

14 c. The abutting property owners have agreed in writing to the request for
15 additional height.

16 d. In the event an abutting property owner(s) to the rear (perpendicular) of a
17 proposed interior side fence objects to the additional height, the additional height
18 may be approved provided that the additional height does not commence any
19 closer than ten feet (10') to the abutting property line of the objecting owner.
20

21 The community development director finds the additional fencing is justified by
22 the particular circumstances of the property such as, lot configuration, building
23 placement on the lot, slope, and/or negative impacts to the property from adjacent
24 use.
25

26 E. *Sport Court Fencing*: The community development director or his designee is
27 authorized to approve the installation of nonsight obscuring sport court fencing up
28 to twelve feet (12') in height under the following circumstances:

29 1. The fence is not in the front yard area of the lot.

30 2. Sport court lighting shall not exceed eighteen feet (18') in height; and

31 a. The fixture must be hooded, shielded, and/or directed in such a manner that it
32 illuminates only the user's premises.

33 b. The hood or shield must mask the direct horizontal surface of the light source.

34 The light must be aimed to ensure that the illumination is only pointing downward
35 onto the ground surface, with no escaping light permitted to contribute to sky
36 glow by shining upward into the sky.

37 c. All fixtures shall be designed, installed, located and maintained such that
38 nuisance glare onto adjacent properties shall be prohibited and all direct
39 illumination kept within the boundaries of the fixture owners' property.

40 3. The abutting property owners owner(s) have agreed in writing to the request for
41 additional height.

42 4. In the event an abutting property owner(s) objects to the additional height, the
43 additional height may be approved provided that the additional fence height does
44 not commence any closer than ten feet (10') to the abutting property line of the
45 objecting owner.
46

1 **13.76.735: SHORT TERM RENTAL:**

2 E. Occupants of a short term rental shall not create excessive noise that is
3 incompatible with adjacent land users-uses.
4

5
6 **(Landscaping)**

7 **13.77.010: PURPOSE:**

8 C. Landscaping can be a significant expense to businesses and residents. At the same
9 time, landscaping improves the livability of residential neighborhoods, enhances
10 the appearance and customer attraction of commercial areas, increases property
11 values, improves the compatibility of adjacent uses, screens undesirable views,
12 and can reduce heat and air and noise pollution.
13

14 **13.77.040: GENERAL STANDARDS**

15 B. 2. The location of the internal landscaping area shall be adjacent to those building
16 elevations which form the major public views of the project from abutting streets
17 and property and to the users of the project, or within a plaza or courtyard
18 between buildings or portions of buildings, or in a similar area which substantially
19 conforms to the stated purpose of the required internal landscaping standards set
20 forth herein and approved by the planning commission.
21

22 **13.77.070: LANDSCAPE BUFFERS:**

- 23 A. Purpose: The landscape requirements in this section are intended to ensure that
24 abutting land uses are adequately protected and are provided an appropriate
25 amount of land separation to conduct permitted uses without causing adverse
26 impacts.
27
- 28 B. Applicability: The landscape buffer is required for all nonresidential uses sharing
29 a contiguous lot line with an abutting residential zone or residential land use or by
30 requirement of an approval granted by a land use authority under provisions of
31 this title.
32

33
34 **(PUD)**

35 **13.78.80: EFFECT ON ADJACENT PROPERTIES:** The Planning Commission
36 shall require such arrangement of structures and open spaces within the site
37 development plan, as necessary, to assure that adjacent properties will not be
38 adversely affected.

39 A. *Height and Intensity:* Height and intensity of buildings and uses shall be arranged
40 around the boundaries of the planned unit development to be compatible with
41 existing adjacent developments or zones. However, unless conditions of the site
42 so warrant, buildings located on the periphery of the development shall be limited
43 to a maximum height of two (2) stories. All structures in the planned unit
44 development shall comply with the graduated height restrictions of the underlying
45 zone.

- 1 B. *Area, Width, Yard and Coverage*: Lot area, lot width, yard and coverage
2 regulations shall be determined by approval of the site plan and shall meet the
3 requirements of the underlying zone wherever possible.
- 4 C. *Density*: Residential planned unit developments shall not exceed the density
5 limitation of the zoning district where the planned unit development is proposed.
6 The density for any residential planned unit development may not exceed the
7 Maximum Density calculation as defined in Section 13.78.040 C.1 of this
8 Chapter. The calculation of planned unit development density may include open
9 space that is provided as an amenity to the planned unit development. Public or
10 private roadways located within or **adjacent to** abutting a planned unit
11 development shall not be included in the planned unit development area for the
12 purpose of calculating density except as allowed by Section 15.28.020 of this
13 Code.

14
15
16
17 **(Utility Systems)**

18 **13.79.050: NOTIFICATION OF AFFECTED PROPERTY OWNERS:**

19 Prior to beginning a project involving the installation or upgrading of four (4) or
20 more poles, a utility/facility company providing electrical power for general
21 consumption shall send written notification of the project to all **adjacent** abutting
22 property owners and the director of public works. The purpose of such
23 notification is to allow potentially affected property owners an opportunity to
24 discuss with the company possible methods of providing and paying for
25 undergrounding of proposed systems and provide the city the opportunity to meet
26 with the company to discuss the project. Such notification shall be sent during the
27 company's planning process to allow reasonable and sufficient time for such
28 discussion to occur, but in no event less than sixty (60) days prior to the scheduled
29 installation. Such notification shall include a full description of the project,
30 including, but not limited to: a) the need for the project; b) location of the project;
31 c) height, width, type and general location of poles; and d) amount of voltage.
32 Failure of property owners to receive notice of the project shall in no way affect
33 the validity of action taken. Failure to reach an agreement within the sixty (60)
34 day period shall not be grounds for the delay of the project. Notification is not
35 required for emergency projects.

36
37
38
39 **(Parking)**

40 **13.80.050: SHARED PARKING:**

- 41 A. Permitted: Notwithstanding any other parking requirements provided in this
42 chapter, when nonresidential land uses occupy the same or **adjacent** abutting lots
43 in the R-M, C-1, C-2, HV, or the O-R-D zone, the total number of off street
44 parking spaces required for each use (section 13.80.040 of this chapter) may be
45 combined and shared upon approval as provided herein. A proposal for sharing of

1 off street parking shall be presented to the planning commission for site plan
2 review and conditional use approval.

3
4 **13.80.080: SCREENING**

5 E. Restricting vehicular and pedestrian access between adjoining abutting parking
6 lots in the HV zone at the same grade is prohibited, but shall be designed not to
7 promote cut through traffic.

8
9
10
11 **(Highways)**

12 **13.81.010: FINDINGS:**

13 B. In order for UDOT to obtain participation funds from FHWA for proposed federal
14 aid highway projects for noise abatement measures on existing highways (known
15 as "type II projects"), local authorities are required to take measures "...to exercise
16 land use control over the remaining undeveloped lands adjacent to highways in
17 the local jurisdiction to prevent further development of incompatible activities",
18 23 CFR 772.13(b).

19
20 **13.81.030: DEVELOPMENT OF PROPERTY ~~ADJACENT TO~~ ABUTTING CERTAIN**
21 **STATE HIGHWAYS:**

22 Consistent with the requirements of 23 CFR 772 and UDOT's noise abatement
23 policy 08-111, no remaining undeveloped lands located in the city adjacent ~~to~~
24 abutting type II projects (freeways and expressways) shall be developed for any
25 use or activity which is incompatible with highway traffic noise levels, unless the
26 development of such lands shall include appropriate noise abatement measures
27 determined necessary and appropriate by the city and UDOT. A use or activity
28 shall be deemed incompatible with highway traffic noise levels when a "traffic
29 noise impact" occurs, as determined under the formula set forth as follows:

30
31 **13.81.040: RESPONSIBILITY OF OWNER OR DEVELOPER:**

32 The owner or developer of land to be subdivided, improved or developed adjacent
33 ~~to~~ abutting type II projects shall be responsible to comply with any and all
34 requirements for noise abatement measures imposed pursuant to the provisions of
35 this chapter. Failure to so comply shall constitute a violation of city ordinance and
36 shall be punishable as a misdemeanor.

37
38
39
40 **(SIGNS)**

41 **13.82.010: PURPOSE:** The purpose of this chapter is to allow only signage that provides
42 a responsible communication system by setting requirements for the location,
43 size, height and lighting of signs that will be compatible with adjoining adjacent
44 land uses, architecture and landscape, and that will preserve and improve the
45 aesthetic values and visual qualities of the city.

1 **13.82.030: INTERPRETATION:**

- 2 A. Properties divided by public streets are not adjacent.
3
4 B. The sign requirements contained in this chapter are declared to be the maximum
5 allowable.
6
7 C. Sign types not specifically allowed as set forth within this chapter are expressly
8 prohibited.
9
10 D. Where other ordinances are in conflict with the provisions of this chapter, the
11 most restrictive ordinance shall apply. (Ord. 2012-15, 9-20-2012)
12

13 **13.82.060: COMPREHENSIVE SIGN PLAN:**

- 14 B. In architectural harmony with the development and other buildings and uses
15 **adjacent** to the development.
16

17 **13.82.200: HOLLADAY VILLAGE SIGN REGULATIONS:**

- 18 D. 3. d. Signs should complement the visual continuity of **adjacent** building facades and
19 relate directly to the entrance.
20 8. a. (1) Externally lit signs shall be illuminated only with steady, stationary, shielded
21 light sources directed solely onto the sign without causing glare. Light sources
22 and fixtures used for illuminating a sign shall be simple in form and should not
23 clutter the building or structure. Light bulbs or lighting tubes should be shielded
24 so as to not be physically visible from **adjacent** abutting public rights of way or
25 residential properties.
26 (2) The intensity of sign lighting shall not exceed that necessary to illuminate and
27 make legible a sign from the **adjacent** abutting travelway or closest right of way.
28
29
30

31 **(Telecommunications)**

32 **13.83.060: FACILITY TYPES AND STANDARDS**

- 33 C. 2. The height limit for monopoles is sixty feet (60') in all residential zones and the
34 C-1 zone. The planning commission may allow a monopole up to eighty feet (80')
35 in the C-2 zone if it finds: a) that the monopole will blend in with the surrounding
36 structures, poles, or trees and is compatible with surrounding uses; b) the
37 monopole will be available for collocation with other companies; and c) the
38 monopole will be set back at least three hundred feet (300') from any residential
39 zone boundary. The height shall be measured from the top of the structure,
40 including antennas, to the original grade directly ~~adjacent to~~ abutting the
41 monopole. A facility for the erection of a monopole as a stealth facility for the
42 distribution of antenna in the public or "P" zone may be allowed to exceed eighty
43 feet (80'), but not more than one hundred feet (100') if the planning commission
44 finds:
45

1 **13.83.090: ADDITIONAL REQUIREMENTS:**

- 2 D. Spacing: Spacing between monopoles which creates detrimental impacts to
3 **adjoining** properties
4
5
6

7 **(Condo Conversions)**

8 **13.85.060: DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS**
9 **AND PROJECT:**

- 10 D. If the condominium project contains private streets, or roadways, provision shall
11 be made for public utility easements over the entire private street, or roadway
12 system. The city may also require public utility easements **adjacent to** ~~abutting~~
13 public streets or over other portions of the project to accommodate fire hydrants,
14 water meters, street, storm drainage, sanitary sewers, water and gas mains,
15 electrical lines and similar public improvements and utilities. The city may also
16 require access routes necessary to assure that firefighting equipment can reach
17 and operate efficiently in all areas of the project.
18
19
20

21 **(Historic Preservation)**

22 **13.86.050: SITE MODIFICATION:**

23 The planning commission may modify all yard, parking, landscaping, height and
24 other requirements of the zone in which the historic site is located, as necessary to
25 fulfill the purposes of this chapter. In so doing, the nature and character of
26 **adjacent** properties shall be considered to ensure that the health, safety,
27 convenience and general welfare will not be impaired. The planning commission
28 may establish development criteria to control impacts associated with the heaviest
29 permitted use in the base zone, including, but not limited to, noise, glare, dust or
30 odor.
31
32
33

34 **(Nonconformities)**

35 **13.88.080: NONCONFORMING USE OF LAND:** The nonconforming use of land,
36 existing at the time this title became effective, may be continued; provided, that
37 no such nonconforming use of land shall in any way be expanded or extended
38 either on the same or **adjoining** ~~abutting~~ property; and provided, that if such
39 nonconforming use of land, or any portion thereof, is abandoned or changed for a
40 period of six (6) months or more, any future use of such land shall be in
41 conformity with the provision of this title
42

43 **13.88.140: APPLICATION TO HAVE A USE VIOLATION DECLARED A**
44 **NONCONFORMING USE:**

- 45 B. Conditions May Be Set: In approving an application hereunder, the planning
46 commission may set any conditions it deems necessary for protection of **adjacent**

1 properties or the public welfare, including provisions limiting the period of time
2 the use may continue. This section shall in no way be interpreted to permit the
3 continuation of any violation which exists on the effective date hereof. Any
4 person shall have the right to appeal to the city council a decision rendered by the
5 planning commission pursuant to this section.

1 **Changes required in TITLE 14**

2
3 **14.12.020: Definitions:**

4 DRIVEWAY: An access constructed within and adjoining abutting a roadway,
5 connecting the roadway with adjacent abutting property and intended to be used
6 in such a way that the access into the adjacent abutting property will be complete
7 and will not cause the blocking of any sidewalk border area or roadway.
8

9 LOCAL STREETS: Streets primarily providing access to immediately adjacent abutting
10 properties. Through movement may be possible, but is not encouraged.
11

12
13 **14.12.030: POLICIES:**

14 The department may adopt policies for use by developers and others in the overall
15 layout and design of streets and adjacent developments. The department will keep
16 and make available to the public copies of the policy.
17

18
19 **14.12.040: CLEAR VIEW OF INTERSECTING STREETS:**

20 B. Obstruction Prohibited; Exception: No constructed or planted obstruction to view,
21 in excess of two feet (2') in height above the level of the adjacent abutting street
22 pavement (measured at the edge of the pavement) shall be allowed within the
23 clear view of intersecting streets. Exception to this are signs that conform to the
24 applicable land use code; a reasonable number of trees pruned to ten feet (10');
25 and pumps at gasoline service stations. In the event the provisions of this
26 subsection conflict with land use codes, the most restrictive shall apply.
27

28
29 **14.12.060: SIDEWALKS:**

30 C. Adjacent Abutting Properties: When properties are adjacent abutting, but do not
31 access or front on public right of way, a stamped brick pavement in the utility
32 strip or other suitable approved finishing material shall be required to reduce
33 maintenance in these areas unless an exception is granted by the city.
34

35
36 **14.12.110: DRIVEWAY APPROACHES:**

- 37 A. 2. Wherever possible, adjacent abutting sites should share driveway approaches.
38
39 B. 7. No radius or flare portion of a driveway approach shall intersect the adjacent
40 abutting projected property line except where shared approaches are utilized.
41

42
43 **14.16.020: PERMIT APPLICATION REQUIREMENTS:**

44 C. 3. Property owners installing, replacing, or maintaining less than five hundred (500)
45 square feet or one hundred (100) linear feet of sidewalk, curb and gutter, or

1 driveway approach, or other work approved by the department, upon a portion of
2 the public way ~~adjacent to~~ abutting their residence; or
3

4 **14.16.110: RESTORATION OF PUBLIC PROPERTY: A. Required; Standards And**
5 **Specifications:** The permittee and any other person making any excavation or
6 tunnel in or under any public way shall, at its own expense, restore the surface of
7 any public way to its original condition and replace any removed or damaged
8 pavement with the same type and depth of pavement as that which is ~~adjacent to~~
9 abutting, including the gravel base material. Refills shall be properly tamped
10 down, and any bracing in such tunnel or excavation shall be left in the ground. All
11 restoration shall conform to the engineering design and construction standards and
12 specifications required in this chapter or otherwise adopted by the department and
13 shall be accomplished within the time limits set forth in the permit, unless
14 additional time is granted in writing by the department. There shall be a penalty
15 for each day after the time limits set forth in the permit that restoration is not
16 accomplished.

17
18 **14.16.120: INSURANCE REQUIREMENTS**

19 G. **Work Performed By Property Owner:** A property owner personally performing
20 work ~~adjacent to~~ abutting his residence may submit proof of a homeowner's
21 insurance policy in lieu of the insurance requirements of this section.
22
23

24 **14.20.015: TEMPORARY CLOSING OF HIGHWAY WITHOUT PERMIT**
25 **PROHIBITED**

26 C. 3. Property owners installing, replacing, or maintaining less than five hundred (500)
27 square feet or one hundred (100) linear feet of sidewalk, curb, and gutter, or
28 driveway approach, or other work approved by the department, upon a portion of
29 the public way ~~adjacent to~~ abutting their residence; or
30
31

32 **14.32.005: INSTALLATION OF STREET IMPROVEMENTS REQUIRED:**

33 A. **Included Improvements:** An owner of property who constructs upon or otherwise
34 improves that property to the extent of five thousand dollars (\$5,000.00) or more
35 in value, as computed by the building official when issuing the applicable
36 building permits, shall also improve the ~~adjacent to~~ abutting public right of way. The
37 improvements required by this section include the installation of curb, gutter,
38 sidewalk and street paving along the entire frontage of the property being
39 improved, and also include the replacement of existing pavement, curb, gutter or
40 sidewalk if any of these improvements have deteriorated to a degree that
41 replacement or repair is required, as determined by the city engineer.
42
43

1 14.32.030: NOTICE TO REPAIR:
2 D. Provisions Not Preclusion: This section does not preclude the city from replacing
3 defective sidewalks ~~adjacent to~~ abutting private property, at its own expense, as it
4 may otherwise deem appropriate.
5

1 **Changes required in TITLE 17**

2
3 **17.04.020: MINIMUM STANDARDS:**

4 F. Grading: All grading of any kind shall be done so as to ensure that the drainage is
5 away from the proposed improvements and in such a manner as to prevent any
6 conveying or trapping of water **adjacent to** abutting the basement and foundation
7 walls of the improvement.
8
9

10 **17.12.050: RESPONSIBILITY OF OWNER OR DEVELOPER:**

11 C. The developer or owner shall be responsible for the payment of a unit area drainage
12 fee, specified in section 17.16.110 of this title, which fee shall be applied toward
13 the payment of all or part of the cost of the intermediate or major drainage system
14 facilities constructed by the developer or to be constructed by the city in the area
15 in which the development is located. In those cases where the development in
16 question is traversed by or **adjacent to** abutting intermediate or major drainage
17 system facilities, the unit area drainage fees may be applied toward the
18 construction of such facilities as provided in this title. If a study of the drainage
19 area has not been completed as outlined in section 17.12.020 of this chapter, then
20 the developer shall be required to perform a study of the needed drainage facilities
21 for the drainage area where the development is proposed. The department reserves
22 the right to waive the requirement of the drainage area study if the development
23 size has been determined to be an insignificant impact to the drainage area. In the
24 case where no study has been performed or will be required, payment of the
25 drainage fee by the development is not required.
26

27 **17.30.100: MANAGEMENT STRATEGIES; BEST MANAGEMENT PRACTICES:**

28 6. c. Environmental Quality Monitoring: Facilities which have had, or appear to have
29 had, unauthorized releases to soil or ground water shall be required by the
30 department to monitor soil and ground water in and adjacent to the facility. At the
31 request of the department, the facility shall submit a monitoring plan for
32 department review. The plan shall be implemented with the approval of the
33 department. Facilities that undergo closure may be required to monitor soil and
34 ground water in and **adjacent to** abutting the facility subject to closure. All costs
35 associated with the closing and monitoring of the site will be paid for by the
36 operator of the facility.