

## PERMIT

THIS PERMIT (this "Permit"), made and entered into as of \_\_\_\_\_, by and between **SALT LAKE CITY CORPORATION**, a Utah municipal corporation, 451 South State Street, Room 245, Salt Lake City, Utah 84111 ("City"), and **HOLLADAY CITY**, a Utah municipal corporation ("Holladay").

### WITNESSETH:

**WHEREAS**, the City is the owner of certain real property situated in Salt Lake County, Utah, that is not presently being used, but is an intended location of future water facilities which property is more particularly described on Exhibit A attached hereto (the "Premises"), located at approximately 4580 South 2300 East, Holladay, Utah; and

**WHEREAS**, The City has entered into an Interlocal Cooperation Agreement dated November 12, 2004, with the City of Holladay, in which Holladay agrees to maintain the Premises for the City; and

**WHEREAS**, Holladay desires to change the use the Premises for beautification purposes to include a sprinkling system, berming, grass, landscaping, shrubs and trees for use (the "Permitted Uses") within the Premises; and

**WHEREAS**, the City believes that Holladay's use of the Premises for such purposes will enhance its value to the neighboring community, which includes customers of the City, in addition to minimizing the City's costs related to the Premises, provided that Holladay complies with the mutual provisions and covenants contained herein; and

**NOW THEREFORE**, in for and in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

**1. PERMIT**. The City hereby makes available to Holladay, and Holladay accepts in its present condition, the Premises more particularly described above, for a period of FIVE (5) years from the date hereof. This Permit shall be renewable for a period not to exceed ONE (1) additional five (5) year term, at the mutual agreement of the parties.

**2. FEE**. (a) In consideration for the Permit, and the rights provided pursuant hereto, Holladay agrees to pay the City the sum of **One DOLLAR** (\$1) annually.

(b) Annual payments shall be made payable to Salt Lake City Corporation and sent to the office of the Director (the "Director") of the City's Department of Public Utilities at 1530 South West Temple, Salt Lake City, Utah 84115. All payments shall be made on or before June 1<sup>st</sup>, without prior notice to Holladay.

**3. USE OF PREMISES**. Holladay shall have the right to use the Premises for a community space for the residents of Salt Lake County, and for uses related to and incidental

thereto Permitted Uses. Holladay will not install light poles, or construct buildings or other similar permanent structures within the Premises. The Premises shall not be used for any other purpose by Holladay. Use of the Premises as provided in this Permit shall be conditioned upon Holladay's use of the Premises in accordance with plans and specifications approved by the Director.

**4. SPECIAL CONDITIONS.** Holladay covenants and agrees to each of the following conditions in connection with its use of the Premises:

(a) Use of the Premises. Holladay may use the Premises only for Permitted Uses, and may only construct or install on the Premises improvements as approved by the Director.

(b) Compliance With Applicable Law. Holladay shall be responsible for obtaining all required licenses, permits or other authorizations from all applicable state agencies, and maintaining the effective status of such licenses and permits. Within 30 days of receipt of any licenses, permits or other authorizations, Holladay agrees to provide copies of all related documents to the City. Holladay shall comply with all present and future laws relating to Holladay's use or occupancy of the Premises, and shall make any repairs, alterations or improvements as shall be required to comply with all such laws to the extent that such laws relate to or are triggered by Holladay's particular use of the Premises or any alterations, modifications, or improvements to the Premises made by Holladay.

(c) No Hazardous Materials. In the course of use of the Premises, Holladay will not allow anyone to use, employ, deposit, store, dispose of, place or otherwise allow to come in or on the Premises any hazardous substance, hazardous waste, pollutant or contaminant, including, but not limited to, those defined in or pursuant to 42 U.S.C. § 9601, et seq.

(d) Media Contacts. Holladay agrees to obtain the City's written approval of the contents of any press release or other contacts with the media by Holladay concerning the use of the Premises.

**5. CARE OF THE PREMISES.** Holladay will keep the Premises in good appearance and in good order and repair. Holladay agrees to clean up loose garbage or other unsightly waste within 24 hours of receipt of any telephone notice from the City that the Premises require maintenance and cleaning.

**6. CONSTRUCTION.** Before any construction (other than normal maintenance) begins on the Premises, Holladay agrees to submit to and obtain the Director's prior written approval of all plans and specifications. Holladay shall submit all plans and specifications to the City for approval prior to doing any work on the Premises and shall obtain all permits required, and comply with all applicable local and state laws, codes and regulations, in connection with such work. Holladay agrees to make any changes in the plans and/or specifications as requested by the City. Holladay shall provide two copies of record drawings to the City.

**7. EXTENT OF WORK.** Holladay shall not erect or install any other structure, other than stated above, or make any other improvement on the Premises without the prior

written consent of the City. Holladay shall install and maintain all improvements at their sole expense. Notwithstanding the above, Holladay may replace such improvements with equivalent or similar equipment without the City's prior consent, but upon prior written notice to the City specifying the replacement equipment and the scheduled installation date.

**8. PERSONAL PROPERTY.** All equipment or other personal property attached to or otherwise brought onto the Premises by Holladay or individual using the Premises shall at all times be personal property whether or not affixed to the Premises and regardless of what manner such equipment and property is attached to the Premises or to other property. All such equipment and other personal property may be removed at any time by Holladay only so long as the Premises are repaired to their original condition.

**9. WASTE.** Holladay will not commit any waste on the demised Premises, nor shall they use or permit the use of or any acts on the Premises in violation of any present or future law of the United States, or any of its agencies, the State of Utah, or Salt Lake City ordinance.

**10. NONEXCLUSIVE NATURE - USE BY CITY.** This Permit and rights created herein are not exclusive. Holladay's use of the Premises is subject to any and all existing rights-of-way of all public utilities of any and every description now located in, over or under the Premises. It is also subject to rights of entry for the purpose of maintaining, altering, repairing, rerouting, removing, or replacing the same. At all times the Premises is subject to any use the City may desire, not inconsistent with Holladay's use. The City shall not be liable to Holladay for any loss of use or damage to Holladay's improvements thereon, except to the extent caused by the City's negligence or intentional misconduct; provided, however, Holladay's remedy shall be limited to the cost of the damage and Holladay shall not be entitled to any incidental or consequential damages resulting from loss of use, lost revenues or otherwise.

**11. UTILITIES.** Holladay shall pay all charges for any utilities (including charges for water usage) used on the Premises.

**12. TAXES, LICENSES AND PERMITS.** Holladay agrees to pay all applicable taxes for the use of the Premises and any facilities placed thereon in accordance with state law, and to obtain and pay all applicable license and permit fees.

**13. VANDALISM.** The City assumes no responsibility for vandalism or any other damage of any nature whatsoever to the Premises or the existing facilities or any structures installed by Holladay.

**14. RULES OF THE CITY.** Holladay shall be subject to such reasonable rules and regulations as the City may make for the safety, protection and convenience of those using the Premises, provided that compliance with any such rules and regulations does not adversely affect the use of the Premises or would be in conflict with any Federal law, statute or regulation.

**15. TERMINATION AND REVOCATION.** (a) Upon thirty (30) days prior written notice to Holladay, the City may terminate this Permit for any of the following reasons: (i) subject to section (b) below, for breach or default by Holladay of any of the terms hereof; (ii)

after expiration of the term; (iii) upon Holladay's discontinued use of the Premises for 180 days; (iv) after removal of the Permitted Facilities by Holladay, coupled with a manifest intent not to reconstruct such improvements, or other similar improvements; and (v) upon a determination by the City, supported by reasonable evidence, that the public health, safety, or welfare requires such termination.

(b) The City may terminate this Permit for breach or default if after thirty (30) days' prior written notice to Holladay, the breach or default remains uncured; provided, however, that if Holladay are not reasonably able to cure such default within such thirty (30) day period, the City may not terminate this Permit so long as Holladay has commenced a cure within such period, and continues to prosecute the same with due diligence.

(c) Upon the expiration or termination of this Permit, Holladay agrees to remove any or all improvements from the Premises, to restore Premises, as nearly as possible, to its condition prior to installation and, at the City's option, to reseed disturbed ground areas, in each case to the City's satisfaction, all of which shall be accomplished within ninety (90) days of the termination or expiration of the Permit, and solely at the expense of Holladay; provided, however, that the City and Holladay may mutually agree to any other disposition of the facilities including, but not limited to, resale or gift of the facilities to the City. If the City agrees to the sale or gift of the facilities and such facilities become the property of the City, Holladay shall be relieved of its responsibilities to restore the Premises to as nearly as possible its condition prior to disturbance. Holladay shall pay to the City any and all costs incurred by the City to enforce the obligations of Holladay contained in this subsection (c), including attorney's fees, or for the City's costs of removing said improvements in the event Holladay fails to remove them as requested. At the request of City, Holladay agrees to provide a bond or other surety instrument guaranteeing payment of the costs of removal of the improvements.

(d) The City shall not be liable for any loss, cost, expense or inconvenience suffered by Holladay as a result of a revocation and/or required restoration hereunder.

**16. QUIET POSSESSION.** So long as Holladay pays the rent provided hereby and conforms to the requirements of this Permit, Holladay shall quietly enjoy the demised Premises.

**17. CITY ACCESS TO PREMISES.** The City shall have the right to 24-hour-a-day, 7 days-a-week access to the Premises. Such access shall be for maintenance and repair of the City facilities located within the Premises, if any.

**18. DAMAGE BY THE CITY.** Except where caused by the City's affirmative acts or negligence, the City shall not be liable for any damages or injury to Holladay's facilities for any reason whatsoever.

**19. WAIVER.** It is agreed that the waiving of any of the covenants of this Permit by either party, shall be limited to the particular instance and shall not be deemed to be a waiver of any other breaches of such covenant or any provision herein contained.

**20. EXCUSE FOR DEFAULT.** Any failure on the part of either party of this Permit to perform any obligation hereunder, and any delay in doing any act required hereby shall be

excused if such failure or delay is caused by any strike, lockout, governmental restriction or any similar cause beyond the control of the party failing to perform, to the extent and for the period that such cause continues, save and except the provisions of this paragraph shall not excuse any nonpayment of rent and other sums due hereunder on its due date.

**21. ASSIGNMENT.** Holladay may not assign this Permit without the express written consent of the City.

**22. TIME.** Time is of the essence of this Permit and every term, covenant and addition herein contained.

**23. GOVERNMENTAL IMMUNITY.** Both parties are governmental entities under the Governmental Immunity Act, Title 63, Chapter 30d, Utah Code Ann. (2005), therefore, consistent with the terms of the Act, the parties agree that each party is responsible and liable for any wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither party waives any defenses or limits of liability otherwise available under the Governmental Immunity Act and all other applicable law, and both parties maintain all privileges, immunities, and other rights granted by the Act and all other applicable law.

**24. INDEMNITY.** Holladay agrees to indemnify, save harmless and defend the City, its agents and employees, from and against any and all suits, actions, liens, damages, claims, liability and expense, in connection with or arising out of Holladay's, their agents', employees' or invitees' use of the Premises, and any acts or omissions or failure to act by Holladay, their agents or employees hereunder. Holladay shall, to the maximum extent permitted by law, indemnify, defend and save harmless the City, their employees, agents, officers, successors and assigns, from and against any and all suits, actions, causes of action, legal or administrative proceedings, claims, demands, fines, punitive damages, losses, costs, liabilities and expenses, including attorney's fees, in any way arising out of or connected with the known or unknown physical or environmental condition of the Premises attributable to either the action or inaction of any of Holladay, or any federal, state or local law, ordinance, rule or regulation applicable thereto, including, without limitation, the Clean Water Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Resource Conservation and Recovery Act.

**25. NOTICES.** All notices shall be directed to the following addresses:

CITY  
SALT LAKE CITY CORPORATION  
Director of Public Utilities  
1530 South West Temple  
Salt Lake City, Utah 84115

COURTESY COPY  
SALT LAKE CITY CORPORATION  
Property Management  
451 South State Street, Room 238  
PO Box 145460  
Salt Lake City, Utah 84114-5460

HOLLADAY  
HOLLADAY CITY  
4580 South 2300 East  
Holladay City, Utah 84117  
Attention: Randy Fitts

26. **NO THIRD PARTY BENEFICIARIES**. This Permit is intended for the sole benefit of the parties, and otherwise there are no third party beneficiaries to this Permit.

27. **ENTIRE AGREEMENT**. This Permit constitutes the entire agreement between the parties and incorporates all prior correspondence, communications or agreements between parties, and cannot be altered, assigned or sublet, in whole or in part, except in writing signed by both parties.

28. **AUTHORITY TO EXECUTE**. Each person executing this Permit individually and personally represents and warrants that he or she is duly authorized to execute and deliver the same on behalf of the entity for which he is signing.

29. **APPLICABLE LAW**. This Permit shall be interpreted in accordance with and enforced under the laws of the State of Utah.

30. **REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES**. Holladay represents that it have not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this Permit upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

**DATED** this \_\_\_\_ day of August, 2013.

SALT LAKE CITY CORPORATION

\_\_\_\_\_  
Director, Department of Public Utilities

ATTEST & COUNTERSIGN:

APPROVED AS TO FORM:  
Salt Lake City Attorney's office

\_\_\_\_\_  
CITY RECORDER

By \_\_\_\_\_  
Dated \_\_\_\_\_

HOLLADAY CITY

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM:  
Holladay City Attorney

By \_\_\_\_\_  
Dated \_\_\_\_\_

**EXHIBIT A**

[Here describe the Premises.]

# City of Holladay Annexation Policy

## Purposes of Policy

The purposes of this policy statement are as follows:

1. To adopt an “annexation policy plan” as required by Utah Code Annotated Section 10-2-401.5 to provide for the expansion of the City of Holladay at such time as expansion becomes prudent and feasible;
2. To aid the Council of the City of Holladay City in its deliberations concerning the acceptance or rejection of any proposed annexation;
3. To assure that the City has adequate time to prepare for the budgetary and operational impact of annexation; and
4. To minimize (a) disruptions to the City’s operations caused by the processing and evaluation of proposed annexations and (b) any adverse economic impact on the City arising from any approved annexation.

## Prerequisites to Annexation

Any area proposed for annexation into the City of Holladay must meet the following requirements:

1. The annexation area is an area contiguous to the City’s then-current legal boundaries and is located within the City’s potential “expansion area”, as defined in Utah Code Annotated Section 10-2-401(d).
2. If annexation occurs, the annexed area will not leave or create any unincorporated island or peninsula.
3. The size, location and configuration of the annexed area conform to all other requirements of the annexation requirements of the State of Utah.

## Additional Factors to Be Considered by City Council

Prior to accepting or rejecting any proposed annexation the City Council shall consider the following additional factors:

1. The compatibility and historic identity between the City and the area being considered for annexation;

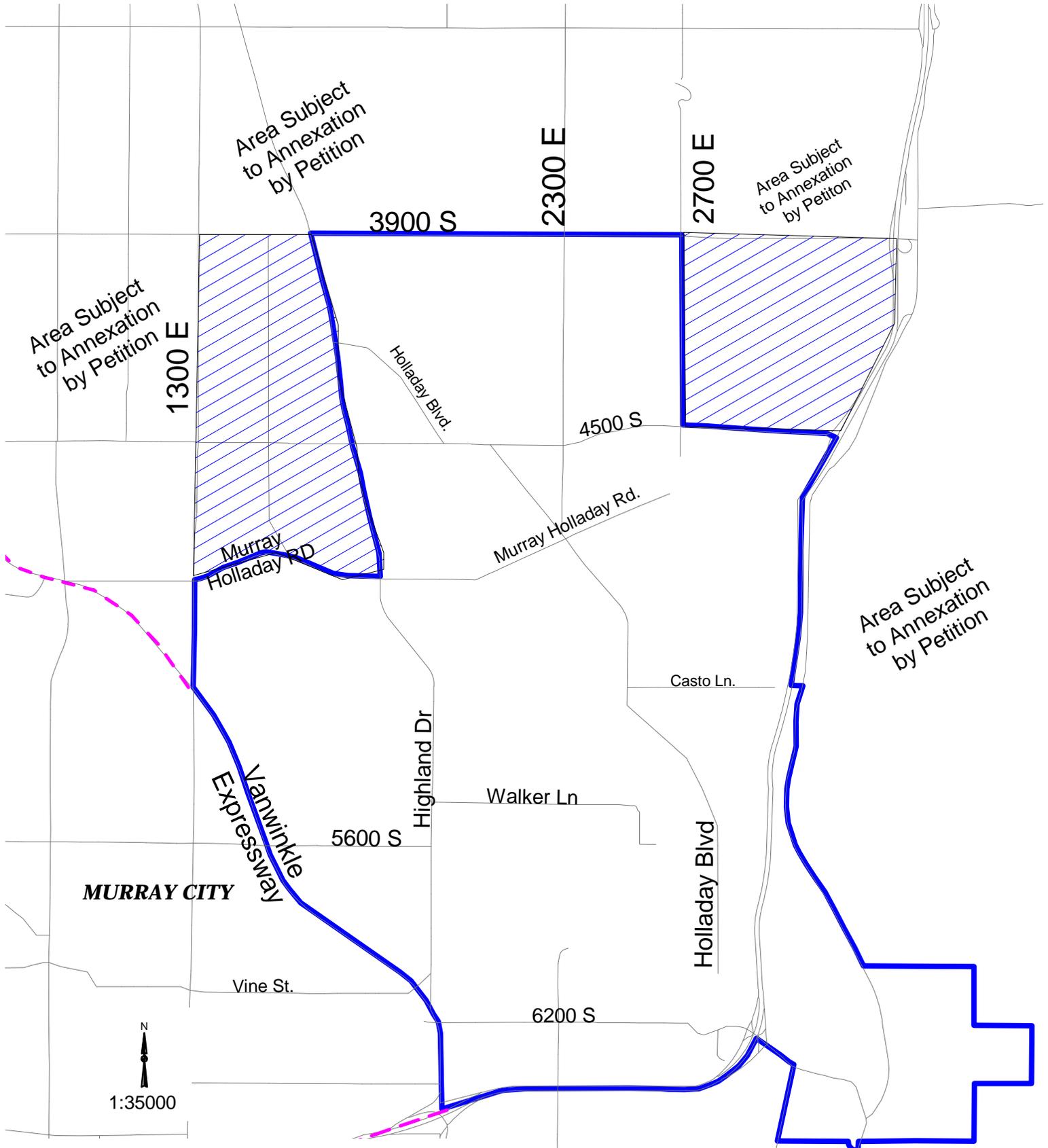
- 1           2. The quantity and quality of parks, trails, open space, public recreation facilities and  
2           developable land located within the candidate area;
- 3           3. Needs of the annexation area for present and future municipal services and the City's  
4           plans and capabilities for providing such services;
- 5           4. The City's plans for extension of municipal services into the annexed area;
- 6           5. Anticipated tax consequences to residents of the City and the area being considered  
7           arising from the annexation;
- 8           6. Concerns and interests of businesses and other affected entities located within the  
9           area regarding the proposed annexation;
- 10          7. Effect of annexation on the development of land located within the area to be  
11          annexed; and
- 12          8. Common school and neighborhood ties between the City and the potential annexed  
13          area.

14

## 15   **Procedure**

16           Any proposed annexation shall follow the Utah annexation statute presently found in Utah  
17   Code Annotated Sections 10-2-401 to 428.

18



— Holladay City Boundary-2013  
▨ Potential Expansion/Annexation Area



# CITY OF HOLLADAY POTENTIAL EXPANSION/ANNEXATION AREA MAP



# HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE:

AGENDA ITEM:

SUBJECT: **ANNEXATION POLICY UPDATE**

SUBMITTED BY: **Planning Commission**

## **SUMMARY:**

The attached draft of an update to the City's adopted "Annexation Policy" was initially adopted by the Council in 2001. The update was initially written by staff under the direction of the City Attorney. The Planning Commission held the required public meeting for the affected entities on the 16<sup>th</sup> of July. There were no comments on the draft from representatives of the noticed entities. The Commission set the required public hearing for their August 6<sup>th</sup> meeting.

Prior to the public hearing, Councilman Steve Gunn reviewed the initial draft and suggested some formatting and text changes. The Planning Commission held the public hearing, reviewed both documents and agreed to accept the changes Councilman Gunn had proposed. One citizen spoke at the public hearing but had no comments directly pertaining to the policy document.

Along with the text, the Commissioners reviewed two "Potential Annexation Area" maps. Alternative A showed only the two areas that abut the City on the west and northeast. Alternative B showed these two areas but has additional text indicating there could be others areas to the north and west of the City that could be considered for future expansion. The Commission felt that adopting the second alternative could potentially streamline future annexation proposals.

**CONTACT PERSON: Paul Allred or Pat Hanson**

## **EXHIBITS:**

- **Text with Map**

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, August 1, 2013  
Mt. Olympus Room  
4580 South 2300 East  
Holladay, Utah 84117**

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**BRIEFING SESSION - 5:30 p.m.**

***ATTENDANCE***

Mayor Dennis Webb  
Lynn Pace - *excused*  
Patricia Pignanelli  
J. James Palmer, Jr.  
Steve Gunn - *excused*  
Sabrina Petersen

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney  
Clarence Kemp, City Engineer

Mayor Webb called the briefing session to order at 5:35 p.m. The Council reviewed the agenda. Questions were raised about the landscaping ordinance and how to get people to comply. Mr. Hall recommended there be a requirement that front yard landscaping be completed within 12 months of the move-in date.

Council Member Palmer reviewed the letter to Salt Lake County regarding the Tavaci development.

Council Member Petersen recommended the trees surrounding the plaza be trimmed, as several are dead. Council Member Gunn stated that the Tree Committee has volunteered to help trim the trees and will be done in mid-September.

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, August 1, 2013  
Mt. Olympus Room  
4580 South 2300 East  
Holladay, Utah 84117**

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**Council Meeting - 6:00 p.m.**

***ATTENDANCE***

Mayor Dennis Webb  
Lynn Pace - *excused*  
Patricia Pignanelli  
J. James Palmer, Jr.  
Steven Gunn - *excused*  
Sabrina Petersen

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney

**I. *Welcome***

Mayor Webb conducted and called the meeting to order at 6:01 p.m.

**II. *Pledge of Allegiance***

The Pledge of Allegiance was led by Blaine Anderson.

**III. *Public Comments***

There were no public comments.

**IV. *Public Hearing Proposed Amendment to Title 13 – Adding a New Chapter Entitled Landscaping.***

*Pat Hanson, City Planner* presented the staff report and stated that the document is a comprehensive landscaping ordinance that will gather language from all chapters and move it into a single chapter. The Planning Commission felt from their experience that a flexibility allowance of 10% should be put in place. Single-family home landscaping was detailed. Ms. Hanson confirmed that all established residences will be required to have front yard landscaping. A required date of completion was discussed.

**Mayor Webb opened the public hearing at 6:16:20 p.m.**

**There were no public comments. Mayor Webb closed the public hearing at 6:16:37 p.m.**

**V. *Public Hearing on Proposed Amendment to Title 13 - Adding Regulations for Mobile Food Businesses and Licensing Fees.***

*Pat Hanson* presented the staff report and stated that the ordinance is specific to mobile food trucks and does not allow for vending carts. It will allow mobile food trucks to exist on public or private property. They cannot be parked on public streets. Ms. Hanson explained that the ordinance will exempt special events. She reported that the Health Department will require

mobile food trucks to leave the site and go to their designated commissary at least once daily. A 10:00 p.m. curfew will be strictly enforced if located within 50 feet of a residence. They will also be required to have a business license. Other requirements were detailed as stated in the staff report.

*Paul Allred, Community Development Director* identified where mobile food trucks would be allowed.

**Mayor Webb opened the public hearing at 6:24:51 p.m.**

**There were no public comments. Mayor Webb closed the public hearing at 6:25:09 p.m.**

**VI. *Consideration of Resolution 2013-20 Appointing Spence Bowthorpe and Chris Jensen to the Planning Commission.***

Council Member Petersen moved to approve Resolution 2013-20. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Palmer and Mayor Webb in favor. Resolution 2013-20 was approved by a unanimous vote.

**VII. *Consideration of Resolution 2013-21 Designating and Appointing Poll Workers to Serve in the 2013 Municipal Primary Election.***

Council Member Petersen moved to approve Resolution 2013-21. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Palmer and Mayor Webb in favor. Resolution 2013-21 was approved by a unanimous vote.

**VIII. *Consideration of Resolution 2013-22 Authorizing the Signing & Delivering of a Letter Expressing Opposition to the Rezone Proposal for Tavaci Development to the Salt Lake County Council.***

The County Council will hear the Tavaci Development request at their meeting next week. This letter opposes the development and if approved tonight by the Council will be delivered to the County Council in the morning. Council Member Palmer will be attending the meeting and will also take a hard copy.

Council Member Palmer moved to approve Resolution 2013-22. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Palmer and Mayor Webb in favor. Resolution 2013-22 was approved by a unanimous vote.

**IX. *Consent Agenda***

***a. Approval of Minutes – June 20, July 11 & July 18, 2013***

Council Member Petersen moved to approve the consent agenda. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the consent agenda was approved.

**X. *City Manager Report***

*City Manager, Randy Fitts*, reported that he had been working with the TEC Committee in order to get approval of (inaudible).

**XI. Council Reports**

Council Member Pignanelli was proud to report that Spring Lane School along with Morningside appeared in *TIME* Magazine.

Council Member Petersen indicated that she positive feedback from Terra Gardens. She reported that the first Movie in the Park event will take place August 9. She encouraged everyone to attend.

The possibility of the Arts Council relocating the upcoming Blue Moon festival was discussed. Mr. Hall stated that the standards and conditions by which City facilities are utilized in relationship to those types of events need to be discussed.

Council Member Palmer reported that Maggie McGee's is still working on their agreement with Woodbury. Enforcement of the Noise Ordinance was discussed. Mr. Hall reported that he will respond with a letter.

**XII. Other Business**

**XIII. Adjourn City Council Meeting and Convene in a Work Meeting.**

Council Member Palmer moved to adjourn the City Council Meeting and convene the Work Meeting. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the Council meeting adjourned at 6:42 p.m.

## WORK MEETING – August 1, 2013

### **ATTENDANCE**

Mayor Dennis Webb  
Lynn Pace- *excused*  
Patricia Pignanelli  
J. James Palmer  
Sabrina Petersen  
Steven Gunn - *excused*

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney

Mayor Webb reconvened the Council in a Work Meeting at 6:52 p.m.

#### **a. Discussion on Previous Public Hearings.**

#### **b. A-Trans Traffic Study of Millrock Area.**

*Dr. Joe Perrin* gave a brief overview of the Millrock area study. The proposed Millrock V building was expected to generate approximately 1,600 more daily car trips. Dr. Perrin detailed the results of that type of traffic flow increase. He stated that there are not a lot of geometrical improvements that are necessary, but enough that he recommended the cycles be reviewed. The most significant issue was expected to be queuing.

#### **c. Update on Current Construction Projects (Village Center, Fire Station, Commons area, Casto Home and other).**

Village Center – work has begun on the north building.

Fire Station - dry wall installation was to take place within the week. Lighting issues were to be resolved, as several received items were chipped or broken. The Council made exterior material suggestions.

Commons – Manager Fitts reported that there were some issues with the light poles. Some of them were chipped or damaged during shipping. They are working with the supplier but the lights will be installed for the Aug. 9 grand opening and then returned. The tables have been ordered.

Casto Home – brick is up and the trim is done. The City is still working on doing an old pioneer garden at the side of the home.

#### **d. Discussion & Update on Annexation Policy.**

Mr. Hall reported that the public meeting for affected entities took place in July with few, if any, comments. He noted that the Planning Commission will conduct its public meeting regarding the draft. Council Member Gunn presented a second potential revision draft. Mr. Hall stated that it is anticipated that the Planning Commission will forward their recommendation to the Council. The Council will hold their public hearing the first meeting in September. He stated that the verification of petition signatures was ongoing.

#### **e. Calendar**

*Stephanie Carlson, City Recorder, stated that a joint Planning Commission Meeting is scheduled for September 12.*

Mayor Webb recommended scheduling an RDA Meeting in order to consider the Plaza as part of the license agreement.

Council Member Petersen reported that she will be present at the Rotary on August 14.

Due to lack of a quorum the City Council meeting scheduled for August 15 will be moved to August 22.

**f. Other Business**

**XIV. *Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.***

*There was no Closed Session.*

**XV. *Adjourn Work Meeting***

There being no further business, Mayor Webb moved to adjourn with Council Member Petersen seconding the motion. The Council voted in the affirmative and the meeting adjourned at 7:17 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, August 1, 2013.*

---

Stephanie N. Carlson, MMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved:

**MINUTES OF THE HOLLADAY CITY  
CITY COUNCIL WORK MEETING**

**Thursday, August 8, 2013  
6:30 p.m.  
City Hall – Mt. Olympus Room  
4580 South 2300 East  
Holladay, Utah 84117**

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***ATTENDANCE***

Mayor Dennis Webb

**City Staff**

**Council Members**

Lynn Pace  
Sabrina Petersen  
Pat Pignanelli  
Jim Palmer  
Steve Gunn- *excused*

Randy Fitts, City Manager  
Stephanie Carlson, City Recorder – *excused*  
Craig Hall, City Attorney  
Clarence Kemp, City Engineer  
Paul Allred, Community Development Dir.  
City Planner, Pat Hanson

**1. Call to Order.**

Mayor Webb called the meeting to order at 7:15 p.m. and welcomed those in attendance.

**2. Discussion on Previous Public Hearings (Mobile Food Trucks and Landscaping).**

*Paul Allred, Community Development Director*, stated that generally the applicant is happy with what is proposed. Council Member Petersen stated that she has received numerous emails about the issue. City Planner, Pat Hanson stated that a draft was sent to the applicant, Mark Olsen, who made comments that were presented to the Planning Commission. She was under the impression that he is satisfied with what the ordinance says.

Council Member Petersen stated that she spoke to Mr. Olsen earlier in the week and believes that his wishes are being met. She has confidence in him, that he will be artistic, be selective about what he sells from the truck, and maintain the appearance of the truck but worried about others who may follow. She stated that it will be difficult to get support from the residents with trucks coming in and out. She expressed concern about enforcement and about their ability to play music, chimes, and bells.

Mr. Allred reported that Mr. Olsen recently took trips around the country and stressed that music is important to him to add ambiance. Council Member Petersen pointed out that there are residences a very short distance from the proposed trucks and she saw no need for music with a stationary food truck. Noise issues were discussed. Council Member Palmer stated that even if the sound emitted is within the confines of the noise ordinance and the allowable decibel levels, if a resident can hear it from their yard it will be annoying. The Council would like to strike the language from the ordinance that deals with bells, whistles, and music emanating from mobile food trucks.

This item would be on the September 5, 2013 meeting for a vote.

Ms. Hanson inquired about the 100-foot radius requirement that makes it necessary for the owner of a mobile food truck to obtain the permission of any restaurant owner within 100 feet. There was some question as to whether that was needed. Ms. Hanson stated that the Planning Commission was divided on that requirement. If the proposed use is on private property, rather than City property, there should be no issue. The 100-foot radius requirement was eliminated.

Mr. Allred stated that mobile food trucks will be permitted in all commercial zones and must be on an approved surface and Mr. Olsen is proposing to be on gravel, which is also allowed. Council Member Palmer asked what the logic was behind requiring them to park on a hard surface as opposed to a gravel surface. Mr. Allred stated that gravel is an all-weather surface that can be driven on if it is engineered and it looks better.

### **Landscaping Ordinance**

Council Member Pace would like to see a red lined version in order to see what parts had changed. There is no grandfathering privilege given to people that built and obtained an occupancy permit. It simply sets a date where everyone must come into compliance, which would be one year from the date of adoption. Enforcement issues were also discussed.

### **3. Update on Current Construction Projects.**

#### **a. Village Center**

It was reported that the North building will be up in 10 days and that the developer has only one 3,000 sq foot space left.

#### **b. Fire Station**

Manager Fitts reported that progress was being made on the Fire Station. Work was currently underway on the cabling and electrical and some utility lines still remained to be installed. Prices were being obtained on the doors.

#### **c. City Hall Park**

Mr. Fitts reported on the commons area at the park and stated that there is a beautiful copper dome on the tower around the clocks. The lights are up as well.

#### **d. Casto Home**

Mr. Fitts reported on the Casto Home and stated that the electrical line would be installed in the next week after which it would be roto tilled and seeded. New windows will be installed and the home will be painted. The landscaping will be similar to a pioneer garden with flowers and trees. It was suggested that a landscaping plan be developed for the property. The Mayor reported had hoped to get the Foundation to raise money for the trees but more details were needed.

Council Member Petersen asked about moving the log cabin there. The cost to move and rebuild it was expected to be significant. The priority is to get the Casto Home site done.

#### **4. Discussion on Proposed Annexation Study.**

Mr. Fitts reported that there is a deficit of approximately \$96,434 which, equates to a 91.9% difference. He is comfortable with the study performed by Zions Bank. He was concerned with the capital being put in a four-year program and stated that it could be extended to five years. He Mr. Kemp did an inventory of the infrastructure in the area and found it to be in very good shape. The deficit means that the area generates enough revenue to pay 92% of the costs. Only the money generated would be spent and work will not be performed beyond what funding is available. It was noted that essential services such as police and fire are hard costs. Capital expenditures, for example, are \$104,000 and highways and public improvements are \$180,000. In reality, the City only spends what it receives on roads.

Mr. Fitts reported that Ms. Carlson and Mr. Hall were in the process of verifying the petitions. They have verified about 100 signatures and petitions are still coming in. Timing and funding issues were discussed.

It was reported that a public hearing is scheduled for September 5, 2013 on amendments to the proposed annexation policy. Mr. Allred reported that the Planning Commission liked Councilman Gunn's draft and it was the one they voted and recommended to the Council.

#### **5. Discussion on Bus Benches and Locations**

Mr. Fitts displayed a map of proposed locations and suggested the Council indicate if there are specific areas they would like to focus on. It was suggested that staff obtain a list of potentially highly used benches. Mr. Fitts reported that the City budgeted for 50 benches but he expected to be able to do 60. It was suggested that we focus on placing the benches near schools, shopping, and commuter areas. Mr. Fitts stated that it is a three-year plan and they expect to have benches throughout the entire City within that time.

#### **6. Calendar**

The next Council meeting will be on August 22. The meeting on the 15 was cancelled due to lack of a quorum.

The Utah League of Cities and Towns Conference will be held September 11-13 with one of the speakers being Steve Forbes. The Council was asked to contact Ms. Carlson to let her know who would be attending in order to get them registered.

The Primary Election will be held on August 13.

#### **7. Other Business**

Council Member Petersen reported that she received several emails from Kentucky Avenue residents who would like to see parts of their plan brought to fruition. One item of concern involved a tree or visual barrier in the center. Aesthetically she thought it would be very attractive and noted that the residents are willing to pay for and maintain it. The proposed location of the visual barrier was described. Council Member Petersen understood that it will set a precedent but stressed that it would not work on every road. The residents expressed concern about parking. The Council determined that doing what was proposed would be a huge challenge. The Mayor wanted to explore the issue further. He thought now was the perfect time

because demolition would be taking place and the water line would be moved. He wanted to get a commitment from the residents that they are willing to pay for it. It was noted that an agreement would need to be entered into with the residents.

**8. Closed Session Pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.**

*There was no closed meeting.*

**10. Adjourn**

Council Member Palmer moved to adjourn. Council Member Petersen seconded the motion. The Council voted in the affirmative and the meeting adjourned at 8:19 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council Work Meeting held Thursday, August 8, 2013.*

---

Stephanie N. Carlson, MMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved:

**CITY OF HOLLADAY**

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 3.35.110 AND TABLES  
CONTAINED THEREIN PERTAINING TO BUSINESS LICENSE FEES.**

**WHEREAS**, the City of Holladay (the “City”) has established business license fees for organizations that are located within the City and conduct business; and

**WHEREAS**, the Municipal Council has enacted a new Chapter 13.770 pertaining to Mobile Food Businesses; and

**WHEREAS**, said Ordinance provides for the licensing of such businesses; and

**WHEREAS**, the present fee schedule does not contemplate such fees; and

**WHEREAS**, the proposed fees are consistent with the previously enacted business license fee schedule and study.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Holladay, Utah as follows:

**SECTION I**

That Section 3.35.110, including Table 3.35.110.1 be amended to read as set forth in Exhibit A, attached hereto, and incorporated herein for all purposes.

**SECTION II**

This Ordinance shall be effective upon passage and first publication.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2013.

By: \_\_\_\_\_  
Dennis R. Webb, Mayor

[SEAL]

**VOTING:**

Lynn H. Pace	Yea	___	Nay	___
J. James Palmer, Jr.	Yea	___	Nay	___
Sabrina R. Petersen	Yea	___	Nay	___
Patricia Pignanelli	Yea	___	Nay	___
Steven H. Gunn	Yea	___	Nay	___
Dennis R. Webb	Yea	___	Nay	___

**ATTEST:**

\_\_\_\_\_  
Stephanie N. Carlson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_\_\_ day of September, 2013.

**RECORDED** this \_\_\_\_ day of September, 2013.

1 **Business License Fee Table - 3.35.110.1**

Code	License Category	Fee Amount	Comment
100	Automotive	\$ 325	NA
101	Banking/Credit Union	\$ 625	NA
110	Bed & Breakfast	\$ 250	NA
115	Business, Professional and Contracted Services	\$ 225	NA
116	Convenience Store/Gas	\$ 1,750	NA
120	Day Care	\$ 375	NA
130	Department Store	\$2,975	NA
140	Educational Services	\$300	NA
145	Entertainment	\$725	NA
146	Fireworks Sales	\$350	May require clean-up bond
150	Grocery Stores	\$1.050	NA
155	Hotels	\$199+12/ room	NA
160	Manufacturing	\$ 1,050	NA
161	Motion pictures and theatricals presented in unlicensed premises	\$10	Per day/per stage/per screen
162	Movie Theaters	\$ 2,925	NA
163	Personal Services	\$300	NA
164	Nursing, Residential & Personal Care	\$ 200+44/r oom	NA
166	Restaurant /Fast Food without liquor	\$700	NA
167	Restaurant with liquor	\$1,100	NA
168	Retail/Wholesale/Distribution	\$250	NA
169	Salon Booth Rental/Stylist	\$100	NA
170	Seasonal/Temporary	\$225	May require clean-up bond
190	Solicitor	\$275	NA
	<u>Mobile Food Truck or Trailer</u>	<u>\$ 275</u>	<u>NA</u>
	<u>Mobile Food Court</u>	<u>\$225</u>	<u>NA</u>
171	Smoke Shops	\$2,050	NA
172	Pharmacy/Drug Store	\$1,400	NA
173	Social Club	\$1,550	NA
174	Trade Schools	\$3,325	NA
175	Home Occupation	\$100 (new); 75 (renewal)	NA
176	Home Occupation Day Care	\$200	NA
177	3+ Apartment Complexes	\$111+10/ unit	NA
580	Brewery	\$383	Per location
500	Off-Premise Beer Retailer	\$283	Per location

510	On-Premise Beer Retailer	\$383	Per location
520	Taverns	\$523	Per location
530	On-Premise Banquet & Catering	\$383	Per location
550	Club (under 50 percent food sales)	\$523	Per location
560	Club (over 50 percent food sales)	\$433	Per location
570	Restaurant; Full Service	\$433	Per location
571	Restaurant; Limited Service	\$383	Per location
540	Special Event Alcohol	\$100	Per day
590	Special Event Permit	\$100	May be subject to bonding/temp licensing
591	Clean-up bond; special event permit	\$2,000	NA
592	License renewal (swap meet, liquidation sales, fire and damaged goods sales, etc.)	\$25	30 days per renewal
197	Establishment Name Change	\$25	NA
198	New Location Transfer	\$35	NA
900	Penalty Fee for commencing business operations without a license	25% of the assessed annual fee	If the applicant has operated without a license for less than 30 days during the fiscal year in question
920	Penalty Fee for commencing business operations without a license	100% of the assessed annual fee	If the applicant has operated without a license for more than 30 days during the fiscal year in question
	Reissuance penalty fee for expired alcoholic beverages retail sales license	25% of the total annual fees due	If the applicant has operated without a license for less than 30 days during the fiscal year in question
	Reissuance penalty fee for expired alcoholic beverages retail sales license	100% of the total annual fees due	If the applicant has operated without a license for more than 30 days during the fiscal year in question
	Application fee refunds	\$35.00 - to the extent the amount that accompanied the application exceeds \$35.00	\$35.00, or any lesser amount, shall be retained by the city to offset the cost of processing the application

1  
2

**CHAPTER 13.77 LANDSCAPING**

**SECTION**

- 13.77.010 Purpose
- 13.77.020 Applicability
- 13.77.030 Application Requirements
- 13.77.040 General Standards
- 13.77.050 Minimum Landscaping Requirements By Zone
- 13.77.060 Parking Lot Landscaping
- 13.77.070 Landscape Buffers
- 13.77.080 Street Tree Protection
- 13.77.090 Stormwater Integration
- 13.77.100 Planting Guidelines
- 13.77.110 Landscape Maintenance
- 13.77.120 Installation
- 13.77.130: Administrative Relief

**13.77.010 PURPOSE**

- A. The intent of this chapter is to consolidate and clarify the various sections in Title 13 which previous to adoption of this Chapter addressed landscaping regulations for all zones within the City.
- B. The regulations of this chapter are intended to promote landscaping in the City of Holladay that will improve community livability, preserve the quality of life, and enhance the aesthetic quality, economic viability, and environmental health of the city.
- C. Landscaping can be a significant expense to businesses and residents. At the same time, landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, and can reduce heat and air and noise pollution.
- D. The intent of these regulations is to achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of city residents to live, work, shop, and recreate in pleasant, healthy, and attractive surroundings.
- E. These regulations are intended, in part to encourage the use of water conserving landscape designs and low water use plant materials and to discourage landscaping that requires high water use for maintenance while preserving Holladay's unique tree canopy, character and inventory.
- F. The City's Street Tree Program and its recognition as a Tree City sets the standard for public and private property management of the valuable, historic tree coverage that gives Holladay a unique environment not generally found in other areas of the region.

**13.77.020 APPLICABILITY**

- A. *Landscape Plan.* A detailed landscape plan as required by Chapter 13.03 of this title shall be submitted for all development, redevelopment, additions or site modifications except detached, single-family dwellings.

# DRAFT

13.77.030

13.77.040:

1 B. *Applicability to existing structures.* Existing development shall be required to conform to this standard  
2 based upon the following guidelines:

3  
4 1. For additions that are twenty-five percent (25%) to fifty percent (50%) of the existing structure or  
5 developed area, perimeter and right-of-way landscaping shall be installed.

6  
7 2. For additions that are greater than fifty percent (50%) of the existing structure or developed area,  
8 all current landscape standards of this chapter shall be met.

9  
10 4. If the location of existing buildings or other structures prevents conformance with the requirement  
11 of this section or if implementation would create nonconformity, the Planning Commission may grant  
12 relief from these standards as per section 13.77.130 of this Chapter.

## 13 13.77.030 APPLICATION REQUIREMENTS

14  
15  
16 A. All landscape plans shall comply with the requirement for size, scale, number of copies and contents  
17 are required by Chapter 13.03 of this title.

18  
19 B. The landscape plans may be on the same site plan used to show parking layout, setback compliance,  
20 etc.

21  
22 C. All landscape plans except those required for a single family detached structure shall be prepared by a  
23 landscape architect, landscape designer, or qualified arborist or nurseryman.

24  
25 13.77.040: GENERAL STANDARDS. All landscaping shall preserve and generally enhance  
26 desirable natural features (i.e., topography, waterways, existing vegetation, etc.), enhance architectural  
27 features of the building, strengthen vistas and provide shade for the project as well as its customers and  
28 employees. The following general standards apply to all required landscaping covered under this title,  
29 except for single family homes on individual lots.

30  
31 A. *Landscaping:* Landscaping, as defined by section 13.04.0440 of this Title shall consist of a  
32 combination of planted trees, shrubs, vines, vegetative ground cover, perennial plants and annual  
33 plants or lawn, together with an irrigation system to maintain the plants alive and flourishing for the  
34 length of time the plantings are to be maintained if not in perpetuity. A maximum of fifty percent (50%)  
35 of the total required landscape area may include permeable materials such as organic mulch,  
36 inorganic materials such as rocks, boulders, gravel, or other materials, and/or ornamental objects such  
37 as fountains, pools, statues, retaining walls, or benches.

38  
39 B. *Perimeter Landscaping:* The purpose of perimeter landscaping is to ensure the long term and  
40 consistent maintenance of landscaping along streets, to improve the visual quality of the streetscape,  
41 unify diverse architecture and carry out the long term goals of the City of Holladay promoting attractive  
42 streets and street beautification. Perimeter landscaping includes both landscaping in all required  
43 setback areas and any required buffer landscaping. Perimeter landscaping requirements are  
44 regulated by Section 13.77.050 of this chapter.

45  
46 C. *Internal Landscaping Requirements:* The purpose of the internal landscaping standards is to visually  
47 soften the mass of buildings and to visually separate building areas and development within the city.  
48 The internal landscaping requirements are intended to augment the perimeter landscaping  
49 requirements as required by Section 13.77.050 of this chapter.

50  
51 1. A minimum of one tree shall be required for every three hundred (300) square feet of the required  
52 internal landscaping area. Up to five percent (5%) of the required trees may be substituted by shrubs.

1 Ten (10) shrubs with a minimum container size of five (5) gallons shall be required for each substituted  
2 tree.

3  
4 2. The location of the internal landscaping area shall be adjacent to those building elevations which  
5 form the major public views of the project from abutting streets and property and to the users of the  
6 project, or within a plaza or courtyard between buildings or portions of buildings, or in a similar area  
7 which substantially conforms to the stated purpose of the required internal landscaping standards set  
8 forth herein and approved by the Planning Commission.

9  
10 3. Landscaping around the base of the building is recommended to soften the edge between the  
11 parking lot and building and also to discourage graffiti.

12  
13 4 Building entries should be emphasized with special landscaping and/or paving in combination with  
14 lighting.

15  
16 D. *Berming.* Berming at the edge of the building in conjunction with the landscaping may be used to  
17 soften and screen parking areas, reduce structure mass and height along street facades, and contain  
18 or direct stormwater runoff. Berms may not encroach into any clear view area of a street or driveway.

19  
20 E. *Hardscape Materials:* Decorative paving materials such as bricks, pavers, flagstones, decorative  
21 gravels, artificial turf, and textured concrete may be utilized if they form a useful open space, add color  
22 or texture to the design, and comply with the purpose and intent of this section. Untextured concrete or  
23 lava rocks are not permissible hardscape materials. All impervious hardscape areas within a  
24 landscaped area must be considered as part of the overall impervious surface coverage allowance as  
25 required by other provisions of this Title.

26  
27 13.77.050: **MINIMUM LANDSCAPING REQUIREMENTS BY ZONE:** The following requirements are  
28 the minimum landscaped area required by each zone except where modified by the Planning Commission  
29 as an administrative relief allowed by section 13.77.120 of this Chapter.

30  
31 A. *Single-Family Residential Zones (FR, R-1)*

32  
33 1. **Within one year of the adoption of this ordinance,** the entire front yard and side yard abutting to a  
34 street of developed lots in residential zones shall be landscaped **and maintained.**

35  
36 2. The front yard of all lots on which buildings are located shall be landscaped within one (1) year of  
37 the date of the issuance of a final certificate of occupancy or final inspection.

38  
39 B. *Residential Multiple Zone (R-2, RM):* The minimum landscaping coverage in percent for all lots in the  
40 multi-family zones are as follows:

41  
42 1. A minimum of forty percent (40%) of the total site shall be landscaped.

43  
44 2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this  
45 chapter shall be provided along the side and rear property lines.

46  
47 C. *Office, Research and Development Zone (ORD).*

48  
49 1. A minimum of thirty percent (30%) of the total site shall be landscaped.

50  
51 2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this  
52 chapter shall be provided along the side and rear property lines.

# DRAFT

13.77.060:

13.77.060:

1 3. Where a side or rear yard abuts a residential use or residential zone boundary the entire setback  
2 area shall be landscaped.

3  
4 D. Neighborhood Commercial Zone (NC).

5  
6 1. All front setback areas and the side setback areas which abut a public street on corner lots shall  
7 be landscaped.

8  
9 2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this  
10 chapter shall be provided along the side and rear property lines.

11  
12 E. C-1 and C-2 Commercial Zones.

13  
14 1. The front setback area and the side setback area which faces on a street on corner lots shall be  
15 landscaped for a minimum distance of twenty feet (20') behind the property line for all main uses in the  
16 C-1 and C-2 zones.

17  
18 2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this  
19 chapter shall be provided along the side and rear property lines.

20  
21 F. Residential Office Zone (RO)

22  
23 1. The first twenty feet (20') in depth of the front setback and/or front yard shall be landscaped.

24  
25 2. Other setback areas which abut a public street shall be landscaped.

26  
27 3. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this  
28 chapter shall be provided along the side and rear property lines.

29  
30 G. Other Zones.

31  
32 1. All required front and side yards areas that abut a public street shall be landscaped.

33  
34 2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this  
35 chapter shall be provided along the side and rear property lines.

36  
37  
38 13.77.060: PARKING LOT/STRUCTURE LANDSCAPING

39  
40 A. Purpose. The purpose of perimeter and internal parking lot landscaping is to soften and mitigate the  
41 visual effect of a large expanse of asphalt. Landscaping can also reduce summer heat gain in parking  
42 areas and define pedestrian ways.

43  
44 B. Hardscape Parking Areas: Landscaping in hardscape parking areas shall meet the following minimum  
45 requirements:

46  
47 Table 13.77.061:

<b>Size of Parking Area</b>	<b>Percent Landscaped</b>
Less than 15,000 sq. ft.	5%
15,000 and larger	7.5%

# DRAFT

13.77.070:

13.77.070:

1  
2 1. One tree within the hardscape parking area shall be planted for every ten (10) parking stalls. The  
3 distribution of the trees shall maximize shading during summer months. All landscaped areas shall be  
4 separated from the parking surface by at least a six inch (6") high curb.

5  
6 2. All grade level parking should be separated from the street and screened from pedestrian view by  
7 landscaping. The landscaping must include shrubs and trees, be located on private property and be  
8 wide enough to maintain the plant material and screen the view.

9  
10 C. *Parking Structures:* The parking structures must be screened with live plant material reasonably  
11 acceptable to the Community Development Director that is intended to hide or obscure the sides of the  
12 structures from public view.

## 13.77.070: **LANDSCAPE BUFFERS**

13  
14  
15  
16 A. *Purpose.* The landscape requirements in this section are intended to ensure that abutting land uses  
17 are adequately protected and are provided an appropriate amount of land separation to conduct  
18 permitted uses without causing adverse impacts.

19  
20 B. *Applicability.* The landscape buffer is required for all nonresidential uses sharing a contiguous lot line  
21 with an abutting residential zone or residential land use or by requirement of an approval granted by a  
22 land use authority under provisions of this title.

### C. *Standards.*

23  
24  
25  
26 1. The width of the buffer is determined by the requirements of section 13.77.050 of this Chapter  
27 unless modified by the land use authority as part of a site plan approval as allowed by other provisions  
28 of this title, however, no landscaped buffer shall be smaller than that required for the health and growth  
29 of the plants and trees contained within the required buffer area.

30  
31 2. The materials within the required buffer between abutting land uses are regulated a follows:

32  
33 a. All buffer areas shall be comprised of materials such as, a mix of evergreens and  
34 deciduous trees, shrubs, lawn, or other vegetative ground cover or up to 50% non-vegetative mulch or  
35 other hardscape as defined by section 13.77.040 of this chapter.

36  
37 b. Fences, walls and berms may also be incorporated in the buffer areas where they will not  
38 create a public safety hazard.

39  
40 3. Where trees are incorporated, the required buffer area shall result in a barrier where trees touch at  
41 the time of the tree maturity.

42  
43 4. Where existing or proposed abutting land uses cannot be adequately buffered with plant materials,  
44 the land use authority may require inclusion of a wall, fence or other type of screen that mitigates  
45 noise, and/or unsightly uses. All fences, walls, or other screens must comply with the regulations of  
46 section 13.76.700 of this Title.

47  
48 5. Chainlink fencing with or without slats does not qualify as screening material.

49  
50 6. All buffers between different land uses may include any required perimeter parking lot landscape  
51 buffers.

DRAFT

13.77.080:

13.77.080:

13.77.080: STREET TREE PROTECTION

A. Purpose. The purpose of this section is to protect existing street trees within the public right of way, to require replacement of removed trees within the public right of way, and to require planting of street trees with all new development. This section is intended to:

- 1. Preserve the visual and aesthetic qualities of the city's existing environment;
- 2. Encourage the preservation and replacement of trees; and
- 3. Enhance, stabilize, promote and protect property values throughout the city of Holladay.

B. Application. The provisions of this section shall apply to all real property located in the City of Holladay, as they relate to the public right of way.

C. Removal of Significant Street Trees:

- 1. No significant street tree within the public right of way may be removed without the prior written consent of the city. A no fee permit for such removal may be obtained from the director of community development.
- 2. A permit to remove a significant street tree shall be issued if the applicant demonstrates that:
  - a. Removal is necessary for public safety reasons;
  - b. Removal is essential in order to allow for development or redevelopment of the abutting property; or
  - c. Good cause exists and removal would be in the best interest of the city.

D. Replacement of Significant Street Trees Required: Any permit for the removal of a significant street tree shall be conditioned upon the planting of a replacement street tree. This requirement may be modified or waived to the extent necessary to protect public safety.

E. Requirements for Replacement Trees: Replacement trees shall comply with the following schedule and requirements:

- 1. A significant deciduous tree that is removed shall be replaced by a tree with a minimum size of two inch (2") caliper of a variety that has the potential to reach a mature height of that of the removed tree.
- 2. A significant coniferous tree that is removed shall be replaced by at least one tree with a minimum height of eight feet (8'). (Note: Too many trees can cause crowding and reduced vigor, and possible death of same.)
- 3. Replacement trees shall be the same variety as the tree removed, or the same variety as other trees on the street, or of a variety approved by the Community Development Director.
- 4. Unless otherwise authorized by the city, replacement trees shall be planted within six (6) months after the removal of the prior tree.

5. Replacement trees shall be maintained by the property owner through an establishment period of at least three (3) years.

F. Planting of Street Trees Required: In connection with any permit issued for new development or significant redevelopment within the city, the owner/developer of the abutting property shall be required to plant street trees of an appropriate variety and number as determined by the Community Development Director. This requirement may be waived, in whole or in part, if sufficient street trees already exist and are preserved as part of the development.

G. Topping: Topping any street tree required by this Title is prohibited.

13.77.090: **STORMWATER INTEGRATION.** The regulations of this title are intended to improve water quality and provide a natural effective form of flood and water pollution control through the integration of vegetated, well designed stormwater filtration swales into required landscaped areas, where topography and hydrologic features allow.

A. Stormwater swales incorporated into required landscape areas shall be vegetated with appropriate plant material. Gravel, rock, sand, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.

B. The design of all swales or detention basins incorporated into landscaped areas shall comply with the provisions of Chapter 17.24 of this code.

13.77.100: **PLANTING GUIDELINES**

A. Minimum Plant Sizes. The following are minimum plant sizes for all required landscape areas:

Table 13.77.101

Type of Tree	Minimum Size
Coniferous Tree	6 foot height
Ornamental tree	Two inch (2") caliper
Shade tree	Two inch (2") caliper
Woody shrubs	2 gallon size container

B. Plant species. Plant species proven adaptable to the local climate should be used in all landscaping plans.

C. Tree Preservation. Wherever possible, existing significant trees as defined in 13.04.040 of this Title should be preserved.

1. Preliminary plans shall show all significant trees within the proposed development and the associated limits of disturbance for each significant tree(s).

2. No construction, grading, equipment or material storage or any other activity shall be allowed within the limits of disturbance established for all significant trees.

a. Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of twelve (12) or more smaller trees a distance equal to the size of the individual or outermost tree's drip zone.

b. For purposes of this subsection, the drip zone is calculated by measuring the diameter of the tree at breast height. Every inch of tree trunk diameter equates to one foot (1') of drip zone.

# DRAFT

13.77.110

13.77.120:

1 c. Fencing shall remain in place until all land alteration, construction, and development activities  
2 are completed.

3  
4 4. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric,  
5 rocks and more fabric under the area to be filled.

6  
7 5. Fill placed directly on the roots shall not exceed a maximum of six inches (6") in depth.

8  
9 6. If fill creates a tree well or depression around a tree or shrubs, such area shall be drained so that  
10 the vegetation is not drowned by the pooling of rainfall or irrigation.

11  
12 7. If a tree's roots must be cut, the branches shall be trimmed by an amount equal to the percent of  
13 roots that were lost. Roots shall be pruned cleanly prior to digging and not ripped off by heavy  
14 equipment. Cutting more than thirty percent (30%) of the roots endangers the health of the tree,  
15 and over forty percent (40%) affects the tree's stability.

16  
17 8. Utility trenches near trees should be avoided. If a line must be near a tree, tunneling, auguring, or  
18 other mitigation measures shall be used.

19  
20 D. Planting Areas. A minimum of fifty percent (50%) of the required landscaped area shall be planted  
21 with live plant materials. The remaining fifty percent (50%) may consist of permeable hardscape  
22 improvements as allowed by section 13.77.040E of this chapter.

## 23 24 13.77.110: LANDSCAPE MAINTENANCE:

25  
26 A. Purpose: The regulations of this section are intended to ensure that all required landscaping is  
27 maintained in a healthy, growing condition at all times.

28  
29 B. Applicability: The requirement for landscape maintenance applies in all zones where landscaping has  
30 been required.

### 31 32 C. Standards:

33  
34 1. The property owner is responsible for the maintenance of all landscaping and screening devices  
35 required by this article.

36  
37 2. Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be  
38 appropriately treated to correct the problem. Dead plant materials shall be replaced.

39  
40 5. All landscaping required by this subsection may be subject to periodic inspections by city officials  
41 to determine compliance with the provisions of this Title.

42  
43 6. The lower branches of trees shall be pruned and maintained as required by Sections 14.12.040  
44 and 14.12.050 of this code.

## 45 46 13.77.120: INSTALLATION

47  
48 A. Substitutions. All substitutions of plant material on an approved landscape plan must be approved by  
49 the Community Development Director.

50  
51 B. Inspections. Landscaping shall be installed and completed in compliance with the approved  
52 landscape plan. A certificate of occupancy shall not be issued until the improvements are inspected

# DRAFT

13.77.130:

13.77.130:

1 and approved by the Community Development Director, unless an assurance is provided and  
2 approved according to subsection C below.

3  
4 C. Assurance. In extenuating circumstances where occupancy is requested prior to completion of  
5 landscaping, the owner or developer shall enter into an agreement with the city guaranteeing that the  
6 required landscaping will be completed within the next planting season at a date specified by the  
7 Community Development Director.

8  
9 13.77.130: ADMINISTRATIVE RELIEF: The city recognizes that the specific landscape requirements  
10 set forth herein cannot and do not anticipate all possible landscape situations. A certain amount of  
11 flexibility in the application of such requirements is necessary in cases where the requirements are  
12 inapplicable or inappropriate to a specific use, design or site proposal. A written request for relief may be  
13 submitted to the Land Use Authority in conjunction with the applicable development proposal, including an  
14 explanation of the findings and justification necessary to grant administrative relief.

15  
16 A. The Land Use Authority as part of a site plan approval may reduce the minimum needed landscaping  
17 up to ten percent (10%) after taking into consideration:

18  
19 1. The location and size of parking lots and/or structures, the layout of the buildings, the topography  
20 and geometry of the site and other environmental factors;

21  
22 2. The exclusion of natural areas for reasons of preservation;

23  
24 3. A commensurate or additional percent of landscaping is being provided in an abutting right of way  
25 by permission of the owner of the right of way.

26  
27 4. An increase of the impervious surface coverage has been accomplished by the methods shown in  
28 section 13.14.080 C, table 13.14. 080 C of this title;

29  
30 B. The Land Use Authority shall document in writing any such findings granting administrative relief.

# DRAFT

## The following sections shall be amended as follows:

### 13.04.040: DEFINITIONS OF TERMS

LANDSCAPING, LANDSCAPED: The application or use of a combination of planted trees, shrubs, vines, organic ground cover, perennial plants and annual plants or lawn, or the paving and dressing of finished graded earth (dirt) together with an irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity. When specifically approved as part of a landscape plan submitted with a site plan or site plan amendment (30 percent of the total landscape area a maximum up to a maximum of 50 percent [50%] of the landscaped area) landscaping includes:

- A. Bark chips and inorganic materials such as rocks, boulders, gravel, or other materials; and
- B. Ornamental objects such as fountains, pools, statues, retaining walls, or benches.

### SINGLE FAMILY ZONES

13.14.140: **LANDSCAPING:** All uses in the FR and R-1 zones shall comply with the provisions governing landscaping and buffering in Chapter 13.77 of this Title.

13.14.150: **INFORMATIONAL:** For additional information, refer to this title and in particular, the following sections:  
*(No changes to the adopted table)*

### MULTI-FAMILY ZONES

13.32.110: **LANDSCAPING REGULATIONS:** All uses in the R-2-8, R-2-10 and R-M zones shall comply with the provisions governing landscaping and buffering in Chapter 13.77 of this Title.

~~Landscaping requirements for all lots in the multi-family zones are shown as follows:~~

- ~~A. Minimum Landscaping: The minimum landscaping coverage in percent:
  - 1. For any residential development in the zones regulated by this chapter shall be forty percent (40%).
  - 2. For any nonresidential development in the zones regulated by this chapter shall be thirty percent (30%).~~
- ~~B. Perimeter Landscaping: All required setback areas facing on a public street shall be landscaped with live, drought tolerant plant material and shall include a permanent automatic irrigation system. The planning commission may exclude natural areas for reasons of preservation.~~
- ~~C. Buffer Landscaping: Landscaped buffers are required along all side and rear development property boundaries that abut residential and/or nonresidential zones.~~
- ~~D. Internal Landscaping Requirements: The purpose of the internal landscaping standards is to visually soften the mass of buildings and to visually separate building areas and development within the city. The internal landscaping requirements are intended to augment the boundary landscaping requirements. Internal landscaping requirements may not consist of spaces or trees that are proposed to meet the minimum boundary landscaping requirements.
  - 1. Minimum Trees: A minimum of one tree shall be required for every three hundred (300) square feet of the required internal landscaping area. Up to five percent (5%) of the required trees may be~~

# DRAFT

1 substituted by shrubs. Ten (10) shrubs with a minimum container size of five (5) gallons shall be  
2 required for each substituted tree.

3 ~~2. Location Of Landscaped Area: The location of the internal landscaping area shall be adjacent to~~  
4 ~~those building elevations which form the major public views of the project from adjacent streets~~  
5 ~~and property and to the users of the project, or within a plaza or courtyard between buildings or~~  
6 ~~portions of buildings, or in a similar area which substantially conforms to the stated purpose of the~~  
7 ~~required internal landscaping standards set forth herein and approved by the planning~~  
8 ~~commission.~~

9  
10 E. ~~Planting Guidelines: All required landscaped areas shall meet the following guidelines:~~

11 ~~1. Minimum Live Plant Covering: A minimum of one hundred percent (100%) of the setback~~  
12 ~~boundary landscaping area, fifty percent (50%) of the buffer boundary landscaping area, and~~  
13 ~~seventy five percent (75%) of the internal landscaping area shall consist of live plant material. The~~  
14 ~~intent of the internal landscaping area is to provide relief from structures and hard surfaces in a~~  
15 ~~project through use of plantings.~~

16 ~~2. Hard Surface Improvements: The remaining twenty five percent (25%) of the required~~  
17 ~~landscaped area may consist of hard surface improvements such as pools, fountains, waterfalls,~~  
18 ~~streams, decorative boulders and sculptures or materials such as wood chips, bark, stone or~~  
19 ~~similar materials acceptable to the planning commission.~~

20 ~~3. Hardscape Materials: Decorative paving materials such as bricks, pavers, flagstones, and~~  
21 ~~textured concrete may be utilized if they form a useful open space, add color or texture to the~~  
22 ~~design and comply with the purpose and intent of this section. Untextured concrete, gravel or lava~~  
23 ~~rocks are not permissible hardscape materials.~~

24 F. ~~Administrative Relief: The city recognizes that the specific landscape requirements set forth~~  
25 ~~herein cannot and do not anticipate all possible landscape situations. A certain amount of flexibility~~  
26 ~~in the application of such requirements is necessary in cases where the requirements are~~  
27 ~~inapplicable or inappropriate to a specific use, design or site proposal. A written request for relief~~  
28 ~~may be submitted to the planning commission in conjunction with the applicable development~~  
29 ~~proposal, including an explanation of the findings and justification necessary to grant~~  
30 ~~administrative relief.~~

31 ~~1. The planning commission must make all of the following findings in order to grant administrative~~  
32 ~~relief:~~

33 ~~a. The strict application of the regulation in question is unreasonable given the~~  
34 ~~development proposal or the measures proposed by the applicant;~~

35 ~~b. The property has extraordinary or exceptional physical conditions that do not generally~~  
36 ~~exist in nearby properties in the same zoning district;~~

37 ~~c. Such conditions will not allow reasonable use of the property in its current zone in the~~  
38 ~~absence of relief;~~

39 ~~d. The intent of the city planning and land use ordinances and the specific regulation in~~  
40 ~~question is preserved; and~~

41 ~~e. The granting of administrative relief will not result in an adverse impact on surrounding~~  
42 ~~properties.~~

43 ~~2. The planning commission shall document in writing any such findings granting administrative~~  
44 ~~relief.~~

## 45 46 47 48 **ORD ZONE**

49  
50 13.45.100: **LANDSCAPING:** All uses in the O-R-D zone shall comply with the provisions governing  
51 landscaping and buffering in Chapter 13.77 of this Title.  
52

# DRAFT

- 1 A. ~~Intent: It is the intent of this section to encourage resource conservation while enhancing visual~~  
2 ~~attractiveness of commercial areas. Therefore, any landscaping should place an emphasis on~~  
3 ~~xeriscaping combined with traditional greenscape and hardscaping and deciduous trees.~~  
4 B. ~~Material; Irrigation; Maintenance: All landscaped areas planted with live plant material must~~  
5 ~~include a permanent irrigation system except for natural areas approved by the planning~~  
6 ~~commission for preservation. The owner, tenant and any agent shall be jointly and severally~~  
7 ~~responsible for the maintenance of all landscaping in good condition and free from refuse and~~  
8 ~~debris so as to present a healthy, neat and orderly appearance.~~  
9 C. ~~Minimum Landscaping: Except as provided in subsection F of this section, a minimum of thirty~~  
10 ~~percent (30%) of the total site shall be landscaped.~~  
11 ~~1. Exception: The planning commission may reduce the minimum percent landscaping by up to ten~~  
12 ~~percent (10%) under the following circumstances:~~  
13 ~~a. An increase of the impervious surface coverage has been accomplished by the~~  
14 ~~methods shown in section 13.45.080, table 13.45.080.001 of this chapter, and~~  
15 ~~b. A commensurate or additional percent of landscaping is being provided in an abutting~~  
16 ~~right of way by permission of the owner.~~  
17 ~~2. The planning commission may require preservation of natural areas or trails as part of the~~  
18 ~~overall landscaping plan.~~  
19 D. ~~Setback Areas: The required front setback area and the required corner side setback area which~~  
20 ~~faces on a street shall be landscaped with live plant materials, including shrubs and trees.~~  
21 ~~Deciduous trees shall have a minimum caliper of two inches (2"). Evergreen trees shall have a~~  
22 ~~minimum height of six feet (6").~~  
23 E. ~~Hardscape Parking Areas: Landscaping in hardscape parking areas shall meet the following~~  
24 ~~minimum requirements:~~

	Percent Landscaped
Size Of Parking Area	
Less than 15,000 sq. ft.	5%
15,000 and larger	7.5%

- 25  
26 One tree within the hardscape parking area shall be planted for every ten (10) parking stalls.  
27 Deciduous trees shall have a minimum caliper of two inches (2"). The distribution of the trees shall  
28 maximize shading during summer months. All landscaped areas shall be separated from the  
29 parking surface by at least a six inch (6") high curb.  
30 F. ~~Parking Structures: Landscaping for parking structures shall meet the following minimum~~  
31 ~~requirements:~~  
32 ~~1. The parking structures must be screened with live plant material reasonably acceptable to the~~  
33 ~~community development director that is intended to hide or obscure to the greatest extent~~  
34 ~~reasonably possible the sides of the structures from public view.~~  
35 ~~2. The minimum percentage of the total site to be landscaped (i.e., 30 percent under subsection C~~  
36 ~~of this section) may be increased to assure compliance with subsection E of this section. However,~~  
37 ~~the planning commission may require additional or reduce the minimum needed landscaping after~~  
38 ~~taking into consideration the number and size of any parking structures, the layout of the buildings,~~  
39 ~~the topography and geometry of the site and other factors.~~  
40 G. ~~Side And Rear Property Lines: A minimum landscaped area five feet (5') wide is required along~~  
41 ~~the side and rear property lines. Where a side yard or rear yard is adjacent to a residential zone or~~  
42 ~~use, the entire side setback area and rear setback area shall be landscaped. (Ord. 2012-15, 9-20-~~  
43 ~~2012)~~

## NEIGHBORHOOD COMMERCIAL ZONE

# DRAFT

1  
2 13.55.070: **ADDITIONAL DEVELOPMENT STANDARDS:** The following additional development  
3 standards shall apply to all developments and redevelopments within the NC zone:  
4

5 A. Buffer Standards for Development Abutting a Residential Property:

- 6 1. The minimum setback for a primary structure is twenty feet (20') from any abutting residential  
7 property line.  
8 2. Building height shall not exceed the design envelope created by starting at a point eight feet (8')  
9 above the ground at the residential property line and then sloping along a plane at a forty five  
10 degree (45°) angle toward the center of the lot.  
11 3. A perimeter wall as per subsection H of this section is required.  
12 4. For developments in the NC zone a landscaped buffer shall be provided as required by Chapter  
13 13.77 of this title. ~~a three foot (3') wide landscaped buffer strip shall be provided abutting and~~  
14 ~~parallel to the perimeter wall.~~  
15 5. A primary or accessory structure with an elevation facing a residential property shall not have a  
16 single, unbroken facade longer than fifty feet (50').  
17 6. No trash receptacle or storage area shall be located closer than fifty feet (50') from a residential  
18 dwelling unless located within a fully enclosed building.  
19 7. An outdoor dining facility shall be constructed in a manner which visually obscures the facility  
20 from adjoining residential property and which protects the property from noise and light emanating  
21 from the facility.  
22

23 G. Landscaping: All uses in the NC zone shall comply with the provisions governing landscaping  
24 and buffering in Chapter 13.77 of this Title.  
25

- 26 ~~1. All landscaping shall preserve and generally enhance desirable natural features (i.e.,~~  
27 ~~topography, waterways, existing vegetation, etc.), enhance architectural features of the building,~~  
28 ~~strengthen vistas and provide shade for the project as well as its customers and employees.~~  
29 ~~2. Landscaping around the base of the building is recommended to soften the edge between the~~  
30 ~~parking lot and building and also to discourage graffiti.~~  
31 ~~3. Changes in building elevation or berming at the edge of the building in conjunction with the~~  
32 ~~landscaping may be used to reduce structure mass and height along street facades.~~  
33 ~~4. All landscaped areas shall be planted with live plant material and include a permanent~~  
34 ~~automatic irrigation system, except for specific "natural" areas approved by the planning~~  
35 ~~commission at site plan review. The owner, tenant and/or any agent shall be jointly and severally~~  
36 ~~responsible for the maintenance of all landscaping in good condition and free from refuse and~~  
37 ~~debris so as to present a healthy, neat and orderly appearance.~~  
38 ~~5. The use of indigenous plant species proven adaptable to the local climate is encouraged in all~~  
39 ~~landscaping plans and all plans should include measures to reduce overall water consumption. (A~~  
40 ~~suggested plant list is available through the community development department.) Wherever~~  
41 ~~possible, existing prominent trees should be preserved. Where practical significant vegetation~~  
42 ~~should be protected during any development activity. Significant vegetation also includes large~~  
43 ~~groves of small trees or clumps or rows of oak, maple, cottonwood, hickory and spruce.~~  
44 ~~Preliminary plans shall show all significant vegetation within twenty five feet (25') of a proposed~~  
45 ~~development.~~  
46 ~~6. New deciduous trees shall have a minimum caliper of one and three-fourths inches (1 3/4").~~  
47 ~~Evergreens shall be a minimum of six feet (6') high.~~  
48 ~~7. All front setback areas and the side setback areas which abut a public street on corner lots shall~~  
49 ~~be landscaped and maintained with live plant material including shrubs, flowers, and trees.~~  
50  
51

52 **C-1 COMMERCIAL ZONE**  
53

# DRAFT

1 13.56.140: **LANDSCAPING:** All uses in the C-1 zone shall comply with the provisions  
2 governing landscaping and buffering in Chapter 13.77 of this Title.

## 3 4 5 6 **C-2 COMMERCIAL ZONE**

7  
8 13.62.130: **LANDSCAPING:** All uses in the C-2 zone shall comply with the provisions  
9 governing landscaping and buffering in Chapter 13.77 of this Title.

## 10 11 12 13 **HOLLADAY VILLAGE ZONE**

### 14 15 16 13.71.080: **DEVELOPMENT STANDARDS**

17  
18 C. Landscaping: All uses in the HV zone shall comply with the provisions governing landscaping  
19 and buffering in Chapter 13.77 of this Title.

20  
21 ~~1. All landscaped areas shall be planted with live plant material and include a permanent~~  
22 ~~automatic irrigation system, except for natural areas approved by the planning commission for~~  
23 ~~preservation. The owner, tenant and any agent shall be jointly and severally responsible for the~~  
24 ~~maintenance of all landscaping in good condition and free from refuse and debris so as to present~~  
25 ~~a healthy, neat and orderly appearance.~~

26 ~~2. The required side yard setback which faces a street on corner lots shall be landscaped with live~~  
27 ~~plant materials including shrubs and trees except for necessary vehicular driveways and~~  
28 ~~pedestrian walkways. Deciduous trees shall have a minimum caliper of one and three-fourths~~  
29 ~~inches (1 3/4"). Evergreens shall be a minimum of six feet (6') high.~~

### 30 31 13.71.090: **DESIGN GUIDELINES:**

32  
33 J. Landscaping: All uses in the HV zone shall comply with the provisions governing landscaping  
34 and buffering in Chapter 13.77 of this Title.

35  
36 ~~1. ——— Indigenous plant species proven adaptable to the local climate should be used in all~~  
37 ~~landscaping plans. (A suggested plant list is available through the community development~~  
38 ~~department.) Wherever possible, existing prominent trees should be preserved. Significant~~  
39 ~~vegetation should be protected during any development activity. Significant vegetation also~~  
40 ~~includes large groves of small trees or clumps or rows of oak, maple, cottonwood, hickory and~~  
41 ~~spruce. Preliminary plans shall show all significant vegetation within twenty five feet (25') of a~~  
42 ~~proposed development.~~

43  
44 2. All grade level parking should be separated from the street and screened from pedestrian  
45 view by landscaping. The All parking lot or structure landscaping shall comply with the regulations  
46 in Chapter 13.77 of this Title.

47  
48 3. Building entries should be emphasized with special landscaping and/or paving in  
49 combination with lighting.

50  
51 4. Landscaping should provide design continuity between the neighboring properties.

# DRAFT

## SUPPLEMENTAL REGULATIONS

### ~~13.76.155: LANDSCAPED SETBACK; COMMERCIAL ZONES:~~

~~The front setback area and the side setback area which faces on a street on corner lots shall be landscaped and maintained with live plant material including shrubs, flowers, and trees for a minimum distance of twenty feet (20') behind the property line for all main uses in the C-1 and C-2 zones. Such area shall include a permanent sprinkler system to ensure adequate maintenance, and shall comply with section 13.76.160 of this chapter, intersecting streets and clear visibility. The planning commission may modify the landscaping requirements herein for any conditional use.~~

~~A. The required landscaped area may be reduced to fifteen feet (15') provided:~~

- ~~1. Fifty percent (50%) of the landscaped area is planted with shrubs, flowers, and trees; and~~
- ~~2. The landscaped area includes a berm that is a minimum of two feet (2') high as measured from the grade of the sidewalk; and~~

~~B. The following portion of the total site is landscaped:~~

- ~~1. Fifteen percent (15%) if the site is less than one acre; or~~
  - ~~2. Ten percent (10%) if the site is equal to or greater than one acre, but less than five (5) acres; or~~
  - ~~3. Five percent (5%) if the site is equal to or greater than five (5) acres. (Ord. 2012-15, 9-20-2012)~~
- ~~[http://sterlingcodifiers.com/codebook/index.php?book\\_id=559&section\\_id=856337](http://sterlingcodifiers.com/codebook/index.php?book_id=559&section_id=856337)~~

### ~~13.76.600: STREET TREE PROTECTION:~~

#### ~~13.76.600.010: PURPOSE AND APPLICATION:~~

~~A. The purpose of this section 13.76.600 is to protect existing street trees, to require replacement of removed trees within the public right of way, and to require planting of street trees with all new development. This section 13.76.600 is intended to:~~

- ~~1. Preserve the visual and aesthetic qualities of the city's existing environment;~~
- ~~2. Encourage the preservation and replacement of trees; and~~
- ~~3. Enhance, stabilize, promote and protect property values throughout the city of Holladay.~~

~~B. The provisions of this section shall apply to all real property located in the city of Holladay, as they relate to the public right of way. (Ord. 2012-15, 9-20-2012)~~

#### ~~13.76.600.020: DEFINITIONS:~~

~~See section 13.04.040 of this title. (Ord. 2012-15, 9-20-2012)~~

#### ~~13.76.600.030: REQUIREMENTS FOR REMOVAL OF SIGNIFICANT STREET TREES:~~

~~A. No significant street tree may be removed without the prior written consent of the city. A no fee permit for such removal may be obtained from the director of community development.~~

~~B. No Permit shall be required to remove any tree that is dead, diseased or dying, but the planting of a replacement tree shall still be required following removal.~~

~~C. A permit to remove a significant street tree shall be issued if the applicant demonstrates that:~~

- ~~1. Removal is necessary for public safety reasons;~~
- ~~2. Removal is essential in order to allow for development or redevelopment of the adjacent property; or~~
- ~~3. Good cause exists and removal would be in the best interest of the city. (Ord. 2012-15, 9-20-2012)~~

~~13.76.600.040: REPLACEMENT OF SIGNIFICANT STREET TREES REQUIRED: Any permit for the removal of a significant street tree shall be conditioned upon the planting of a replacement street tree. This requirement may be modified or waived to the extent necessary to protect public safety. (Ord. 2012-15, 9-20-2012)~~

~~13.76.600.050: REQUIREMENTS FOR REPLACEMENT TREES: Replacement trees shall comply with the following schedule and requirements:~~

~~A. A significant deciduous tree that is removed shall be replaced by a tree with a minimum size of two (2) to three inch (3") caliper of a variety that has the potential to reach a mature height of that of the removed tree.~~

~~B. A significant coniferous tree that is removed shall be replaced by at least one tree with a minimum height of eight feet (8'). (Note: Too many trees can cause crowding and reduced vigor, and possible death of same.)~~

## DRAFT

1 C. Replacement trees shall be the same variety as the tree removed, or the same variety as other trees on  
2 the street, or of a variety approved by the director of community development.

3 D. Unless otherwise authorized by the city, replacement trees shall be planted within six (6) months after  
4 the removal of the prior tree.

5 E. Replacement trees shall be maintained by the property owner through an establishment period of at  
6 least three (3) years. (Ord. 2012-15, 9-20-2012)

### 7 ~~13.76.600.060: PLANTING OF STREET TREES REQUIRED:~~

8 In connection with any permit issued for new development or significant redevelopment within the  
9 city, the owner/developer of the adjacent property shall be required to plant street trees of an  
10 appropriate variety and number as determined by the director of community development. This  
11 requirement may be waived, in whole or in part, if sufficient street trees already exist and are  
12 preserved as part of the development. (Ord. 2012-15, 9-20-2012)

### 13 14 15 16 17 **PLANNED UNIT DEVELOPEMENT**

#### 18 19 13.78.110: LANDSCAPING, FENCING AND SCREENING REQUIREMENTS:

20  
21 Landscaping, fencing and screening related to the uses within the site and as a means of  
22 integrating the proposed development into its surroundings shall comply with the regulations in  
23 Chapter 13.77 of this Title and be planned and presented to the Planning Commission for  
24 approval, together with other required plans for the development.  
25

1 **13.76.700: FILL WORK AND LAND EXCAVATIONS; SPECIAL REQUIREMENTS:**

2 A. Purpose And Intent: This section is adopted to promote public safety and the general public welfare; to protect  
3 property against loss from erosion, earth movement and flooding; to maintain a superior community environment;  
4 to provide for the continued orderly growth of the city; and to ensure the maximum preservation of the natural  
5 scenic character of major portions of the city by establishing minimum standards and requirements relating to  
6 land grading, excavations, and fills, and procedures by which these standards and requirements may be enforced.  
7 It is intended that this section be administered with the foregoing purposes in mind and specifically in an attempt  
8 to:

- 9 1. Ensure that the development of each site occurs in a manner harmonious with adjacent lands so as to  
10 minimize problems of drainage, erosion, earth movement and similar hazards.
- 11 2. Ensure the public lands and places, watercourses, streets, and all other lands in the city are protected  
12 from erosion, earth movement or drainage hazards.
- 13 3. Ensure that the planning, design and construction of all development will be done in a manner which  
14 provides maximum safety and human enjoyment and except where specifically intended otherwise, makes  
15 such construction as unobtrusive in the natural terrain as possible.
- 16 4. Ensure the maximum retention of natural vegetation to aid in protection against erosion, earth  
17 movement and other hazards and to aid in preservation of the natural scenic qualities of the community.

18 B. Permit Required:

- 19 1. Grading permits are required for work on new developments, construction projects, rivers, washes,  
20 streams, floodplains, detention basins, dams, ditches, drainage culverts, slopes in excess of fifteen percent  
21 (15%), rock pits, roads, utilities, well drilling and clearing of any site which contains significant trees  
22 and/or vegetation. Permitted and nonpermitted work shall not encroach nor impact on adjacent properties.  
23 Sanitary (garbage) landfills and hazardous material depositories shall not be allowed. A grading permit  
24 may be combined with a building permit.
- 25 2. For work requiring a permit, plans and specifications shall be completed by a registered professional  
26 engineer and/or a registered professional landscape architect or registered professional arborist.
- 27 3. Retaining walls associated with residential uses in excess of four (4) feet which support finished  
28 grading of cuts or fills. Plans shall be designed and submitted in accordance with 13.76.700 (F)

29  
30 F. Standards And Specific Requirements For Grading:

- 31 1. All grading, fill work and excavation shall comply with the requirements set forth in this chapter in  
32 addition to other requirements of this code.
- 33 2. All grading and excavation in or contiguous to residential neighborhoods shall be carried on between  
34 the hours of eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. and shall comply with the city's noise  
35 ordinance.
- 36 3. All graded or disturbed surfaces of excavations, and all equipment materials and roadways on the site  
37 shall be dampened or suitably treated, managed, or contained to prevent the deposit of dust on  
38 neighboring properties; all materials transported to or from the site shall be so contained during  
39 transportation as to prevent spillage on streets or other property outside of the site.
- 40 4. Maximum, unretained or exposed slope of a permanent cut and fill area shall be thirty percent (30%).  
41 The city engineer may require the percent of slope of a cut or fill to be reduced if it is found that the cut or  
42 fill is subject to unusual or excessive erosion, or if other conditions make such requirements necessary for  
43 stability. Steeper slopes may be approved by the city engineer subject to the recommendations of a  
44 professionally prepared soils report and/or other supporting data.
- 45 5. All fill, except in publicly approved refuse disposal or other landfill operations, shall be earth, rock, or  
46 other inert materials free from organic material and free of metal, and except that topsoil spread on cut  
47 and fill surfaces may incorporate humus for desirable moisture retention and plant growth properties.

48 6. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an  
49 excavation or any portion of a fill. All drainageways and structures shall carry surface waters without  
50 producing erosion to the nearest practical street, storm drain or natural watercourse acceptable to the city  
51 engineer as a safe place to deposit and receive such waters. The city engineer may require such drainage  
52 structures to be constructed or installed as necessary to prevent erosion damage or to prevent saturation of  
53 the fill or material behind cut slopes.

54 7. Exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded to a maximum  
55 slope of thirty percent (30%). All exposed slopes of any cut or fill shall be protected from erosion or  
56 sloughing by approved plantings or graded terracing, crib walls or walls and planting, terracing, or  
57 combination thereof.

58 8. Retaining walls associated with a residential use shall met the following provisions:

59 a. Walls used to retain fill:

60 i. Maximum height be six (6') feet measured from existing grades

61 ii. Walls shall have a corresponding minimum six (6') horizontal landscaped offset or  
62 terrace prior to the next vertical wall

63 b. Wall used to retain and support cut slopes

64 i. Maximum height be six (8') feet measured from existing grades

65 ii. Walls shall have a corresponding minimum six (8') horizontal landscaped offset or  
66 terrace prior to the next vertical wall

67 c. Retaining walls located in a front yard, along a public or private right-of-way shall be setback a  
68 distance of four (4) feet.

69 9. Retaining walls associated with a use other than residential shall be reviewed and approved by the  
70 Technical Review Committee

71 8.10. Any pipe trench or other trenching or excavation made in any slope of any excavation or filled site  
72 shall be backfilled and compacted to the level of the surrounding grades.

73 9.11. Unless otherwise directed by the city engineer, all fills governed by this code intended to support  
74 buildings, structures, or where otherwise required to be compacted for stability, shall be compacted,  
75 inspected and tested in accordance with the following provisions:

76 a. The natural ground surface shall be prepared by removal of topsoil and vegetation and, if  
77 necessary, shall be graded to a series of terraces;

78 b. The fill shall be spread in a series of layers, each not exceeding six inches (6") in thickness,  
79 and shall be compacted by "sheepsfoot" roller compactor (after each layer is spread) or other  
80 method acceptable to the city engineer;

81 c. The moisture content of the fill material shall be controlled at the time of spreading and  
82 compaction to obtain required maximum density;

83 d. The fill material after compaction shall have an average dry density of not less than ninety five  
84 percent (95%) of maximum dry density and a minimum of ninety percent (90%) in all portions of  
85 the fill requiring compaction as determined by the AASHO soil compaction test method T180-57,  
86 or other testing method acceptable to the city engineer;

87 e. A written report of the compaction, showing location and depth of test holes, materials used,  
88 moisture conditions, recommended soil bearing pressures, and relative density obtained from all  
89 tests, prepared by a civil engineer or soils engineer licensed by the state of Utah, shall be  
90 submitted to the city engineer; and

91 f. The community development director and/or the city engineer may require additional tests or  
92 information if, in his opinion, the conditions or materials are such that additional information is  
93 necessary, and may modify or delete any of the above listed requirements that in his opinion are  
94 unnecessary to further the purpose of this code.

95 ~~10.12.~~ All cut and fill surfaces created by grading except for firebreak purposes shall be seeded with a  
96 ground cover that is compatible with the natural ground covers in the city. Topsoil is to be stockpiled  
97 during rough grading and used on cut and fill slopes. When slopes too steep to support continuous ground  
98 cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need  
99 not be planted with a continuous ground cover, but may instead be screened with vines and plantings.  
100 Cuts and fills along public roads may be required to be landscaped so as to blend into the natural  
101 surroundings. All plant materials must be approved by the community development director prior to  
102 issuance of a conditional use permit.  
103 ~~11. 13.~~ Filling of the ground for agricultural or fire protection purposes shall be accomplished with such  
104 practices as will prevent erosion and damage to natural drainage channels.

**CITY OF HOLLADAY**

**RESOLUTION NO. 2013-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO INTERLOCAL COOPERATIVE AGREEMENT WITH SALT LAKE CITY CORPORATION FOR THE GRANTING OF A PERMIT FOR USE OF PROPERTY LOCATED AT 4580 SOUTH 2300 EAST, HOLLADAY, UTAH.**

**WHEREAS**, City of Holladay (“City”) and Salt Lake City Corporation (“Salt Lake”) are public agencies as defined by the Interlocal Cooperation Act; and

**WHEREAS**, the parties are authorized under the Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 to 314 (1953, as amended) to enter into an agreement with one another for joint or cooperative action; and

**WHEREAS**, City and Salt Lake have a mutual interest in providing a permit for the use of real property located at 4580 South 2300 East, Holladay, Utah.

**NOW, THEREFORE, BE IT RESOLVED** by the Holladay City Council that it hereby authorizes the Mayor to enter into and execute the Interlocal Cooperative Agreement for the issuance and execution of a permit for Holladay’s use of property located as set forth above as provided in Exhibit “A” attached hereto.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2013.

**CITY OF HOLLADAY**

By: \_\_\_\_\_  
Dennis R. Webb, Mayor

[Seal]

**Voting:**

Lynn H. Pace	Yea ___	Nay ___
J. James Palmer, Jr.	Yea ___	Nay ___
Sabrina R. Petersen	Yea ___	Nay ___
Patricia Pignanelli	Yea ___	Nay ___
Steven H. Gunn	Yea ___	Nay ___
Dennis R. Webb	Yea ___	Nay ___

**Attest:**

---

Stephanie N. Carlson, MMC  
City Recorder

**Deposited** in the office of the City Recorder this \_\_\_\_ day of September, 2013.

**Recorded** this \_\_\_\_ day of September, 2013.

**CITY OF HOLLADAY**

**ORDINANCE NO. 2013-\_\_\_\_**

**AN ORDINANCE OF THE CITY OF HOLLADAY AMENDING SECTIONS 13.77  
PERTAINING TO LANDSCAPING, REPEALING CONFLICTING SECTIONS AND  
MAKING TECHNICAL CORRECTIONS.**

**WHEREAS**, the City of Holladay (the “City”) has received inquiries and complaints regarding perceived deficiencies in present landscaping rules and provisions; and

**WHEREAS**, said inquiries have resulted in discussions, meetings and hearings regarding potential landscaping rules and regulations, modifications and revisions; and

**WHEREAS**, planning staff and planning commissions have drafted proposals pertaining to said issues; and

**WHEREAS**, said proposition has been the subject of a public hearing before the Planning Commission on June 18, 2013 which forwarded a positive recommendation on July 2, 2013 to the Municipal Council; and

**WHEREAS**, the Municipal Council considered the text of the proposal on August 1, 2013 in a noticed public hearing.

**NOW, THEREFORE**, be it ordained by the Holladay City Council that the following Chapter Sections are amended to read as set forth in Exhibit “A” attached hereto.

- **Sections 13.77.010 to Sections 13.77.130**
- **Modifications to various chapters and sections as set forth in Exhibit “A” to insure consistency with the provision of newly adapted Chapter 13.77.; and**

This Ordinance shall become effective upon passage, signature and notice of publication.

**PASSED AND APPROVED** this \_\_\_\_ day of September, 2013.

By: \_\_\_\_\_  
Dennis R. Webb, Mayor

[SEAL]

**VOTING:**

Lynn H. Pace	Yea	___	Nay	___
J. James Palmer, Jr.	Yea	___	Nay	___
Sabrina R. Petersen	Yea	___	Nay	___
Patricia Pignanelli	Yea	___	Nay	___
Steven H. Gunn	Yea	___	Nay	___
Dennis R. Webb	Yea	___	Nay	___

**ATTEST:**

---

Stephanie N. Carlson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_\_\_\_ day of September, 2013.

**RECORDED** this \_\_\_\_\_ day of September, 2013.

1 **CHAPTER 5.91: MOBILE FOOD BUSINESSES**

2  
3 **5.91.010: PURPOSE AND INTENT:** It is the purpose and intent of the city council, in enacting  
4 this chapter, to provide responsible companies and individuals who engage in the operation of  
5 mobile food businesses with clear and concise regulations to prevent safety, traffic and health  
6 hazards, as well as to preserve the peace, safety and welfare of the community.  
7

8 **5.91.020: MOBILE FOOD BUSINESS ALLOWED:**

9  
10 **A. No person shall operate a mobile food business or a mobile food court, without first having**  
11 **obtained a business license from the city in accordance with Title 5 of this code.**

12  
13 **B. Mobile food truck vehicles are allowed to operate only within those zones as allowed by**  
14 **Chapter 13.100 of this code and in accordance with the provisions of this chapter.**

15  
16 **C. Provisions found in this section shall not apply to, vending carts, mobile ice cream vendors,**  
17 **seasonal farm stands and other temporary merchants or uses that are specifically authorized by**  
18 **this title or other city ordinances.**

19  
20 **5.91.030: DEFINITIONS:**

21  
22 **MOBILE FOOD BUSINESS:** A business that serves food or beverages from a self-contained unit  
23 either motorized or in a trailer on wheels, and is readily movable, without disassembling, for  
24 transport to another location. The term "mobile food business" shall not include vending carts or  
25 mobile ice cream vendors.

26  
27 **MOBILE FOOD COURT:** The lot or parcel where ten or less mobile food truck(s) or trailer(s) can  
28 be located for the business of selling food as approved by a City of Holladay Land Use  
29 Authority.

30  
31 **MOBILE FOOD TRAILER:** A mobile food business that serves food or beverages from a  
32 nonmotorized vehicle larger than three feet (3') in width and eight feet (8') in length that is  
33 normally pulled behind a motorized vehicle. The term "mobile food trailer" shall not include  
34 vending carts, mobile food trucks or mobile ice cream vendors.

35  
36 **MOBILE FOOD TRUCK:** A mobile food business that serves food or beverages from an enclosed  
37 self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts,  
38 mobile food trailers or mobile ice cream vendors.

39  
40 **VENDING CART:** Includes any nonmotorized mobile device or pushcart smaller than three feet  
41 (3') in width and eight feet (8') in length from which limited types of products, are sold or  
42 offered for sale directly to any consumer, where the point of sale is conducted at the cart.  
43

44 **5.91.040: APPLICATION FOR A BUSINESS LICENSE:** Application for all mobile food  
45 businesses including food courts shall be made with the city business licensing division, prior to  
46 the commencement of operation. The applicant shall submit the following information:

- 1  
2 A. Name and address of applicant and the name and address of all employees operating the mobile  
3 food truck or trailer and/or name and address of the owner of the mobile food court.  
4  
5 B. The location(s) where the truck will be parked for business and the proposed duration of the  
6 business activity along with written consent of the property or business owner.  
7  
8 C. Where applicable, a copy of the conditional use permit for a mobile food court approved by the  
9 Holladay City Planning Commission.  
10  
11 D. Name and address of the approved commercial supply source and primary licensed food  
12 establishment, if applicable.  
13  
14 E. Each owner or driver operating the mobile food truck shall submit a background check for  
15 review by the city.  
16  
17 F. License plate number of the mobile food truck or trailer.  
18  
19 G. A description of the preparation methods and food product offered for sale, including the  
20 intended menu, display, and distribution containers.  
21  
22 H. A description of the vehicle to be used in conducting business including, but not limited to, a  
23 description of any method to display food or products to be offered for sale.  
24  
25 I. The anticipated volume of food to be stored, prepared, and sold.  
26  
27 J. A valid copy of all necessary licenses or permits required by state or local health and  
28 transportation authorities.  
29  
30 K. Each applicant for a license or renewal under this chapter shall submit, with its application, a  
31 certificate of insurance executed by an insurance company or association authorized to transact  
32 business in this state, approved as to form by the city attorney, that there is in full force and  
33 effect general liability insurance in an amount not less than amounts as set forth in section 63-  
34 30-34 of the Utah code, as amended, or its successor. Such policy or policies shall include  
35 coverage of all motor vehicles used in connection with applicant's business. A current certificate  
36 of insurance shall be kept on file with the city Business License Official at all times that  
37 applicant is licensed by the city verifying such continuing coverage and naming the city as an  
38 additional insured. The certificate shall contain a statement that the city will be given written  
39 notification at least thirty (30) days prior to cancellation or material change in the coverage  
40 without reservation of nonliability for failure to so notify the city. Cancellation shall constitute  
41 grounds for revocation of the license issued hereunder unless another insurance policy  
42 complying herewith is provided and is in effect at the time of cancellation/termination.  
43  
44 5.91.050: SEPARATE APPLICATIONS: Separate business license applications may be  
45 required for each mobile food business. Separate business license fees shall be required for each  
46 mobile food business vehicle operating under one business license.

1  
2 5.91.060: FEES; ANNUAL OPERATION: No license shall be issued or continued in  
3 operation unless the holder thereof has paid an annual business regulatory fee as set forth in  
4 Chapter 03.35 of this title, for each mobile food business or mobile food court.  
5

6 5.91.070: BUSINESS ACTIVITY TO BE TEMPORARY: All business activity related to mobile  
7 food businesses shall be of a temporary nature, the duration of which shall not extend for more  
8 than sixteen (16) hours within a twenty four (24) hour period at any one premises or location.  
9

10 5.91.080: DESIGN AND OPERATION GUIDELINES: Mobile food trucks operating in the City  
11 of Holladay shall comply with the following design requirements:  
12

13 A. Mobile food truck vehicles shall be designed to meet all applicable Health Department  
14 requirements.  
15

16 B. The mobile food truck shall not have a drive-through.  
17

18 C. Mobile food truck vehicles shall be kept in good operating condition, no peeling paint or rust  
19 shall be visible.  
20

21 D. All grounds utilized by a mobile food business shall at all times be maintained in a clean and  
22 attractive condition.  
23

24 E. Trash and recycling containers shall be provided for use of the business patrons.  
25

26 F. Any enclosures or canopy extensions must be integrated into the design of the mobile food  
27 business vehicle and must not project onto the public sidewalk or any other part of the public  
28 right of way.  
29

30 G. Power required for the operation of the mobile food truck may be self-contained or by the use  
31 of public or private power sources upon providing written consent from the property owner.  
32

33 5.91.090: SIGNS: No signs shall be used to advertise the conduct of the mobile business at the  
34 premises other than that which is physically attached to the vehicle, except temporary signs  
35 authorized by section 13.82.210 of this code.  
36

37 5.91.100: PROFESSIONAL AND PERSONAL SERVICES PROHIBITED: The performance of  
38 professional or personal services for sale shall not be provided from a mobile food truck.  
39

40 5.91.110: COMPLIANCE RESPONSIBILITY: The holder shall not be relieved of any  
41 responsibility for compliance with the provisions of this chapter, whether the holder pays salary,  
42 wages or any other form of compensation to drivers.  
43

44 5.91.120: SPECIAL EVENTS: The restrictions of this chapter notwithstanding, nothing herein  
45 shall prohibit the city from authorizing mobile food businesses, other than those licensed under  
46 this chapter, to conduct concurrent vending operations within the public right of way, or such

1 other areas as the city may deem appropriate, during special events (special event vendors). The  
2 special event vendors shall not be governed by this chapter, but shall be governed by such other  
3 ordinance, city policy, or executive order as may be applicable.  
4

**CHAPTER 13.77 LANDSCAPING**

**SECTION**

- 13.77.010 Purpose
- 13.77.020 Applicability
- 13.77.030 Application Requirements
- 13.77.040 General Standards
- 13.77.050 Minimum Landscaping Requirements By Zone
- 13.77.060 Parking Lot Landscaping
- 13.77.070 Landscape Buffers
- 13.77.080 Street Tree Protection
- 13.77.090 Stormwater Integration
- 13.77.100 Planting Guidelines
- 13.77.110 Landscape Maintenance
- 13.77.120 Installation
- 13.77.130: Administrative Relief

**13.77.010 PURPOSE**

- A. The intent of this chapter is to consolidate and clarify the various sections in Title 13 which previous to adoption of this Chapter addressed landscaping regulations for all zones within the City.
- B. The regulations of this chapter are intended to promote landscaping in the City of Holladay that will improve community livability, preserve the quality of life, and enhance the aesthetic quality, economic viability, and environmental health of the city.
- C. Landscaping can be a significant expense to businesses and residents. At the same time, landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, and can reduce heat and air and noise pollution.
- D. The intent of these regulations is to achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of city residents to live, work, shop, and recreate in pleasant, healthy, and attractive surroundings.
- E. These regulations are intended, in part to encourage the use of water conserving landscape designs and low water use plant materials and to discourage landscaping that requires high water use for maintenance while preserving Holladay's unique tree canopy, character and inventory.
- F. The City's Street Tree Program and its recognition as a Tree City sets the standard for public and private property management of the valuable, historic tree coverage that gives Holladay a unique environment not generally found in other areas of the region.

**13.77.020 APPLICABILITY**

- A. Landscape Plan. A detailed landscape plan as required by Chapter 13.03 of this title shall be submitted for all development, redevelopment, additions or site modifications except detached, single-family dwellings.

13.77.030

13.77.040:

1 B. Applicability to existing structures. Existing development shall be required to conform to this standard  
2 based upon the following guidelines:

3  
4 1. For additions that are twenty-five percent (25%) to fifty percent (50%) of the existing structure or  
5 developed area, perimeter and right-of-way landscaping shall be installed.

6  
7 2. For additions that are greater than fifty percent (50%) of the existing structure or developed area,  
8 all current landscape standards of this chapter shall be met.

9  
10 4. If the location of existing buildings or other structures prevents conformance with the requirement  
11 of this section or if implementation would create nonconformity, the Planning Commission may grant  
12 relief from these standards as per section 13.77.130 of this Chapter.

13  
14 **13.77.030 APPLICATION REQUIREMENTS**

15  
16 A. All landscape plans shall comply with the requirement for size, scale, number of copies and contents  
17 are required by Chapter 13.03 of this title.

18  
19 B. The landscape plans may be on the same site plan used to show parking layout, setback compliance,  
20 etc.

21  
22 C. All landscape plans except those required for a single family detached structure shall be prepared by a  
23 landscape architect, landscape designer, or qualified arborist or nurseryman.

24  
25 **13.77.040: GENERAL STANDARDS.** All landscaping shall preserve and generally enhance  
26 desirable natural features (i.e., topography, waterways, existing vegetation, etc.), enhance architectural  
27 features of the building, strengthen vistas and provide shade for the project as well as its customers and  
28 employees. The following general standards apply to all required landscaping covered under this title,  
29 except for single family homes on individual lots.

30  
31 A. Landscaping: Landscaping, as defined by section 13.04.0440 of this Title shall consist of a  
32 combination of planted trees, shrubs, vines, vegetative ground cover, perennial plants and annual  
33 plants or lawn, together with an irrigation system to maintain the plants alive and flourishing for the  
34 length of time the plantings are to be maintained if not in perpetuity. A maximum of fifty percent (50%)  
35 of the total required landscape area may include permeable materials such as organic mulch,  
36 inorganic materials such as rocks, boulders, gravel, or other materials, and/or ornamental objects such  
37 as fountains, pools, statues, retaining walls, or benches.

38  
39 B. Perimeter Landscaping: The purpose of perimeter landscaping is to ensure the long term and  
40 consistent maintenance of landscaping along streets, to improve the visual quality of the streetscape,  
41 unify diverse architecture and carry out the long term goals of the City of Holladay promoting attractive  
42 streets and street beautification. Perimeter landscaping includes both landscaping in all required  
43 setback areas and any required buffer landscaping. Perimeter landscaping requirements are  
44 regulated by Section 13.77.050 of this chapter.

45  
46 C. Internal Landscaping Requirements: The purpose of the internal landscaping standards is to visually  
47 soften the mass of buildings and to visually separate building areas and development within the city.  
48 The internal landscaping requirements are intended to augment the perimeter landscaping  
49 requirements as required by Section 13.77.050 of this chapter.

50  
51 1. A minimum of one tree shall be required for every three hundred (300) square feet of the required  
52 internal landscaping area. Up to five percent (5%) of the required trees may be substituted by shrubs.

Ten (10) shrubs with a minimum container size of five (5) gallons shall be required for each substituted tree.

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

3. Landscaping around the base of the building is recommended to soften the edge between the parking lot and building and also to discourage graffiti.

4. Building entries should be emphasized with special landscaping and/or paving in combination with lighting.

D. *Berming.* Berming at the edge of the building in conjunction with the landscaping may be used to soften and screen parking areas, reduce structure mass and height along street facades, and contain or direct stormwater runoff. Berms may not encroach into any clear view area of a street or driveway.

E. *Hardscape Materials:* Decorative paving materials such as bricks, pavers, flagstones, decorative gravels, artificial turf, and textured concrete may be utilized if they form a useful open space, add color or texture to the design, and comply with the purpose and intent of this section. Untextured concrete or lava rocks are not permissible hardscape materials. All impervious hardscape areas within a landscaped area must be considered as part of the overall impervious surface coverage allowance as required by other provisions of this Title.

13.77.050: **MINIMUM LANDSCAPING REQUIREMENTS BY ZONE:** The following requirements are the minimum landscaped area required by each zone except where modified by the Planning Commission as an administrative relief allowed by section 13.77.120 of this Chapter.

A. *Single-Family Residential Zones (FR, R-1)*

1. The entire front yard and side yard abutting to a street of developed lots in residential zones shall be landscaped.

2. The front yard of all lots on which buildings are located shall be landscaped within one (1) year of the date of the issuance of a final certificate of occupancy or final inspection.

B. *Residential Multiple Zone (R-2, RM):* The minimum landscaping coverage in percent for all lots in the multi-family zones are as follows:

1. A minimum of forty percent (40%) of the total site shall be landscaped.

2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this chapter shall be provided along the side and rear property lines.

C. *Office, Research and Development Zone (ORD).*

1. A minimum of thirty percent (30%) of the total site shall be landscaped.

2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this chapter shall be provided along the side and rear property lines.

DRAFT

13.77.060:

13.77.060:

3. Where a side or rear yard abuts a residential use or residential zone boundary the entire setback area shall be landscaped.

D. Neighborhood Commercial Zone (NC).

1. All front setback areas and the side setback areas which abut a public street on corner lots shall be landscaped.

2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this chapter shall be provided along the side and rear property lines.

E. C-1 and C-2 Commercial Zones.

1. The front setback area and the side setback area which faces on a street on corner lots shall be landscaped for a minimum distance of twenty feet (20') behind the property line for all main uses in the C-1 and C-2 zones.

2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this chapter shall be provided along the side and rear property lines.

F. Residential Office Zone (RO)

1. The first twenty feet (20') in depth of the front setback and/or front yard shall be landscaped.

2. Other setback areas which abut a public street shall be landscaped.

3. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this chapter shall be provided along the side and rear property lines.

G. Other Zones.

1. All required front and side yards areas that abut a public street shall be landscaped.

2. A minimum landscaped buffer averaging five feet wide (5') as required by section 13.77.080 of this chapter shall be provided along the side and rear property lines.

**13.77.060: PARKING LOT/STRUCTURE LANDSCAPING**

A. Purpose. The purpose of perimeter and internal parking lot landscaping is to soften and mitigate the visual effect of a large expanse of asphalt. Landscaping can also reduce summer heat gain in parking areas and define pedestrian ways.

B. Hardscape Parking Areas: Landscaping in hardscape parking areas shall meet the following minimum requirements:

Table 13.77.061:

<b>Size of Parking Area</b>	<b>Percent Landscaped</b>
Less than 15,000 sq. ft.	5%
15,000 and larger	7.5%

13.77.070:

13.77.070:

1  
2 1. One tree within the hardscape parking area shall be planted for every ten (10) parking stalls. The  
3 distribution of the trees shall maximize shading during summer months. All landscaped areas shall be  
4 separated from the parking surface by at least a six inch (6") high curb.

5  
6 2. All grade level parking should be separated from the street and screened from pedestrian view by  
7 landscaping. The landscaping must include shrubs and trees, be located on private property and be  
8 wide enough to maintain the plant material and screen the view.

9  
10 C. *Parking Structures:* The parking structures must be screened with live plant material reasonably  
11 acceptable to the Community Development Director that is intended to hide or obscure the sides of the  
12 structures from public view.

13  
14 **13.77.070: LANDSCAPE BUFFERS**

15  
16 A. *Purpose.* The landscape requirements in this section are intended to ensure that abutting land uses  
17 are adequately protected and are provided an appropriate amount of land separation to conduct  
18 permitted uses without causing adverse impacts.

19  
20 B. *Applicability.* The landscape buffer is required for all nonresidential uses sharing a contiguous lot line  
21 with an abutting residential zone or residential land use or by requirement of an approval granted by a  
22 land use authority under provisions of this title.

23  
24 C. *Standards.*

25  
26 1. The width of the buffer is determined by the requirements of section 13.77.050 of this Chapter  
27 unless modified by the land use authority as part of a site plan approval as allowed by other provisions  
28 of this title, however, no landscaped buffer shall be smaller than that required for the health and growth  
29 of the plants and trees contained within the required buffer area.

30  
31 2. The materials within the required buffer between abutting land uses are regulated a follows:

32  
33 a. All buffer areas shall be comprised of materials such as, a mix of evergreens and  
34 deciduous trees, shrubs, lawn, or other vegetative ground cover or up to 50% non-vegetative mulch or  
35 other hardscape as defined by section 13.77.040 of this chapter.

36  
37 b. Fences, walls and berms may also be incorporated in the buffer areas where they will not  
38 create a public safety hazard.

39  
40 3. Where trees are incorporated, the required buffer area shall result in a barrier where trees touch at  
41 the time of the tree maturity.

42  
43 4. Where existing or proposed abutting land uses cannot be adequately buffered with plant materials,  
44 the land use authority may require inclusion of a wall, fence or other type of screen that mitigates  
45 noise, and/or unsightly uses. All fences, walls, or other screens must comply with the regulations of  
46 section 13.76.700 of this Title.

47  
48 5. Chainlink fencing with or without slats does not qualify as screening material.

49  
50 6. All buffers between different land uses may include any required perimeter parking lot landscape  
51 buffers.

13.77.080:

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**13.77.080: STREET TREE PROTECTION**

A. Purpose. The purpose of this section is to protect existing street trees within the public right of way, to require replacement of removed trees within the public right of way, and to require planting of street trees with all new development. This section is intended to:

- 1. Preserve the visual and aesthetic qualities of the city's existing environment;
- 2. Encourage the preservation and replacement of trees; and
- 3. Enhance, stabilize, promote and protect property values throughout the city of Holladay.

B. Application. The provisions of this section shall apply to all real property located in the City of Holladay, as they relate to the public right of way.

C. Removal of Significant Street Trees:

- 1. No significant street tree within the public right of way may be removed without the prior written consent of the city. A no fee permit for such removal may be obtained from the director of community development.
- 2. A permit to remove a significant street tree shall be issued if the applicant demonstrates that:
  - a. Removal is necessary for public safety reasons;
  - b. Removal is essential in order to allow for development or redevelopment of the abutting property; or
  - c. Good cause exists and removal would be in the best interest of the city.

D. Replacement of Significant Street Trees Required: Any permit for the removal of a significant street tree shall be conditioned upon the planting of a replacement street tree. This requirement may be modified or waived to the extent necessary to protect public safety.

E Requirements for Replacement Trees: Replacement trees shall comply with the following schedule and requirements:

- 1. A significant deciduous tree that is removed shall be replaced by a tree with a minimum size of two inch (2") caliper of a variety that has the potential to reach a mature height of that of the removed tree.
- 2. A significant coniferous tree that is removed shall be replaced by at least one tree with a minimum height of eight feet (8'). (Note: Too many trees can cause crowding and reduced vigor, and possible death of same.)
- 3. Replacement trees shall be the same variety as the tree removed, or the same variety as other trees on the street, or of a variety approved by the Community Development Director.
- 4. Unless otherwise authorized by the city, replacement trees shall be planted within six (6) months after the removal of the prior tree.

5. Replacement trees shall be maintained by the property owner through an establishment period of at least three (3) years.

F. Planting of Street Trees Required: In connection with any permit issued for new development or significant redevelopment within the city, the owner/developer of the abutting property shall be required to plant street trees of an appropriate variety and number as determined by the Community Development Director. This requirement may be waived, in whole or in part, if sufficient street trees already exist and are preserved as part of the development.

G. Topping: Topping any street tree required by this Title is prohibited.

13.77.090: **STORMWATER INTEGRATION.** The regulations of this title are intended to improve water quality and provide a natural effective form of flood and water pollution control through the integration of vegetated, well designed stormwater filtration swales into required landscaped areas, where topography and hydrologic features allow.

A. Stormwater swales incorporated into required landscape areas shall be vegetated with appropriate plant material. Gravel, rock, sand, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.

B. The design of all swales or detention basins incorporated into landscaped areas shall comply with the provisions of Chapter 17.24 of this code.

13.77.100: **PLANTING GUIDELINES**

A. Minimum Plant Sizes. The following are minimum plant sizes for all required landscape areas:

Table 13.77.101

Type of Tree	Minimum Size
Coniferous Tree	6 foot height
Ornamental tree	Two inch (2") caliper
Shade tree	Two inch (2") caliper
Woody shrubs	2 gallon size container

B. Plant species. Plant species proven adaptable to the local climate should be used in all landscaping plans.

C. Tree Preservation. Wherever possible, existing significant trees as defined in 13.04.040 of this Title should be preserved.

1. Preliminary plans shall show all significant trees within the proposed development and the associated limits of disturbance for each significant tree(s).

2. No construction, grading, equipment or material storage or any other activity shall be allowed within the limits of disturbance established for all significant trees.

a. Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of twelve (12) or more smaller trees a distance equal to the size of the individual or outermost tree's drip zone.

b. For purposes of this subsection, the drip zone is calculated by measuring the diameter of the tree at breast height. Every inch of tree trunk diameter equates to one foot (1') of drip zone.

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13.77.120:

c. Fencing shall remain in place until all land alteration, construction, and development activities are completed.

4. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks and more fabric under the area to be filled.

5. Fill placed directly on the roots shall not exceed a maximum of six inches (6") in depth.

6. If fill creates a tree well or depression around a tree or shrubs, such area shall be drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.

7. If a tree's roots must be cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. Cutting more than thirty percent (30%) of the roots endangers the health of the tree, and over forty percent (40%) affects the tree's stability.

8. Utility trenches near trees should be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

D. Planting Areas. A minimum of fifty percent (50%) of the required landscaped area shall be planted with live plant materials. The remaining fifty percent (50%) may consist of permeable hardscape improvements as allowed by section 13.77.040E of this chapter.

**13.77.110: LANDSCAPE MAINTENANCE:**

A. Purpose: The regulations of this section are intended to ensure that all required landscaping is maintained in a healthy, growing condition at all times.

B. Applicability: The requirement for landscape maintenance applies in all zones where landscaping has been required.

C. Standards:

1. The property owner is responsible for the maintenance of all landscaping and screening devices required by this article.

2. Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.

5. All landscaping required by this subsection may be subject to periodic inspections by city officials to determine compliance with the provisions of this Title.

6. The lower branches of trees shall be pruned and maintained as required by Sections 14.12.040 and 14.12.050 of this code.

**13.77.120: INSTALLATION**

A. Substitutions. All substitutions of plant material on an approved landscape plan must be approved by the Community Development Director.

B. Inspections. Landscaping shall be installed and completed in compliance with the approved landscape plan. A certificate of occupancy shall not be issued until the improvements are inspected

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1 and approved by the Community Development Director, unless an assurance is provided and  
2 approved according to subsection C below.

3  
4 C. Assurance. In extenuating circumstances where occupancy is requested prior to completion of  
5 landscaping, the owner or developer shall enter into an agreement with the city guaranteeing that the  
6 required landscaping will be completed within the next planting season at a date specified by the  
7 Community Development Director.

8  
9 13.77.130: ADMINISTRATIVE RELIEF: The city recognizes that the specific landscape requirements  
10 set forth herein cannot and do not anticipate all possible landscape situations. A certain amount of  
11 flexibility in the application of such requirements is necessary in cases where the requirements are  
12 inapplicable or inappropriate to a specific use, design or site proposal. A written request for relief may be  
13 submitted to the Land Use Authority in conjunction with the applicable development proposal, including an  
14 explanation of the findings and justification necessary to grant administrative relief.

15  
16 A. The Land Use Authority as part of a site plan approval may reduce the minimum needed landscaping  
17 up to ten percent (10%) after taking into consideration:

18  
19 1. The location and size of parking lots and/or structures, the layout of the buildings, the topography  
20 and geometry of the site and other environmental factors;

21  
22 2. The exclusion of natural areas for reasons of preservation;

23  
24 3. A commensurate or additional percent of landscaping is being provided in an abutting right of way  
25 by permission of the owner of the right of way.

26  
27 4. An increase of the impervious surface coverage has been accomplished by the methods shown in  
28 section 13.14.080 C, table 13.14. 080 C of this title;

29  
30 B. The Land Use Authority shall document in writing any such findings granting administrative relief.

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**The following sections shall be amended as follows:**

13.04.040: **DEFINITIONS OF TERMS**

LANDSCAPING, LANDSCAPED: The application or use of a combination of planted trees, shrubs, vines, organic ground cover, perennial plants and annual plants or lawn, or the paving and dressing of finished graded earth (dirt) together with an irrigation system to maintain the plants alive and flourishing for the length of time the plantings are to be maintained if not in perpetuity. When specifically approved as part of a landscape plan submitted with a site plan or site plan amendment (30 percent of the total landscape area a maximum up to a maximum of 50 percent [50%] of the landscaped area) landscaping includes:

- A. Bark chips and inorganic materials such as rocks, boulders, gravel, or other materials; and
- B. Ornamental objects such as fountains, pools, statues, retaining walls, or benches.

**SINGLE FAMILY ZONES**

13.14.140: **LANDSCAPING:** All uses in the FR and R-1 zones shall comply with the provisions governing landscaping and buffering in Chapter 13.77 of this Title.

13.14.150: **INFORMATIONAL:** For additional information, refer to this title and in particular, the following sections:  
*(No changes to the adopted table)*

**MULTI-FAMILY ZONES**

13.32.110: **LANDSCAPING REGULATIONS:** All uses in the R-2-8, R-2-10 and R-M zones shall comply with the provisions governing landscaping and buffering in Chapter 13.77 of this Title.

~~Landscaping requirements for all lots in the multi-family zones are shown as follows:~~

- ~~A. Minimum Landscaping: The minimum landscaping coverage in percent:
 
  - 1. For any residential development in the zones regulated by this chapter shall be forty percent (40%).
  - 2. For any nonresidential development in the zones regulated by this chapter shall be thirty percent (30%).~~
- ~~B. Perimeter Landscaping: All required setback areas facing on a public street shall be landscaped with live, drought tolerant plant material and shall include a permanent automatic irrigation system. The planning commission may exclude natural areas for reasons of preservation.~~
- ~~C. Buffer Landscaping: Landscaped buffers are required along all side and rear development property boundaries that abut residential and/or nonresidential zones.~~
- ~~D. Internal Landscaping Requirements: The purpose of the internal landscaping standards is to visually soften the mass of buildings and to visually separate building areas and development within the city. The internal landscaping requirements are intended to augment the boundary landscaping requirements. Internal landscaping requirements may not consist of spaces or trees that are proposed to meet the minimum boundary landscaping requirements.
 
  - 1. Minimum Trees: A minimum of one tree shall be required for every three hundred (300) square feet of the required internal landscaping area. Up to five percent (5%) of the required trees may be~~

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1 substituted by shrubs. Ten (10) shrubs with a minimum container size of five (5) gallons shall be  
2 required for each substituted tree.

3 ~~2. Location Of Landscaped Area: The location of the internal landscaping area shall be adjacent to~~  
4 ~~those building elevations which form the major public views of the project from adjacent streets~~  
5 ~~and property and to the users of the project, or within a plaza or courtyard between buildings or~~  
6 ~~portions of buildings, or in a similar area which substantially conforms to the stated purpose of the~~  
7 ~~required internal landscaping standards set forth herein and approved by the planning~~  
8 ~~commission.~~

9  
10 E. ~~Planting Guidelines: All required landscaped areas shall meet the following guidelines:~~

11 ~~1. Minimum Live Plant Covering: A minimum of one hundred percent (100%) of the setback~~  
12 ~~boundary landscaping area, fifty percent (50%) of the buffer boundary landscaping area, and~~  
13 ~~seventy five percent (75%) of the internal landscaping area shall consist of live plant material. The~~  
14 ~~intent of the internal landscaping area is to provide relief from structures and hard surfaces in a~~  
15 ~~project through use of plantings.~~

16 ~~2. Hard Surface Improvements: The remaining twenty five percent (25%) of the required~~  
17 ~~landscaped area may consist of hard surface improvements such as pools, fountains, waterfalls,~~  
18 ~~streams, decorative boulders and sculptures or materials such as wood chips, bark, stone or~~  
19 ~~similar materials acceptable to the planning commission.~~

20 ~~3. Hardscape Materials: Decorative paving materials such as bricks, pavers, flagstones, and~~  
21 ~~textured concrete may be utilized if they form a useful open space, add color or texture to the~~  
22 ~~design and comply with the purpose and intent of this section. Untextured concrete, gravel or lava~~  
23 ~~rocks are not permissible hardscape materials.~~

24 F. ~~Administrative Relief: The city recognizes that the specific landscape requirements set forth~~  
25 ~~herein cannot and do not anticipate all possible landscape situations. A certain amount of flexibility~~  
26 ~~in the application of such requirements is necessary in cases where the requirements are~~  
27 ~~inapplicable or inappropriate to a specific use, design or site proposal. A written request for relief~~  
28 ~~may be submitted to the planning commission in conjunction with the applicable development~~  
29 ~~proposal, including an explanation of the findings and justification necessary to grant~~  
30 ~~administrative relief.~~

31 ~~1. The planning commission must make all of the following findings in order to grant administrative~~  
32 ~~relief:~~

33 ~~a. The strict application of the regulation in question is unreasonable given the~~  
34 ~~development proposal or the measures proposed by the applicant;~~

35 ~~b. The property has extraordinary or exceptional physical conditions that do not generally~~  
36 ~~exist in nearby properties in the same zoning district;~~

37 ~~c. Such conditions will not allow reasonable use of the property in its current zone in the~~  
38 ~~absence of relief;~~

39 ~~d. The intent of the city planning and land use ordinances and the specific regulation in~~  
40 ~~question is preserved; and~~

41 ~~e. The granting of administrative relief will not result in an adverse impact on surrounding~~  
42 ~~properties.~~

43 ~~2. The planning commission shall document in writing any such findings granting administrative~~  
44 ~~relief.~~

## 45 46 47 48 **ORD ZONE**

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50 13.45.100: **LANDSCAPING:** All uses in the O-R-D zone shall comply with the provisions governing  
51 landscaping and buffering in Chapter 13.77 of this Title.  
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- A. Intent: It is the intent of this section to encourage resource conservation while enhancing visual attractiveness of commercial areas. Therefore, any landscaping should place an emphasis on xeriscaping combined with traditional greenscape and hardscaping and deciduous trees.
- B. Material; Irrigation; Maintenance: All landscaped areas planted with live plant material must include a permanent irrigation system except for natural areas approved by the planning commission for preservation. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.
- C. Minimum Landscaping: Except as provided in subsection F of this section, a minimum of thirty percent (30%) of the total site shall be landscaped.
  - 1. Exception: The planning commission may reduce the minimum percent landscaping by up to ten percent (10%) under the following circumstances:
    - a. An increase of the impervious surface coverage has been accomplished by the methods shown in section 13.45.080, table 13.45.080.001 of this chapter, and
    - b. A commensurate or additional percent of landscaping is being provided in an abutting right of way by permission of the owner.
  - 2. The planning commission may require preservation of natural areas or trails as part of the overall landscaping plan.
- D. Setback Areas: The required front setback area and the required corner side setback area which faces on a street shall be landscaped with live plant materials, including shrubs and trees. Deciduous trees shall have a minimum caliper of two inches (2"). Evergreen trees shall have a minimum height of six feet (6').
- E. Hardscape Parking Areas: Landscaping in hardscape parking areas shall meet the following minimum requirements:

Size Of Parking Area	Percent Landscaped
Less than 15,000 sq. ft.	5%
15,000 and larger	7.5%

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One tree within the hardscape parking area shall be planted for every ten (10) parking stalls. Deciduous trees shall have a minimum caliper of two inches (2"). The distribution of the trees shall maximize shading during summer months. All landscaped areas shall be separated from the parking surface by at least a six inch (6") high curb.

- F. Parking Structures: Landscaping for parking structures shall meet the following minimum requirements:
  - 1. The parking structures must be screened with live plant material reasonably acceptable to the community development director that is intended to hide or obscure to the greatest extent reasonably possible the sides of the structures from public view.
  - 2. The minimum percentage of the total site to be landscaped (i.e., 30 percent under subsection C of this section) may be increased to assure compliance with subsection E of this section. However, the planning commission may require additional or reduce the minimum needed landscaping after taking into consideration the number and size of any parking structures, the layout of the buildings, the topography and geometry of the site and other factors.
- G. Side And Rear Property Lines: A minimum landscaped area five feet (5') wide is required along the side and rear property lines. Where a side yard or rear yard is adjacent to a residential zone or use, the entire side setback area and rear setback area shall be landscaped. (Ord. 2012-15, 9-20-2012)

**NEIGHBORHOOD COMMERCIAL ZONE**

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1 13.55.070: **ADDITIONAL DEVELOPMENT STANDARDS:** The following additional development  
2 standards shall apply to all developments and redevelopments within the NC zone:  
3

4 A. Buffer Standards for Development Abutting a Residential Property:

- 5 1. The minimum setback for a primary structure is twenty feet (20') from any abutting residential  
6 property line.
- 7 2. Building height shall not exceed the design envelope created by starting at a point eight feet (8')  
8 above the ground at the residential property line and then sloping along a plane at a forty five  
9 degree (45°) angle toward the center of the lot.
- 10 3. A perimeter wall as per subsection H of this section is required.
- 11 4. For developments in the NC zone a landscaped buffer shall be provided as required by Chapter  
12 13.77 of this title. ~~a three foot (3') wide landscaped buffer strip shall be provided abutting and~~  
13 ~~parallel to the perimeter wall.~~
- 14 5. A primary or accessory structure with an elevation facing a residential property shall not have a  
15 single, unbroken facade longer than fifty feet (50').
- 16 6. No trash receptacle or storage area shall be located closer than fifty feet (50') from a residential  
17 dwelling unless located within a fully enclosed building.
- 18 7. An outdoor dining facility shall be constructed in a manner which visually obscures the facility  
19 from adjoining residential property and which protects the property from noise and light emanating  
20 from the facility.

21  
22 G. Landscaping: All uses in the NC zone shall comply with the provisions governing landscaping  
23 and buffering in Chapter 13.77 of this Title.

- 24 ~~1. All landscaping shall preserve and generally enhance desirable natural features (i.e.,~~  
25 ~~topography, waterways, existing vegetation, etc.), enhance architectural features of the building,~~  
26 ~~strengthen vistas and provide shade for the project as well as its customers and employees.~~
- 27 ~~2. Landscaping around the base of the building is recommended to soften the edge between the~~  
28 ~~parking lot and building and also to discourage graffiti.~~
- 29 ~~3. Changes in building elevation or berming at the edge of the building in conjunction with the~~  
30 ~~landscaping may be used to reduce structure mass and height along street facades.~~
- 31 ~~4. All landscaped areas shall be planted with live plant material and include a permanent~~  
32 ~~automatic irrigation system, except for specific "natural" areas approved by the planning~~  
33 ~~commission at site plan review. The owner, tenant and/or any agent shall be jointly and severally~~  
34 ~~responsible for the maintenance of all landscaping in good condition and free from refuse and~~  
35 ~~debris so as to present a healthy, neat and orderly appearance.~~
- 36 ~~5. The use of indigenous plant species proven adaptable to the local climate is encouraged in all~~  
37 ~~landscaping plans and all plans should include measures to reduce overall water consumption. (A~~  
38 ~~suggested plant list is available through the community development department.) Wherever~~  
39 ~~possible, existing prominent trees should be preserved. Where practical significant vegetation~~  
40 ~~should be protected during any development activity. Significant vegetation also includes large~~  
41 ~~groves of small trees or clumps or rows of oak, maple, cottonwood, hickory and spruce.~~  
42 ~~Preliminary plans shall show all significant vegetation within twenty five feet (25') of a proposed~~  
43 ~~development.~~
- 44 ~~6. New deciduous trees shall have a minimum caliper of one and three-fourths inches (1 3/4").~~  
45 ~~Evergreens shall be a minimum of six feet (6') high.~~
- 46 ~~7. All front setback areas and the side setback areas which abut a public street on corner lots shall~~  
47 ~~be landscaped and maintained with live plant material including shrubs, flowers, and trees.~~

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51 **C-1 COMMERCIAL ZONE**  
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1 13.56.140: **LANDSCAPING:** All uses in the C-1 zone shall comply with the provisions  
2 governing landscaping and buffering in Chapter 13.77 of this Title.

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6 **C-2 COMMERCIAL ZONE**

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8 13.62.130: **LANDSCAPING:** All uses in the C-2 zone shall comply with the provisions  
9 governing landscaping and buffering in Chapter 13.77 of this Title.

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13 **HOLLADAY VILLAGE ZONE**

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16 13.71.080: **DEVELOPMENT STANDARDS**

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18 C. Landscaping: All uses in the HV zone shall comply with the provisions governing landscaping  
19 and buffering in Chapter 13.77 of this Title.

20  
21 ~~1. All landscaped areas shall be planted with live plant material and include a permanent~~  
22 ~~automatic irrigation system, except for natural areas approved by the planning commission for~~  
23 ~~preservation. The owner, tenant and any agent shall be jointly and severally responsible for the~~  
24 ~~maintenance of all landscaping in good condition and free from refuse and debris so as to present~~  
25 ~~a healthy, neat and orderly appearance.~~

26 ~~2. The required side yard setback which faces a street on corner lots shall be landscaped with live~~  
27 ~~plant materials including shrubs and trees except for necessary vehicular driveways and~~  
28 ~~pedestrian walkways. Deciduous trees shall have a minimum caliper of one and three-fourths~~  
29 ~~inches (1 3/4"). Evergreens shall be a minimum of six feet (6') high.~~

30  
31 13.71.090: **DESIGN GUIDELINES:**

32  
33 J. Landscaping: All uses in the HV zone shall comply with the provisions governing landscaping  
34 and buffering in Chapter 13.77 of this Title.

35  
36 ~~1. ——— Indigenous plant species proven adaptable to the local climate should be used in all~~  
37 ~~landscaping plans. (A suggested plant list is available through the community development~~  
38 ~~department.) Wherever possible, existing prominent trees should be preserved. Significant~~  
39 ~~vegetation should be protected during any development activity. Significant vegetation also~~  
40 ~~includes large groves of small trees or clumps or rows of oak, maple, cottonwood, hickory and~~  
41 ~~spruce. Preliminary plans shall show all significant vegetation within twenty five feet (25') of a~~  
42 ~~proposed development.~~

43  
44 2. All grade level parking should be separated from the street and screened from pedestrian  
45 view by landscaping. The All parking lot or structure landscaping shall comply with the regulations  
46 in Chapter 13.77 of this Title.

47  
48 3. Building entries should be emphasized with special landscaping and/or paving in  
49 combination with lighting.

50  
51 4. Landscaping should provide design continuity between the neighboring properties.  
52

1 **SUPPLEMENTAL REGULATIONS**

2  
3 ~~13.76.155: LANDSCAPED SETBACK; COMMERCIAL ZONES:~~

4 ~~The front setback area and the side setback area which faces on a street on corner lots shall be~~  
5 ~~landscaped and maintained with live plant material including shrubs, flowers, and trees for a~~  
6 ~~minimum distance of twenty feet (20') behind the property line for all main uses in the C-1 and C-2~~  
7 ~~zones. Such area shall include a permanent sprinkler system to ensure adequate maintenance,~~  
8 ~~and shall comply with section 13.76.160 of this chapter, intersecting streets and clear visibility. The~~  
9 ~~planning commission may modify the landscaping requirements herein for any conditional use.~~

10 ~~A. The required landscaped area may be reduced to fifteen feet (15') provided:~~

- 11 ~~1. Fifty percent (50%) of the landscaped area is planted with shrubs, flowers, and trees; and~~  
12 ~~2. The landscaped area includes a berm that is a minimum of two feet (2') high as measured from the~~  
13 ~~grade of the sidewalk; and~~

14 ~~B. The following portion of the total site is landscaped:~~

- 15 ~~1. Fifteen percent (15%) if the site is less than one acre; or~~  
16 ~~2. Ten percent (10%) if the site is equal to or greater than one acre, but less than five (5) acres; or~~  
17 ~~3. Five percent (5%) if the site is equal to or greater than five (5) acres. (Ord. 2012-15, 9-20-2012)~~  
18 ~~[http://sterlingcodifiers.com/codebook/index.php?book\\_id=559&section\\_id=856337](http://sterlingcodifiers.com/codebook/index.php?book_id=559&section_id=856337)~~

19  
20 ~~13.76.600: STREET TREE PROTECTION:~~

21 ~~13.76.600.010: PURPOSE AND APPLICATION:~~

22 ~~A. The purpose of this section 13.76.600 is to protect existing street trees, to require replacement of~~  
23 ~~removed trees within the public right of way, and to require planting of street trees with all new~~  
24 ~~development. This section 13.76.600 is intended to:~~

- 25 ~~1. Preserve the visual and aesthetic qualities of the city's existing environment;~~  
26 ~~2. Encourage the preservation and replacement of trees; and~~  
27 ~~3. Enhance, stabilize, promote and protect property values throughout the city of Holladay.~~

28 ~~B. The provisions of this section shall apply to all real property located in the city of Holladay, as they relate~~  
29 ~~to the public right of way. (Ord. 2012-15, 9-20-2012)~~

30 ~~13.76.600.020: DEFINITIONS:~~

31 ~~See section 13.04.040 of this title. (Ord. 2012-15, 9-20-2012)~~

32 ~~13.76.600.030: REQUIREMENTS FOR REMOVAL OF SIGNIFICANT STREET TREES:~~

33 ~~A. No significant street tree may be removed without the prior written consent of the city. A no fee permit~~  
34 ~~for such removal may be obtained from the director of community development.~~

35 ~~B. No Permit shall be required to remove any tree that is dead, diseased or dying, but the planting of a~~  
36 ~~replacement tree shall still be required following removal.~~

37 ~~C. A permit to remove a significant street tree shall be issued if the applicant demonstrates that:~~

- 38 ~~1. Removal is necessary for public safety reasons;~~  
39 ~~2. Removal is essential in order to allow for development or redevelopment of the adjacent property; or~~  
40 ~~3. Good cause exists and removal would be in the best interest of the city. (Ord. 2012-15, 9-20-2012)~~

41 ~~13.76.600.040: REPLACEMENT OF SIGNIFICANT STREET TREES REQUIRED: Any permit for the~~  
42 ~~removal of a significant street tree shall be conditioned upon the planting of a replacement street~~  
43 ~~tree. This requirement may be modified or waived to the extent necessary to protect public safety.~~  
44 ~~(Ord. 2012-15, 9-20-2012)~~

45 ~~13.76.600.050: REQUIREMENTS FOR REPLACEMENT TREES: Replacement trees shall comply with the~~  
46 ~~following schedule and requirements:~~

47 ~~A. A significant deciduous tree that is removed shall be replaced by a tree with a minimum size of two (2)~~  
48 ~~to three inch (3") caliper of a variety that has the potential to reach a mature height of that of the~~  
49 ~~removed tree.~~

50 ~~B. A significant coniferous tree that is removed shall be replaced by at least one tree with a minimum~~  
51 ~~height of eight feet (8'). (Note: Too many trees can cause crowding and reduced vigor, and~~  
52 ~~possible death of same.)~~

## DRAFT

1 C. Replacement trees shall be the same variety as the tree removed, or the same variety as other trees on  
2 the street, or of a variety approved by the director of community development.

3 D. Unless otherwise authorized by the city, replacement trees shall be planted within six (6) months after  
4 the removal of the prior tree.

5 E. Replacement trees shall be maintained by the property owner through an establishment period of at  
6 least three (3) years. (Ord. 2012-15, 9-20-2012)

### 7 ~~13.76.600.060: PLANTING OF STREET TREES REQUIRED:~~

8 In connection with any permit issued for new development or significant redevelopment within the  
9 city, the owner/developer of the adjacent property shall be required to plant street trees of an  
10 appropriate variety and number as determined by the director of community development. This  
11 requirement may be waived, in whole or in part, if sufficient street trees already exist and are  
12 preserved as part of the development. (Ord. 2012-15, 9-20-2012)  
13  
14  
15  
16

### 17 **PLANNED UNIT DEVELOPEMENT**

#### 18 13.78.110: LANDSCAPING, FENCING AND SCREENING REQUIREMENTS:

19  
20  
21 Landscaping, fencing and screening related to the uses within the site and as a means of  
22 integrating the proposed development into its surroundings shall comply with the regulations in  
23 Chapter 13.77 of this Title and be planned and presented to the Planning Commission for  
24 approval, together with other required plans for the development.  
25



# HOLLADAY CITY COUNCIL SUMMARY REPORT

**MEETING DATE:** September 5, 2013

**AGENDA ITEM:**

**SUBJECT:** Temporary Regulation #13-07 - Slope Cuts and Fills

**SUBMITTED BY:** Planning Commission

## **SUMMARY:**

By request of the commission during their July 16nd meeting, staff was directed to finalize text amendments which address the first portion of Temporary Regulation #13-07, "Retaining Walls". The text amendment, which will regulate the height of retaining walls of cuts and fills in residential zones, is presented to the commission during a public hearing for approvals.

Regarding the second portion of Temporary Regulation #13-07, "Exposed Walls", the commission voted, via straw poll, to table the discussion until a later date. The commission noted that the discussed issues of regulating the allowable height limits of exposed residential walls on man-made slopes were too complex and warrant longer and more focused discussion.

**CONTACT PERSON:** Jonathan Teerlink or Paul Allred

## **EXHIBITS**

Temporary Regulation #13-07

Draft text of Chapter 13.76.700

City Council Minutes Enacting Temporary Regulation #13-07