

**NOTICE OF MEETING OF THE
CITY OF HOLLADAY CITY COUNCIL
THURSDAY, FEBRUARY 6, 2014**

**COUNCIL CHAMBERS
4580 S 2300 E
HOLLADAY, UTAH 84117**

- 5:00 p.m. Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*
- 5:30 p.m. Briefing Session** – *The Council will review and discuss the agenda items; NO decisions will be made.*

PUBLIC NOTICE IS HEREBY GIVEN that the Holladay Municipal Council will hold a City Council meeting in the Council Chambers beginning at **6:00 p.m.** It is possible that a member of the Council will be participating by electronic means. The Council Chambers shall serve as the anchor location. *In an effort to conserve resources, the Council has gone paperless. Council Members will be using a variety of electronic devices during the meeting.*

6:00 p.m. Council Meeting

AGENDA

- I. **Welcome** – Mayor Dahle
- II. **Pledge of Allegiance**
- III. **Public Comments**
The public is invited to address the City Council on any subject for three minutes, five minutes for a group spokesperson, additional time allotted at the discretion of the Chair. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council
- IV. **Public Hearing on Proposed Amendments to Chapter 13.78- Planned Unit Development** (*proposed amendments to the current chapter including a change to the area requirements for a PUD, purpose statements, additional submission requirements, and other minor text changes clarifying the current language.*)
- V. **Public Hearing on Proposed Amendments to Chapter 13.080.150A – Development Near Waterways** (*proposed change in the current stream setback exception approval process*)
- VI. **Public Hearing on Proposed Anti-Discrimination Ordinance** (*proposed ordinance prohibiting discrimination in employment and housing on the basis of sexual orientation and gender identity*)
- VII. **Consideration of Ordinance 2014-01 Amending the Zoning Map for Property Located at 4235 S Highland Dr. from RM (residential multi-family) to C-1 (Commercial)** (*rezone of .17 acres*)
- VIII. **Consent Agenda**
 - a. **Consideration of Resolution 2014-06 Appointing Rob Dahle to the Unified Police District Board**

b. Consideration of Resolution 2014-07 Appointing Rob Dahle to the Unified Fire Authority Board

c. Approval of Minutes – Jan. 9, 11 and 16, 2014

IX. *City Manager Report – Randy Fitts*

X. *Council Reports*

XI. *Other Business*

XII. *Adjourn City Council Meeting and Convene to a Council Work Meeting*

a. Discussion on Earlier Public Hearings

b. Update on Old Fire Station

c. Discussion on Highland Drive master plan

d. Discussion of proposed Residential Office (RO) zone

e. Calendar – schedule of upcoming meetings

f. Other Business – as may properly be introduced

XIII. *Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition – (If needed)*

XIV. *Adjourn Work Meeting*

All details regarding the agenda may be found online at www.cityofholladay.com

On Thursday, January 30, 2014 at 11:00 am a copy of the foregoing notice was posted in conspicuous view in the front foyer of the City of Holladay City Hall, Holladay, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also faxed or emailed to the Salt Lake County Council, Cottonwood Heights City and Murray City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted at City Hall, Holladay Library, City internet website at www.cityofholladay.com and state noticing website at <http://pmn.utah.gov>.

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD users should call 7-1-1.

Dated this 30th day of January, 2014

Stephanie N. Carlson, MMC
Holladay City Recorder

HOLLADAY CITY

ORDINANCE NO. 2014-____

AN ORDINANCE ENACTING TITLE ____, CHAPTERS ____ THROUGH ____ OF THE HOLLADAY CITY MUNICIPAL CODE IN ORDER TO ESTABLISH UNLAWFUL DISCRIMINATORY EMPLOYMENT AND HOUSING PRACTICES BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY.

WHEREAS, the Holladay City (the “City”) is a diverse community which is made up of a wide variety of groups, communities and individuals; and

WHEREAS, the City values this diversity among its citizens and visitors; and

WHEREAS, the City Council (the “Council”) has determined that discriminatory practices impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City’s neighborhoods and businesses; and

WHEREAS, the Utah Antidiscrimination Act, Utah Code Section 34A-5-101 *et seq.* addresses employment-related discrimination based on race, color, religion, sex, pregnancy, childbirth or pregnancy-related conditions, national origin, age (if over 40 years of age), and disability, but does not address employment-related discrimination based on sexual orientation or gender identity; and

WHEREAS, the Council has determined that discrimination based on sexual orientation and gender identity are among the forms of discrimination that adversely affect the general welfare of the City and the vitality of its neighborhoods; and

WHEREAS, Utah Code Section 10-8-84(1) grants City of Holladay the power to “provide for the safety” of and to “promote the prosperity . . . and comfort and convenience” of “the city and its inhabitants;” and

WHEREAS, the City Council of Holladay City, Utah, does hereby determine that it is in the best interest o the health, safety and welfare of the residents of the City to adopt an ordinance prohibiting discrimination in employment and housing on the basis of sexual orientation and gender identity;

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

Section 1. Repealer. Any provision of the Holladay City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Enactment. Title 26, Chapters 1 through 4 of the Holladay City Municipal Code are hereby enacted to read as follows:

**TITLE 26
ANTI-DISCRIMINATION**

Chapters:

- 26-1 General Provisions.**
- 26-2 Employment Discrimination.**
- 26-3 Housing Discrimination.**
- 26-4 Offenses, Investigation and Enforcement.**

**TITLE 26-1
GENERAL PROVISIONS**

Sections:

- 26-1-101. Purpose.**
- 26-1-102. Administration.**
- 26-1-103. Anti-Discrimination Board.**
- 26-1-104. No Private Right of Action; No Special Rights.**
- 26-1-105. Severability.**
- 26-1-106. Definitions.**

26-1-101. PURPOSE.

(1) Every individual in the City has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of the City by preventing all of the City’s citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City’s neighborhoods and businesses. The Utah Antidiscrimination Act, Utah Code Section 34A-5-101 *et seq.*, addresses employment-related discrimination based on race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age (if 40 years of age or older), and disability, but does not address discrimination based on sexual orientation or gender identity.

(2) Every individual in the City has the right to seek housing. Discriminatory housing practices are detrimental because they impede the social and economic progress of the City by preventing all of the City’s citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City’s neighborhoods and businesses.

(3) The Utah Fair Housing Act, Utah Code Section 57-21-1 *et seq.*, addresses housing-related discrimination based on race, color, religion, sex, national origin, familial status, source of income, and disability, but does not address discrimination based on sexual orientation or gender identity.

The City has found that discrimination in employment and housing on the bases of sexual orientation and gender identity must be addressed. The denial or deprivation of employment rights and access to housing because of an individual's sexual orientation or gender identity is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well-being. The purpose of this Title is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment and housing in the City against individuals based upon sexual orientation or gender identity and this Title shall be liberally construed to achieve that purpose.

26-1-102. ADMINISTRATION.

The City Manager is responsible for administering and implementing this chapter.

26-1-103. ANTI-DISCRIMINATION BOARD.

(1) The City Manager is authorized to establish the Anti-Discrimination Board and to appoint the three members of the Board.

(2) The term of each Board member shall be determined by the City Manager.

(3) Any member of the Board may be removed by the City Manager at any time. The City Manager shall select the chair of the Board.

(4) The Board may adopt rules of policy and procedure for the governing of meeting, its members, and the performance of its duties.

26-1-104. NO PRIVATE RIGHT OF ACTION; NO SPECIAL RIGHTS.

This Title does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. This Title does not create any special rights or privileges which would not be available to all of the City's citizens because every person has a sexual orientation and a gender identity.

26-1-105. SEVERABILITY.

If any section, sentence, paragraph, term, definition or provision of this Title is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

26-1-106. DEFINITIONS.

In this Title:

(1) “*Anti-Discrimination Board*” or “*Board*” means the Board comprised of three persons appointed by the City Manager and operating as set forth in this Title.

(2) “*City*” means Holladay City, Utah.

(3) “*City Attorney*” means the duly appointed Holladay City Attorney and includes the City Attorney’s designated subordinate attorneys.

(4) “*City Manager*” means the duly appointed City Manager of Holladay City and includes the City Manager’s designated representatives.

(5) “*Complainant*” means a person, including the Board or a member of the Board, who files a complaint under this chapter.

(6) “*Conciliation*” means the attempted resolution of issues raised in a complaint filed under this chapter, or raised in the investigation of the complaint, through informal negotiations involving the Complainant, the Respondent, and the Board.

(7) “*Conciliation Agreement*” means a written agreement setting forth the resolution of issues by conciliation under this chapter.

(8) “*Discrimination*” means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person’s actual or perceived sexual orientation or gender identity or because of a person’s association with any such person. Discrimination shall not be interpreted to require or to grant or accord preferential treatment to any person because of that person’s sexual orientation or gender identity.

(9) “*Dwelling*” means any building or structure, or a portion of a building or structure, occupied as, or designed or intended for occupancy as, a residence of one or more families inside the City and vacant land that is offered for sale or lease for the construction or location of a dwelling inside the City.

(10) “*Employee*” means any individual applying with or employed by an employer. The term does not include an elected official.

(11) “*Employer*” means any person employing fifteen (15) or more employees in the City for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such a person.

(12) “*Employment Agency*” means any person, and any agent of a person, undertaking to procure employees or opportunities to work for any other person in the City or holding itself out to be equipped to procure employee or opportunities to work for any other person in the City.

(13) “*Gender Identity*” means a person’s actual or perceived gender identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person’s sex at birth.

(14) “*Labor Organization*” means any organization that exists for the purpose in whole or in part of collective dealing with Employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

(15) “*Otherwise Qualified*” means a person who possesses the following required by an employer for any particular job, job classification, or position:

- (a) education;
- (b) training;
- (c) ability;
- (d) moral character;
- (e) integrity;
- (f) disposition to work;
- (g) adherence to reasonable rules and regulations; and
- (h) other job-related qualifications required by an employer.

(16) “*Person*” means one or more individuals, partnerships, associations, corporations, legal representatives, trusts or trustees, receivers and the City.

(17) “*Real Estate Broker or Salesperson*” means a principal real estate broker, an associate real estate broker, or a real estate sales agent as those terms are defined in Utah Code Section 61-2-2 or any successor provision.

(18) “*Religious Organization*” means a religious corporation, association, educational institution, society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust or corporation sole.

(19) “*Rent*” means to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(20) “*Residential Real Estate Related Transaction*” means the making or purchasing loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling; or secured by residential real estate; or selling, brokering, or appraising residential real property inside the City.

(21) “*Respondent*” means a person identified in a complaint as having committed an unlawful practice under this chapter.

(22) “*Sexual Orientation*” means a person’s actual or perceived orientation as heterosexual, homosexual, or bisexual.

(23) “*Unlawful Practice*” means a discriminatory act or practice relating to employment that is prohibited under this chapter.

CHAPTER 26-2 EMPLOYMENT DISCRIMINATION

Sections:

- 26-2-101. Unlawful Employment Practices.**
- 26-2-102. Exemptions.**
- 26-2-103. Unlawful Intimidation, Retaliation, and Coercion.**
- 26-2-104. Procedures for Filing Complaints.**

26-2-101. UNLAWFUL EMPLOYMENT PRACTICES.

(1) *Employers.* An employer may not refuse to hire, promote, discharge, demote, or terminate any person, and may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified because of a person’s sexual orientation or gender identity.

(2) *Employment agencies.* An employment agency may not refuse to list and properly classify for employment, or refuse to refer a person for employment, in a known available job for which the person is otherwise qualified because of a person’s sexual orientation or gender identity.

(3) *Labor organizations.* A labor organization may not exclude any person otherwise qualified from full membership rights in the labor organization, expel the person from membership in the labor organization, or otherwise discriminate against or harass any of the labor organization’s members in full employment of work opportunity, or representation, because of a person’s sexual orientation or gender identity.

(4) *Training programs.* An employer, labor organization, joint apprenticeship committee, or vocational school, providing, coordinating, or controlling apprenticeship programs, or providing, coordinating, or controlling on-the-job training programs, instruction, training, or retraining programs may not deny to, or withhold from, any qualified person, the right to be admitted to, or participate in any apprenticeship training program, on-the-job training program, or other occupational instruction, training or retraining program because of a person’s sexual orientation or gender identity.

(5) *Notices and advertisements.* Unless based upon a bona fide occupational qualification, or required by and given to an agency of government for security reasons, an employer, employment agency, or labor organization may not print, or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, use any form of application for employment or membership, or make any inquiry in connection with prospective employment or membership that expresses, either directly or indirectly any limitation, specification, or discrimination because of a person's sexual orientation or gender identity.

(6) It is unlawful for a joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity.

(7) Nothing in this chapter prohibits a notice or advertisement from indicating a preference, limitation, specification, or discrimination based on sexual orientation or gender identity when sexual orientation or gender identity is a bona fide occupational qualification for employment.

(8) *No Preferential Treatment.* Nothing in this chapter shall be interpreted to require any employer, employment agency, labor organization, vocational school, joint labor-management committee, or apprenticeship program subject to this chapter to grant preferential treatment to any person because of the person's sexual orientation or gender identity on account of an imbalance which may exist with respect to the total number or percentage of persons of any sexual orientation or gender identity employed by any employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that sexual orientation or gender identity available in the City's available work force.

26-2-102. EXEMPTIONS.

This chapter does not apply to:

- (1) a religious organization;
- (2) an expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); the United States government, any of its departments or agencies, or any corporation wholly owned by it; or
- (3) the United States government, any of its departments or agencies, or any corporation wholly owned by it; or the State of Utah or any of its departments, agencies, or political subdivisions except for the City.

26-2-103. UNLAWFUL INTIMIDATION, RETALIATION, AND COERCION.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this chapter.

26-2-104. PROCEDURES FOR FILING COMPLAINTS.

Any person who claims to have been injured by an unlawful employment practice subject to the City's jurisdiction under this Chapter may file a complaint in accordance with the provisions of Chapter 4 of this Title.

**CHAPTER 26-3
HOUSING DISCRIMINATION**

Sections:

- 26-3-101. Unlawful Practices.**
- 26-3-102. Exemptions.**
- 26-3-103. Unlawful Intimidation, Retaliation, and Coercion.**
- 26-3-104. Procedures for Filing Complaints.**

26-3-101. UNLAWFUL HOUSING PRACTICES.

- (1) It is a discriminatory housing practice to do any of the following:
 - (a) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental, or otherwise deny or make unavailable any dwelling from any person because of the person's sexual orientation or gender identity;
 - (b) discriminate against any person in the terms, conditions, or privileges of the sale or rental of any dwelling or in providing facilities or services in connection with the dwelling because of the person's sexual orientation or gender identity;
 - (c) represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available;
 - (d) to make a representation orally or in writing or make, print, circulate, publish, post, or cause to be made, printed, circulated, published, or posted any notice, statement, or advertisement, or to use any application form for the sale or rental of a dwelling, that directly or indirectly expresses any preference, limitation, or discrimination based on sexual orientation or gender identity, or expresses any intent to make any such preference, limitation, or discrimination;

(e) to induce or attempt to induce, for profit, any person to buy, sell, or rent any dwelling by making representations about the entry or prospective entry into the neighborhood of persons of a particular sexual orientation or gender identity;

(f) engage in any discriminatory housing practices because of sexual orientation or gender identity based upon a person's association with another person.

(2) It is a discriminatory housing practice for a real estate broker or salesperson to do any of the following because of a person's sexual orientation or gender identity:

(a) to discriminate against any person in making available a residential real estate transaction, or in the terms or conditions of the transaction, inside the City, because of a person's sexual orientation or gender identity;

(b) to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings inside the City or to discriminate against any person in the terms or conditions of access, membership, or participation in the organization, service, or facility inside the City because of a person's sexual orientation or gender identity; or

(c) engage in any discriminatory housing practices inside the City because of sexual orientation or gender identity based upon a person's association with another person.

(3) *Exceptions.* This chapter does not apply to the following:

(a) The sale or rental of any single-family dwelling, if the owner:

(i) does not own an interest in or title to four or more single-family dwellings held for lease or sale at one time located inside the City;

(ii) has not sold two or more single-family dwellings inside the City in which the owner did not reside in the dwelling within the 24-month period preceding the sale or rental of the dwelling; and

(iii) does not use the services or facilities of any real estate broker, agent, or salesperson, or of any other person in the business of selling or renting dwellings, in connection with the sale or rental of the dwelling inside the City.

(b) The rental of a dwelling that is occupied or intended to be occupied by no more than four families living independently of each other, when the owner actually maintains and occupies part of the dwelling as a residence.

(c) Nothing in this section prohibits conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance under state or federal laws.

26-3-102. EXEMPTIONS.

(1) This chapter does not apply to a temporary or permanent residence facility operated by a nonprofit organization, a charitable organization, or a person in conjunction with a religious organization, association, or society, including any dormitory operated by a public or private educational institution, if the discrimination is based on sexual orientation or gender identity for reasons of personal modesty or privacy or in the furtherance of a religious organization's sincerely held religious beliefs.

(2) This chapter does not prohibit or restrict a religious organization or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from limiting the sale, rental, or occupancy of dwellings it owns or operates for primarily noncommercial purposes to persons of the same religion, or from giving preference to such persons.

(3) This chapter does not prohibit distinctions based on a person's inability or failure to fulfill the terms and conditions, including financial obligations, of a lease, rental agreement, contract of purchase or sale, mortgage, trust deed, or other financing agreement.

(4) This chapter does not apply to: (1) the United States Government, any of its departments or agencies, or any corporation wholly owned by it; or (2) the government of the State of Utah or any of its departments, agencies, or political subdivision, except for the City.

26-3-103. UNLAWFUL INTIMIDATION, RETALIATION, AND COERCION.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this chapter.

26-3-104. PROCEDURES FOR FILING COMPLAINTS.

Any person who claims to have been injured by an unlawful housing practice may file a complaint in accordance with the provision of Chapter 4 of this Title.

CHAPTER 26-4
OFFENSES, INVESTIGATION AND ENFORCEMENT

Sections:

- 26-4-101. Offenses and Penalties.**
- 26-4-102. Complaint.**
- 26-4-103. Investigation.**
- 26-4-104. Conciliation.**
- 26-4-105. Enforcement.**

26-4-101. OFFENSES AND PENALTIES.

(1) A person commits an unlawful practice and violates this Title if the person intentionally or knowingly violates a provision of this Title or if the person intentionally or knowingly obstructs or prevents compliance with this Title.

(2) An unlawful practice committed under this Title by a Respondent owning or operating fifty (50) or fewer dwellings or employing fourteen (14) or fewer employees is punishable by a fine of not more than \$500.00.

(3) An unlawful practice committed under this Title by a Respondent owning or operating fifty-one (51) or more dwellings or by a Real Estate Broker or Salesperson or employing fifteen (15) or more employees is punishable by a fine of not more than \$1,000.00.

26-4-102. COMPLAINT.

(1) Any person who claims to have been injured by an unlawful practice may file a complaint with the Board. A complaint may also be filed by the Board if the Board has reasonable cause to believe that a person has committed an unlawful practice under this Title. A complaint must be filed within 180 calendar days after an alleged unlawful practice has occurred.

(2) A complaint must be in writing on a form provided by the Board, made under oath or affirmation, and contain the following information:

- (a) the Complainant's name, address, and signature;
- (b) the date the alleged unlawful practice occurred;
- (c) a statement of the facts upon which the allegation of an unlawful practice are based; and
- (d) the Respondent's name and address.

(3) Promptly after the filing of a complaint, the Board shall:

(a) provide the Respondent named in the complaint written notice that a complaint alleging the commission of an unlawful practice has been filed against the Respondent;

(b) furnish a copy of the complaint to the Respondent; and

(c) advise the Respondent of the Respondent's procedural rights and obligations, including the right to file a written, signed, and verified informal answer to the complaint within 15 calendar days after service of notice of the complaint.

(4) Not later than the 15th day after service of the notice and copy of the complaint, a Respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:

(a) the Respondent's name, address, telephone number, and signature of the Respondent or the Respondent's attorney, if any; and

(b) a concise statement of facts in response to the allegations in the complaint, including facts of any defense or exception.

26-4-103. INVESTIGATION.

(1) Upon the filing of a complaint, the Board shall commence an investigation to determine the facts behind the complaint and whether there is reasonable cause to believe the Respondent committed an unlawful practice, except that no investigation may commence if, after reviewing the allegations of the complaint, the Board determines that the complaint does not come within the scope of this chapter. Upon determining that a particular complaint does not come within the scope of this chapter, the Board shall dismiss the complaint, notify the Complainant and the Respondent and take no further action.

(2) In connection with any investigation of a complaint filed under this chapter, the board shall seek the voluntary cooperation of any person to:

(a) obtain access to premises, records, documents, individuals, and any other possible source of information;

(b) examine, record, and copy necessary materials; and

(c) take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

(3) The Board may dismiss a complaint during the investigation and prior to referral to the City Attorney if the Board determines that:

- (a) the complaint was not filed within the required time period;
- (b) the location of the alleged unlawful practice is not within the City's jurisdiction;
- (c) the alleged unlawful practice is not a violation of this chapter;
- (d) the Complainant refuses to cooperate with the Board in the investigation of the complaint or enforcement of an executed conciliation agreement;
- (e) the Complainant cannot be located after the Board has performed a reasonable search; or
- (f) a conciliation agreement has been executed by the Complainant and Respondent.

26-4-104. CONCILIATION.

(1) During or after the investigation, but subsequent to the mailing of the notice of the complaint to the Respondent, the Board shall, if it appears that the Respondent has committed an unlawful practice, attempt to conciliate the complaint. In conciliating a complaint, the Chair of the Board, or a member of the Board designated by the Chair, shall try to achieve a just resolution and obtain assurances that the Respondent will satisfactorily remedy any violation of the Complainant's rights and take action to ensure the elimination of both present and future unlawful practices. A conciliation agreement may include: sensitivity training for the Respondent and/or the Respondent's employees; the Respondent's agreement to adopt and pursue a policy of non-discrimination in its practices; and the Respondent's agreement to not engage in discriminatory practices in the future.

(2) A conciliation agreement executed under this section must be in writing in a form approved by the City Attorney and must be signed and verified by the Respondent and the Complainant, subject to approval of the Chair of the Board who shall indicate approval by signing the agreement.

(3) If a Respondent voluntarily enters into a conciliation agreement, the Board shall immediately dismiss the complaint.

26-4-105. ENFORCEMENT.

(1) If, upon completion of an investigation of a complaint, the Board determines that an unlawful practice has occurred and is unable to secure an acceptable conciliation agreement from the Respondent, then the Board shall refer the case to the City Attorney.

(2) The Board shall refer the entire file to the City Attorney, who shall determine how best to pursue further action, if any, on the complaint.

(3) If the City Attorney determines that cause exists that an unlawful practice occurred and the facts are sufficient to warrant the initiation of an action through the Holladay City Administrative Code Enforcement Hearing Program set forth in Title __ of this Code, then the City Attorney shall provide written notification to the Respondent and the Complainant that an action to enforce this Title will be initiated. The enforcement process and proceedings shall be in compliance with the rules and provisions set forth in Title ___of this Code.

(4) If the City Attorney determines that there is no cause that an unlawful practice occurred or that the facts are insufficient to warrant the initiation of an action in justice court, the City Attorney shall provide written notification to the Respondent and the Complainant and notify the Board who shall then dismiss the complaint.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED AND APPROVED this _____ day of _____, 2014.

HOLLADAY CITY COUNCIL

By:

Robert Dahle, 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 _____
Robert Dahle	Yea _____	Nay _____

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this ____ day of _____, 2014.

RECORDED this ____ day of _____, 2014.

Comparison of NC and C1 Zones

Table of Allowed Uses for NC, C1 (only applicable to at least one zone)

Legend: (P) Permitted Use; (C) Conditional Use; (-) Not allowed

Use		NC	C1
Accessory Uses: *			
	Family food production	-	C
	Flea market/farmers' market	-	P
	Merchandise vending machine, outside	-	P
	Mobile food trailer	-	P
	Mobile food truck	-	P
	Outside dining	C	C
	Outside display	C	P
	Outside storage	-	C
	Resource recycling collection	P ⁸	P ⁸
	Seasonal Sales	P ¹³	P ¹³
	Temporary buildings incidental to construction, including living	P ¹³	P ¹³
	Temporary sales/use	-	P ¹³
Agriculture:			
	Agriculture	-	P
Entertainment and recreation:			
	Auditorium, exhibit hall, convention center	-	C
	Motion picture theater, live theater	-	P
	Private nonprofit recreational grounds and facilities	-	C
	Professional, fraternal and social association	-	P
	Recreation, commercial, indoor	-	P
	Recreation, commercial, outdoor	-	C
	Recreation, fitness center	-	P
Industrial and manufacturing:			
	Building materials sales and services	-	P
	Educational and scientific research, medical/dental laboratories	-	P
	Landscaping installation and maintenance	C	P
	Manufacturing	-	C
	Mixed Use Development (under NC 13.55.050: Accessory Uses)	-	P

Notes: denoted by superscript

* Includes accessory buildings and uses customarily incidental to a permitted or conditional use.

8. See section 13.76.750, "Resource Recycling Collection Facility", of this title

13. See sections 13.76.250, "Temporary Sales/Seasonal Sales Permit", and 13.76.501, "Temporary Uses", of this title.

Prepared by Rick Maestas

University of Utah Planning Intern

Comparison of NC and C1 Zones

Table of General Development Standards

Standard	NC	C1
Lot area	No Minimum	Greater than 10,000 Sq. Ft.
Lot width	No Minimum	65 Ft. at a distance 20 Ft. back from the lot line
Lot frontage	No Minimum	No Minimum
Front setback	Maximum 20 Ft.	Minimum 20 Ft.
Side setback	property line; abutting residential property	less than 10 Ft.; corner lots on side yard
Rear setback	No standards for abutting commercial property line; abutting residential property line 20 Ft. Minimum	Adjacent to a residential zone boundary, not less than 10 Ft.
Maximum building Height	Lots less than 15,000 Sq. Ft., maximum of 32 Ft.; not to exceed design envelope created by starting at point 8 Ft. above ground at residential property line then sloping 45 degree angle toward lot center	No building or structure shall contain more than 2 stories, or exceed 25 Ft. in height.
Maximum impervious surface coverage	90 percent	No standard
Maximum aboveground Sq. Ft.	4,500	No standard
Hours of operation	7:00 AM to 11:00 PM	6:00 AM to 10:00 PM
Landscaping	Shall comply with provisions in 13.77	Shall comply with provisions in 13.77
Additional Standards	There are many additional development standards (13.55.070) that are designed to buffer and to protect the purpose of the NC Zone.	None



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: February 6, 2014

AGENDA ITEM:

SUBJECT: Appointment of Mayor Dahle to UPD and UFA Boards

SUBMITTED BY: Craig Hall, City Attorney

SUMMARY:

The accompanying resolutions are intended to formally appoint Mayor Rob Dahle as the official representative of the City of Holladay to both the Unified Fire Authority and the Unified Police Department of Greater Salt Lake.

CONTACT PERSON: Craig Hall, City Attorney

EXHIBITS: Proposed resolutions

FISCAL IMPACT: None

STAFF RECOMMENDATION (MOTION READY): The proposed action requires two motions and the passage of both resolutions, one for each of the entities.

I move that Resolution No. 2014-__ be approved and that Mayor Robert Dahle be appointed to serve as the representative for the City of Holladay to the board of the Unified Police Department of Greater Salt Lake.

I move that Resolution No. 2014-___ be approved and that Mayor Robert Dahle be appointed to serve as the representative for the City of Holladay to the board of Unified Fire Authority of Greater Salt Lake.



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: January 16, 2014

AGENDA ITEM: Jakob Properties Rezone

SUBJECT: Rezone .17 acres of land located at 4325 S Highland Dr. from R-M to C-1 zoning

SUBMITTED BY: City of Holladay Planning Commission

RECCOMENDATION:

The Planning Commission recommends adoption of the proposed zone change with the following suggested provisions: (Please note: These are from minutes that are not yet approved)

Findings:

- 1. Uses along this portion of Highland Dr. are typically commercial and higher density residential. The proposed use will fit and compliment the established development patterns on the street;*
- 2. The requested zone change is within the parameters of the General Plan.*

Recommendations:

- 1. Staff, before moving this on to City Council, research parking requirements and provide details.*
- 2. Provide landscaping requirements for the C-1 zone.*

SUMMARY: The applicant, Karl Jakob, wishes to rezone this property from R-M (Residential Multi-family) to C-1 (Commercial) in order to be able to open a beauty and hair salon at this location. The proposed business meets all landscaping requirements of the C-1 zone.

ANALYSIS This petition meets all City of Holliday requirements for rezone and it is in compliance with Appendix K of the General Plan – the Highland Drive Corridor Master Plan. The proposed land use will require six parking spaces. Nine are proposed. No changes to landscaping are anticipated.

FISCAL IMPACT: If the rezone is adopted - the proposed commercial business could bring some, albeit minimal, ongoing sales tax receipts.

CONTACT PERSON: Rick Whiting, City Planner

EXHIBITS: City Council Summary Report & Planning Commission Staff Reports with supporting maps, graphics, photos and documentation

Chapter 13.78

PLANNED UNIT DEVELOPMENT

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- 13.78.010: Scope of Approval:
- 13.78.020: Purpose:
- 13.78.030: Planned Unit Development Defined:
- 13.78.040: Submission, Review and Approval; Site Plan and Permit:
- 13.78.050: Minimum Area:
- ~~13.78.060: Grading and Drainage Plans:~~
- 13.78.060: Land Use Amendment Required When:
- 13.78.070: Development Ownership:
- 13.78.080: Effect on Adjacent Properties:
- ~~13.78.090: Preservation of Open Space:~~
- 13.78.100: Landscaping, Fencing and Screening Requirements:
- 13.78.110: Signs and Floodlighting:
- ~~13.78.130: Site Plan Requirements:~~
- ~~13.78.140: Fees:~~
- 13.78.120: Construction Limitations:
- ~~13.78.160: Plan Review at Public Meeting:~~
- 13.78.130: Scope of Planning Commission Action:

13.78.010: **SCOPE OF APPROVAL:** Provision of a planned unit development by this chapter in no way guarantees a property owner the right to exercise the provisions of the planned unit development. Planned unit developments shall be approved by the planning commission as a conditional use only if, in its judgment, the proposed planned unit development fully meets the intent and purpose, and requirements of the land use ordinance and the general plan.

13.78.020: **PURPOSE:**

A. The purpose of planned unit development is to permit flexibility in land use, allow diversification in the interrelationships of various uses and structures with their sites and thus offer an alternative to conventional development. The application of planned unit development concepts is intended to encourage unique neighborhoods, high quality housing, exceptional design, additional open space, and facilities compatible with the present living environment in the city ~~as described by the general plan~~. Ensuring compliance with the purpose of this section protects the health, safety and public welfare of the future inhabitants of, or visitors to, the planned unit development. At the same time, securing the advantages of ~~large-scale~~ imaginative site planning for residential, commercial development or combinations thereof, as well as maximizing the energy utilization efficiency of the project. The objective is to preserve existing greenery and significant trees on site. The planned unit development process should create unique benefits for both the property owner and the city even though it does not allow additional density. Applicants must justify to the planning commission why the project would be better for the community than a project developed as the underlying zoning would normally allow. Development under the planned unit development process is a privilege that must be earned by the developer, not a right that must be granted by the planning commission.

B. Through the flexibility of the planned unit development regulations, the city seeks to achieve any of the following specific objectives:

- 1. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- 2. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

- 1 3. Preservation of buildings which are architecturally or historically significant or contribute
- 2 to the character of the city;
- 3
- 4 4. Use of design, landscape, or architectural features to create a pleasing environment;
- 5
- 6 5. Inclusion of special development amenities that are in the interest of the general public;
- 7
- 8 6. Elimination of blighted structures or incompatible uses through redevelopment or
- 9 rehabilitation;
- 10
- 11 7. Inclusion of affordable housing with market rate housing;
- 12
- 13 8. Utilization of "green" building techniques in development;
- 14
- 15 9. Efficiency in the utilization of valuable or other natural land resources; or
- 16
- 17 10. Increased public safety, health and welfare.

18
19 **13.78.030: PLANNED UNIT DEVELOPMENT DEFINED:**

- 20
- 21 A. "Planned unit development", for the purpose of this chapter, means a coordinated, integrated
- 22 design for development of residential, nonresidential, commercial, or a combination of such uses.
- 23
- 24 B. "Residential planned unit development", for the purpose of this chapter, means an integrated
- 25 design for development of primarily residential uses but may include some mixed, nonresidential
- 26 uses.
- 27
- 28 C. "Nonresidential planned unit development", for the purpose of this chapter, means an integrated
- 29 design for development of commercial uses which does not include any residential component.
- 30
- 31 ~~D. The planning commission may waive or vary one or more of the land use regulations To allow~~
- 32 ~~flexibility and initiative in site and building design other than use regulations overall building~~
- 33 ~~height regulations, and density and location in accordance with an approved plan and imposed~~
- 34 ~~general requirements as specified in this chapter. A planned unit development may be:~~
- 35 ~~1. The development of compatible land uses arranged in such a way as to provide desirable~~
- 36 ~~living environments that may include private and common open spaces for recreation, circulation~~
- 37 ~~and/or uses;~~
- 38 ~~2. The conservation of historic development patterns; and~~
- 39 ~~3. Creation of areas for multiple uses that are of benefit to the neighborhood.~~

40
41 **13.78.040: SUBMISSION, REVIEW AND APPROVAL; SITE PLAN AND CONDITIONAL USE**

42 **PERMIT:**

43 Residential planned unit developments may be allowed by planning commission approval in any residential
44 zoning district. Nonresidential planned unit developments may be allowed by planning
45 commission approval in any nonresidential zoning district. An approved planned unit development
46 shall consist of a final approval letter and a final approved site plan. A planned unit development
47 permit shall not be granted unless the planned unit development meets the use limitations of the
48 zoning district in which it is to be located and meets the density and other limitations of such
49 districts. Compliance with the regulations of this chapter does not excuse the developer from the
50 applicable requirements of the subdivision regulations, except as modifications thereof are
51 specifically authorized in the approval of the application for the planned unit development. The
52 permit shall be considered in two (2) parts:

- 53 A. Preliminary Approval: Preliminary approval subject to the public hearing provisions of section
- 54 13.06.030 of this title; and
- 55 B. Final Approval: Final approval based on construction drawings and specifications in general accord with
- 56 that granted preliminary approval. (Ord. 2012 15, 9 20 2012)

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- A. Allowed by Zone: Planned unit developments are allowed as per Chapter 13.100, Appendix A, of this title.
- B. Three-step Review of site plan: A planned unit development site plan shall be considered in three steps as required by Chapter 13.08.010 of this Title:
- C. Submission Requirements: The applicant shall submit a planned unit development site plan for the total area within the proposed development as required by Chapter 13.03 of this title.
 - 1. The site plan shall show, where pertinent:
 - a. The use or uses, dimensions, sketch elevations and locations of proposed structures;
 - b. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces;
 - c. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses; and
 - d. Such other pertinent information such as, residential density, coverage and open space characteristics as may be necessary to make a determination that the proposed arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Title.
 - 2. An explanation of how the proposed planned unit development satisfies the purposes set forth in Section 13.78.020 of this Chapter.
 - 3. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases.
- D. Waiver of Zone District Regulations: To allow flexibility and initiative in site and building design, the planning commission may waive or vary one or more of the land use regulations as required by the zone in which the planned unit development is proposed, other than:
 - 1. use regulations;
 - 2. overall building height regulations, including graduated height restrictions, and;
 - 3. density.
- E. Limitations: A conditional use permit shall not be granted unless the planned unit development meets the use limitations of the zoning district in which it is to be located and meets the density and other limitations of such districts.
- F. Compliance with the Subdivision Regulations: Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the subdivision regulations, as required by Chapter 13.11 of this title, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.
- G. Planning Commission: The planning commission may approve, approve with conditions, or deny a planned unit development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

DRAFT

- 1 1. *Planned unit development Objectives:* The planned unit development shall meet the
2 purpose statement for a planned unit development (section 13.78.020 of this chapter) and will
3 achieve at least one, and preferably more, of the objectives stated in said section;
4
- 5 2. *Master Plan and Zoning Ordinance Compliance:* The proposed planned unit
6 development shall be:
 - 7
 - 8 a. *Consistent with any adopted policy set forth in the future land use map applicable to the*
9 site where the planned unit development will be located, and
 - 10
 - 11 b. *Allowed by the zone where the planned unit development will be located or by another*
12 applicable provision of this title.
- 13
- 14 3. *Compatibility:* The proposed planned unit development shall be compatible with the character of
15 the site, adjacent properties, and existing development within the vicinity of the site where the use
16 will be located. In determining compatibility, the planning commission shall consider:
 - 17
 - 18 a. *Whether the street or other means of access to the site provide the necessary*
19 ingress/egress without materially degrading the service level on such street/access or any adjacent
20 street/access;
 - 21
 - 22 b. *Whether the planned unit development and its location will create unusual pedestrian or*
23 vehicle traffic patterns or volumes that would not be expected, based on:
 - 24
 - 25 (1) Orientation of driveways and whether they direct traffic to major or local streets, and,
26 if directed to local streets, the impact on the safety, purpose, and character of these streets;
27
 - 28 (2) Parking area locations and size, and whether parking plans are likely to encourage
29 street side parking for the planned unit development which will adversely impact the reasonable
30 use of adjacent property;
 - 31
 - 32 (3) Hours of peak traffic to the proposed planned unit development and whether such
33 traffic will unreasonably impair the use and enjoyment of adjacent property.
 - 34
 - 35 c. *Whether the internal circulation system of the proposed planned unit development will be*
36 designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and
37 pedestrian traffic;
 - 38
 - 39 d. *Whether existing or proposed utility and public services will be adequate to support the*
40 proposed planned unit development at normal service levels and will be designed in a manner to
41 avoid adverse impacts on adjacent land uses, public services, and utility resources;
42
 - 43 e. *Whether appropriate buffering or other mitigation measures, such as, but not limited to,*
44 landscaping, setbacks, building location, sound attenuation, odor control, will be provided to
45 protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual
46 disturbances from trash collection, deliveries, and mechanical equipment resulting from the
47 proposed planned unit development; and
 - 48
 - 49 f. *Whether the intensity, size, and scale of the proposed planned unit development is*
50 compatible with adjacent properties.

51
52
53 **13.78.050: MINIMUM AREA:**

- 54
55 **A. No residential planned unit development in the R 1 4, R 1 8, R 1 10, R 1 15, R 2 8, R 2 10 or R-**
56 **M zone shall have an area less than three (3) acres. B. No residential planned unit development in**

1 the R-1-21, R-1-43, R-1-87 or forestry and recreation zones shall have an area less than five (5)
2 acres. C. No nonresidential planned unit development shall have an area of less than five (5)
3 acres.

4
5 A planned unit development proposed for any parcel or tract of land under single ownership or control in
6 certain zoning districts shall have a minimum net lot area as set forth in table 13.78.050.1 of this
7 section.

8
9 TABLE 13.78.050.1

<u>Zone Type</u>	<u>Designation</u>	<u>Minimum Area</u>
<u>Forestry and recreation zone</u>	<u>FR-0.5</u>	<u>1 acre</u>
<u>Forestry and recreation zone</u>	<u>FR-1</u>	<u>2 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-2.5</u>	<u>5 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-5</u>	<u>10 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-10</u>	<u>20 acres</u>
<u>Forestry and recreation zone</u>	<u>FR-20</u>	<u>40 acres</u>
<u>Single Family Residential zone</u>	<u>R-1-4</u>	<u>8,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-8</u>	<u>16,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-10</u>	<u>20,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-15</u>	<u>30,000 SF</u>
<u>Single Family Residential zone</u>	<u>R-1-21</u>	<u>1 acre</u>
<u>Single Family Residential zone</u>	<u>R-1-43</u>	<u>2 acres</u>
<u>Single Family Residential zone</u>	<u>R-1-87</u>	<u>4 acres</u>
<u>Multi-family Residential zone</u>	<u>R-2-8</u>	<u>10,000 SF</u>
<u>Multi-family Residential zone</u>	<u>R-2-10</u>	<u>20,000 SF</u>
<u>Multi-family Residential zone</u>	<u>R-M</u>	<u>9,000 SF</u>
<u>Commercial zone</u>	<u>C-1</u>	<u>no minimum</u>
<u>Commercial zone</u>	<u>C-2</u>	<u>no minimum</u>

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12 ~~13.78.060: GRADING AND DRAINAGE PLANS: A grading and drainage plan shall be submitted to the~~
13 ~~planning commission with the application.~~

14
15 ~~13.78.0760: LAND USE AMENDMENT REQUIRED WHEN: A planned unit~~
16 ~~development which will contain uses not permitted in the zoning district in which it is to be~~
17 ~~located will require a change of zoning district and shall be accompanied by an application for a~~
18 ~~land use amendment. except that any residential use shall be considered a permitted use in a~~
19 ~~planned unit development which allows residential uses and shall be governed by design and other~~
20 ~~requirements of the planned unit development permit; provided, further, that in single family~~
21 ~~zones, only single family dwellings may be allowed in the planned unit development.~~

22
23 ~~13.78.0870: DEVELOPMENT OWNERSHIP: The development shall be in single,~~
24 ~~partnership, or corporate ownership, or under option to purchase by an individual or a corporate~~
25 ~~entity at the time of application, or the application shall be filed jointly by all owners of the~~
26 ~~property.~~

27
28 ~~13.78.0980: EFFECT ON ADJACENT PROPERTIES: The planning commission shall~~
29 ~~require such arrangement of structures and open spaces within the site development plan, as~~
30 ~~necessary, to assure that adjacent properties will not be adversely affected.~~

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- A. *Height and Intensity:* Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two (2) stories. All structures in the planned unit development shall comply with the graduated height restrictions of the underlying zone.
- B. *Area, Width, Yard and Coverage:* Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan and shall meet the requirements of the underlying zone wherever possible.
- C. *Density:* ~~Density of dwelling units per acre shall be the same as allowed in the zone in which the planned unit development is located.~~ Residential planned unit developments shall not exceed the density limitation of the zoning district where the planned unit development is proposed. The calculation of planned unit development density may include open space that is provided as an amenity to the planned unit development. Public or private roadways located within or adjacent to a planned unit development shall not be included in the planned unit development area for the purpose of calculating density except as allowed by section 15.28.020 of this code.

~~13.78.100090: — PRESERVATION OF OPEN SPACE: — Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:~~

- ~~A. — Dedication of Land: Dedication of the land as a public park or parkway system;~~
- ~~B. — Granting Easement: Granting to the city a permanent open space easement on or over the private open spaces to guarantee that the open space remain perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an owners' association established with articles of association and bylaws which are satisfactory to the city; or~~
- ~~C. — Compliance with Condominium Ownership Act: Compliance with the provisions of the condominium ownership act 1, which provides for the payment of common expenses for the upkeep of the common areas and facilities.~~

~~13.78.44090: LANDSCAPING, FENCING AND SCREENING REQUIREMENTS:~~ Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

~~13.78.420 100: SIGNS AND FLOODLIGHTING:~~ The size, location, design and nature of signs, if any, and the intensity and direction of area floodlighting shall be detailed in the application.

~~13.78.130: SITE PLAN REQUIREMENTS:~~ The applicant shall submit a planned unit development plan for the total area within the proposed development. ~~If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases. The general site plan shall show, where pertinent:~~

- ~~A. The use or uses, dimensions, sketch elevations and locations of proposed structures;~~
- ~~B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces;~~
- ~~C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses; and~~

~~D. Such other pertinent information, including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter. (Ord. 2012 15, 9 20 2012)~~

~~13.78.140: FEES: See title 3 of this code for the planned unit development and subdivision fees. (Ord. 2012 15, 9 20 2012)~~

~~13.78.150~~110: **CONSTRUCTION LIMITATIONS:**

A. *Compliance with Plan:* Upon approval of a planned unit development, construction shall proceed only in accordance with the ~~plans~~ site plan, subdivision, conditional use permit, and all specifications approved by the planning commission, and in conformity with any conditions attached by the commission to its approval.

B. *Amendments:* Amendments to approved plans and specifications for a planned unit development shall be approved by the planning commission and shown on the approved plans.

~~C. Building Permit: The building inspector or any other city department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.~~

~~D. Certificate Of Occupancy: The community development director shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.~~

~~13.78.160: PLAN REVIEW AT PUBLIC MEETING:~~

~~Preliminary development plans, including site plan (buildings, open space, parking, landscaping, pedestrian and traffic circulation), building elevations and general drainage and utility layout with topography shall be submitted for the purpose of staff analysis and planning commission review at a regularly scheduled meeting. (Ord. 2012 15, 9 20 2012)~~

~~13.78.170~~120: **SCOPE OF PLANNING COMMISSION ACTION:** In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. *Qualified Design Team:* It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.

B. *Minimum Control Intended:* It is not the intent of this chapter that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. *Decision of Planning Commission; Appeal:* ~~The planning commission may approve or disapprove an application for a planned unit development.~~ In approving an application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this title. The action of the planning commission may be appealed to the city council as allowed by Section 13.08.040H of this Title.

DRAFT

1 **Additional changes required with this amendment.**

2

3 Chapter 13.100

4 **APPENDIX A- ALLOWED USES**

5

	All FR	R-1-4, R-1-8, R-1-10, R-1-15	R-1-21, R-1-43, R-1-87	R-2-8/ R-2-10	R-M	O-R-D	P	NC	C-1	C-2	HV	R/M-U	LU
<u>Planned Unit Development</u>	=	=	=	=	=	=	=	=	<u>C</u>	<u>C</u>	-	See SDMP	See <u>chapter 13.63</u> of this title
Nonresidential planned unit development	-	-	-	-	C	<u>C</u>	-	-	<u>C</u>	<u>C</u>	-		
Residential planned unit development	C	C	C	C	C	-	-	-	-	-	-		

6



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: February 6, 2014

AGENDA ITEM:

SUBJECT: PLANNED UNIT DEVELOPMENT

SUBMITTED BY: PLANNING COMMISSION

SUMMARY:

After the discussion with several developers during 2013, the Commissioners agreed that a review of the Planned Unit Development chapter was needed. Staff did some research and reviewed with the Commissioners several other ordinances from cities throughout the region. After this discussion, the Commission recommended drafting an amendment to the current ordinance based on the following:

1. The current text needed to be updated to follow the new entitlement procedures chapters adopted in 2012.
2. The current text needed some stronger “purpose” language to guide future decisions by the Commission and give direction for applicants.
3. The area requirements should be based on the various zones, not on a one-size-fits-all standard.
4. Current standards regarding use regulations, density and building heights should remain in the text but could be further strengthened.

The draft text attached has the following additions or changes from the current ordinance:

1. A PUD must be approved as a conditional use by the PC.
2. Site plans and or subdivisions for a PUD are reviewed and approved as a “three-step” project as required by the new entitlement language. Site plan requirements are removed and references to the appropriate new entitlement chapters are referenced.
3. Specific objectives are included in the purpose section by which the PC can evaluate an application for a PUD.
4. A new table listing the minimum area requirements for a PUD has been included. Area requirements are zone specific and are based on doubling the minimum lot area for that zone. Commercial PUD’s do not have a required area.
5. Language has been added to require compliance with the zone standards “wherever possible” with the following additional clarifications;
 - a. Graduated height requirements are still required, and,
 - b. The area used for any density calculations cannot include public or private roadways. *An in-depth discussion by the Commissioners regarding methods for calculating densities resulted in the inclusion of this language.*

RECOMMENDATION:

On January 7, 2014 the Planning Commission held a public hearing on this matter. No comments from the public were offered. The Commissioners voted unanimously to recommend the adoption of the amended chapter.

CONTACT: Paul Allred, Pat Hanson

EXHIBITS:

1. Draft text
2. PC minutes (when available)

CHAPTER 13.50

RESIDENTIAL OFFICE ZONE- RO

SECTIONS:

- 13.50.010: Purpose
- 13.50.020: Residential Office Zone (RO) Established
- 13.50.030: Primary Uses
- 13.50.040: Accessory Uses
- 13.50.050: General Development Standards
- 13.50.060: Setbacks
- 13.50.070: Buffer Standards for Development Abutting a Residential Property
- 13.50.080: Parking and Access Requirements:
- 13.50.090: Storage and Display Areas
- 13.50.100: Screening
- 13.50.110: Lighting
- 13.50.120: Landscaping
- 13.50.130: Perimeter Wall
- 13.50.140: Public Improvements
- 13.50.150: General Maintenance
- 13.50.160: Hazardous Activities
- 13.50.170: Signs
- 13.50.180: Review by the Design Review Board
- 13.50.190: Design Guidelines
- 13.50.200: Administrative Relief

13.50.010: **PURPOSE:** The purpose of the Residential Office (RO) zone is to allow for the reuse of those properties which have frontage on busy streets where single-family residences are no longer economically feasible nor desirable. This zone is intended as a transition between established residential neighborhoods and the existing commercial developments along these corridors.

Primarily, the RO zone standards are designed to preserve existing housing stock by allowing the conversion of residential properties to such nonresidential uses that have less impact on the surrounding properties than typical commercial uses. The conversion of a single family home to a small professional office or other nonresidential use is a less intrusive type of development when compared to new construction and is better able to maintain the existing residential character of the streetscape. While, new construction is allowed in the RO zone, it should be the exception, not the rule, and new structures and uses within this zone must be compatible in scale and character with surrounding residential development.

13.50.020: **RESIDENTIAL OFFICE ZONE (RO) ESTABLISHED:** The following zone is established:

- A. Residential Office Zone (RO): The purpose of the RO zone is to set standards for areas where restricted and limited, small scale, non-retail, low impact office uses are allowed adjacent to residential areas.
- B. Rezone Requests: In evaluating any re-zone application for this zone, preference shall be given to those properties which:
 1. Have frontage on principal or minor arterial street as shown on the City of Holladay Roadway Classification map (eighty feet wide or greater).
 2. Occur within a General Plan District of either Professional Office, Office/Residential,

Commercial, or are within the Highland Drive Master Plan area, and:

- 3. Will result in an upgrade of the building and/or site.

13.50.030: PRIMARY USES:

A. The permitted and conditional uses allowed in Residential Office (RO) zones shall be as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this Title. Any primary land use not shown as a permitted or conditional use in chapter 13.100, "Appendix A - Allowed Uses", of this Title shall be prohibited.

B. Combined Uses: Any combination of uses may be established within the same building or on the same lot or parcel. If any of the proposed uses is a conditional use, that use shall be reviewed and approved by the Planning Commission as required by section 13.08.040 of this Title.

13.50.040: ACCESSORY USES: Permitted and conditional uses set forth in chapter 13.100, "Appendix A - Allowed Uses", of this Title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such primary uses allowed by chapter 13.100, "Appendix A - Allowed Uses", of this Title.

A. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the zone except as otherwise expressly provided in this Title.

B. No accessory use, building or structure shall be allowed on a lot or parcel unless a primary permitted or conditional use is currently established on the parcel, except as allowed by section 13.09.020 of this Title.

C. Specific accessory uses allowed in the residential office (RO) zones are as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this Title.

D. Accessory uses and buildings customarily incidental to a permitted or conditional use may be allowed in the Residential Office (RO) zones, provided the total footprint square footage of all accessory buildings does not exceed the maximum square footage as allowed in section 13.14.110 this Title.

13.50.050: GENERAL DEVELOPMENT STANDARDS: Development standards in the RO zones shall be as set forth in table 13.50.061 of this section.

TABLE 13.50.051

<u>STANDARD</u>	
<u>Lot area</u>	<u>No minimum</u>
<u>Lot width</u>	<u>No minimum</u>
<u>Lot frontage</u>	<u>No minimum</u>
<u>Maximum impervious surface coverage</u>	<u>60 percent¹</u>

<u>Maximum aboveground square feet</u>	<u>New construction-</u> <u>3,500 per main building</u>
	<u>Existing structures –</u> <u>No limit</u>

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1. The total percent impervious coverage may be increased through the use of approved permeable or porous surfaces no more than an additional ten percent (10%) as allowed in section 13.50.200 of this Chapter.

5

TABLE 13.50.052

<u>MAXIMUM BUILDING HEIGHT</u>	
<u>Lot Area In Square Feet</u>	<u>Maximum Height In Feet</u>
<u>Less than 15,000</u>	<u>32</u>
<u>15,001 to 1 acre</u>	<u>35</u>
<u>Over 1 acre</u>	<u>40</u>

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13.50.060: SETBACKS:

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A. Purpose: The spacing of buildings and structures away from property lines and rights-of-way play an important part in the look and feel of a neighborhood. The Residential Office (RO) zone standards are intended to allow small nonresidential development along busy streets but to maintain the look and feel of the street’s original residential character. Setbacks should be influenced by those required by the previous residence while allowing flexibility for requirements associated with nonresidential development such as parking, security lighting and trash disposal. As with the residential zones, setbacks should vary proportionally depending upon the size and shape of the properties and also upon the type of the existing and proposed land use. In some instances setbacks should be uniform assuming there is a specific desired outcome for the setback, such as protection of views, public safety, economic development, etc. In other instances, variability and flexibility of setback may produce equally important outcomes such as the protection of natural features, aesthetically pleasing streetscapes, creativity in architectural design, and retention of fragile housing stock or other important goals.

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B. Implementation: Averaging of setbacks in all yard areas shall be allowed. Variations across the setback line may not exceed fifteen percent (15%) of the minimums required. Calculation of the average shall require at least ten (10) equally spaced measurements across any one "building line", as defined in section 13.04.040 of this Title, and shown in figure 13.14.051 of this Title.

30

31

C. Setbacks for new structures within the RO zone shall be as shown on table 13.05.051.

32

33

TABLE 13.05.061

<u>Setback</u>	<u>Setback</u>
<u>Side - abutting commercial property line</u>	<u>See section 13.14.056</u>

<u>Side - abutting residential property line</u>	<u>See section 13.14.056</u>
<u>Rear - abutting commercial property line</u>	<u>See section 13.14.052</u>
<u>Rear - abutting residential property line</u>	<u>See section 13.14.052</u>
<u>Front</u>	<u>See section 13.14.054</u>
<u>Corner side abutting a public street</u>	<u>20 Ft.</u>

1
2
3 **13.50.070: BUFFER STANDARDS FOR DEVELOPMENT ABUTTING A RESIDENTIAL**
4 **PROPERTY:** The following additional development standards shall apply to all
5 developments and redevelopments within the RO zone:

- 6
7 A. Building height shall not exceed the design envelope created by starting at a point eight
8 feet (8') above the ground at the residential property line and then sloping along a plane
9 at a forty five degree (45°) angle toward the center of the lot.
10
11 B. For developments in the RO zone, a five foot (5') wide landscaped buffer strip shall be
12 provided abutting and parallel to the perimeter wall.

13
14 **13.50.080: PARKING AND ACCESS REQUIREMENTS:** Parking in the RO zones shall be
15 exempt from the provisions of Chapter 13.80 of this Title unless otherwise specified by the
16 standards of this section.

- 17 A. Parking Required: There shall be provided at the time any building or structure is erected
18 or enlarged or increased in capacity, or any use is established, off street parking spaces
19 for automobiles in accordance with the requirements in this chapter.
20
21 B The number of parking spaces required for any use(s) allowed by in the RO zone shall
22 be:
23 1. One (1) space for each employee,
24 2. One (1) space for each customer at the business(s) during the peak business
25 hour, and
26 3. Up to a maximum of four stalls per 1000 square feet (4/1000 SF) of leasable
27 space in any main building.
28 C. The number of access points along public rights of way should be minimized. On corner
29 sites, access points shall be located as far from the corner as reasonably possible and in
30 no case less than forty feet (40') from the intersection of the asphalt lines.
31
32 D. Vehicular circulation shall be designed to preclude the intrusion of traffic directly into
33 residential areas.
34
35 E. No parking may be located within the first twenty (20) feet of a front setback area or
36 within the corner side setback area which faces on a street.
37
38 F. No parking shall be located in such a manner as to allow direct backing into oncoming
39 traffic.
40
41 G. The maximum driveway width for developments in the RO zone is thirty-five feet (35') at
42 the property line.
43

1 H. All parking for the use(s) allowed on a parcel or lot in the RO zone shall be located on the
 2 same lot or parcel as the use.

3
 4 I. All required parking stalls shall meet the parking design standards in section 13.80.030 of
 5 this Title.

6
 7 **13.50.090: STORAGE AND DISPLAY AREAS:**

8
 9 A. Storage areas shall be paved with hard surface paving (unless otherwise approved by
 10 the Planning Commission) and screened with opaque fencing and/or landscaping at least
 11 six feet (6') in vertical height.

12
 13 B. No outside displays (either permanent or temporary) shall be permitted.

14
 15
 16 **13.50.100: SCREENING:**

17
 18 A. *Trash Enclosures:*

19
 20 1. No commercial type dumpsters or trash enclosures are allowed in the RO zone.

21
 22 2. All waste and trash shall be secured and disposed of in the same manner as a
 23 single-family residence.

24
 25 B. *Mechanical Equipment:* All noise emitting equipment shall be placed so as to minimize
 26 noise, and visual impact on nearby properties and streets.

27
 28 C. *Utility Lines:* All new utility lines such as electric, telephone, CATV, or other similar lines
 29 servicing individual sites shall be placed underground. Utility lines necessary within the
 30 property shall be placed underground. All utility lines shall be placed underground in new
 31 construction projects that require building permits and site redesign. All junction and
 32 access boxes shall be located to the side or the rear of the building unless public safety
 33 concerns dictate otherwise. All utility pads shall be shown on the project plan. Any utility
 34 connections, meter boxes, etc., shall be integrated with the architectural elements of the
 35 project plan.

36
 37 **13.50.110: LIGHTING:**

38
 39 A. *Intent:* is the intent of this subsection to encourage lighting practices and systems that
 40 minimize light pollution, glare and light trespass, conserve energy and resources, and
 41 maintain nighttime safety and utility while ensuring the enjoyment of a starry night for all
 42 members of the community.

43
 44 All site lighting shall be shielded and/or directed in such a manner that it illuminates only
 45 the user's premises and does not spill over into neighboring residential areas so as to
 46 interfere with the peaceful enjoyment of the residential properties.

47
 48 B. *Site Illumination Plan:* A site illumination plan shall be submitted with each site plan
 49 review application which includes:

50
 51 1. All proposed exterior lighting in relation to existing and proposed buildings, trees,
 52 landscaping, parking areas;

53
 54 2. Proposed mounting height and placement of all exterior lighting fixtures.

55
 56 3. Compliance with the adopted International Building Code standards.

1
2 C. *Lighting Installations:* Lighting installations shall include timers, dimmers and/or sensors
3 to reduce overall energy consumption and eliminate unneeded lighting.

4
5 D. *Architectural Feature Lighting:* Architectural feature lighting including wall washers
6 spotlights are permitted. All building entrances should be well lit to provide inviting access
7 and safety.

8
9 E. *Nonconforming Fixtures:* Except where otherwise noted, all outdoor lighting fixtures
10 existing and legally installed and operative before the effective date of this Title are
11 exempt from the requirements of this subsection. Whenever a nonconforming fixture is
12 replaced, upgraded or moved, the replacement fixture shall meet the requirements of this
13 Title.

14
15 **13.50.120: LANDSCAPING:**

16
17 A. The first twenty feet (20') in depth of the front setback and/or front yard shall be planted
18 with live plant material and include a permanent irrigation system.

19
20 B. Other setback areas which abut a public street shall be landscaped and maintained with
21 live plant material and include an permanent irrigation system.

22
23 C. The owner, tenant and/or any agent shall be responsible for the maintenance of all
24 landscaping in good condition and free from refuse and debris so as to present a healthy,
25 neat and orderly appearance.

26
27 D. The use of indigenous plant species proven adaptable to the local climate is encouraged
28 in all landscaping plans and all plans should include measures to reduce overall water
29 consumption. (A suggested plant list is available through the community development
30 department.) Wherever possible, existing prominent trees should be preserved. Where
31 practical significant vegetation should be protected during any development activity.
32 Significant vegetation also includes large groves of small trees or clumps or rows of oak,
33 maple, cottonwood, hickory and spruce.

34
35 E. New deciduous trees shall have a minimum caliper of one and three-fourths inches
36 (13/4"). Evergreens shall be a minimum of six feet (6') high.

37
38
39 **13.50.130: PERIMETER WALL:**

40
41 A. The project area may be required to have a screened privacy fence along all rear and
42 side yards not fronting on a public street, but which abut a residential zone or a
43 residential use.

44
45 B. This requirement may be waived by the planning commission upon a determination that
46 the fence is not necessary to buffer the abutting use. Such screening shall not be located
47 in the required setback from a public street.

48
49 **13.50.140: PUBLIC IMPROVEMENTS:**

50
51 A. The developer of the project shall be responsible for the dedication and improvement of
52 all off site public improvements that do not presently exist according to the width of the
53 ultimate right of way, as called out in the roadway classification map of the Holladay city
54 general plan. If a property has multiple street frontages, improvements are required along
55 all streets. Such improvements shall include, but are not limited to: curb, gutter, sidewalk,
56 streetlights, drive approaches, waterways, road base, asphalt, striping, streetscape,

1 storm drainage, fire hydrants, laterals, piping of irrigation ditches and flood control
 2 systems, fencing of canals, extension of water lines, appurtenances and sewer lines,
 3 removal of utility lines out of the right of way (with the exception of traditionally buried
 4 lines such as sewer, water, and natural gas transmission lines), etc.

6 B. All required improvements shall be designed and installed by the developer according to
 7 the Holladay City standard specifications for public works construction and approved by
 8 the city engineer and city public works director.

10 **13.50.150. GENERAL MAINTENANCE:** Property (including all buildings, landscaping,
 11 fences, walls, drives, parking lot surfacing and striping, signs, or other structures) shall be
 12 maintained in good repair and in accordance with the approved site plan for the project.
 13 Rights of way and pavements shall be kept true to line and grade and in good repair.
 14 Drainage ditches shall be kept clean and free of any obstructions.

16 **13.50.160: HAZARDOUS ACTIVITIES:** No land or building devoted to uses authorized by this
 17 chapter shall be used or occupied in any manner so as to create noxious or objectionable
 18 fire, explosive or other hazards; noise or vibration, smoke, dust, or other form of air
 19 pollution, heat, cold, dampness, glare, electrical or other disturbance, liquid or solid
 20 refuse or waste, or other substance, condition or element in such a manner or in such an
 21 amount as to adversely affect the surrounding area or adjoining premises.

23 **13.50.170: SIGNS:** All signs in the RO zone shall comply with the regulations in chapter
 24 13.82 of this Title.

26 **13.50.180: REVIEW BY THE DESIGN REVIEW BOARD:**

28 A. Application: The conceptual design of any application for development located in the RO
 29 zone which requires approval by the planning commission shall be reviewed by the DRB
 30 as provided in this section.

32 B. Scope: A DRB review and recommendation is required for the following development in
 33 the RO zone:

- 34 1. All new building construction;
- 35 2. Any remodeling which increases the floor area of an existing building, or;
- 36 3. Any exterior remodeling of an existing main building.

38 C. Submissions: An application subject to design review shall include all of the following:

- 39 1. site plan,
- 40 2. building sections,
- 41 3. exterior elevations,
- 42 4. photographs of the subject or abutting properties,
- 43 5. perspective drawings,
- 44 6. description of building materials,
- 45 7. color samples,
- 46 8. exterior lighting designs,
- 47 9. fence plans,
- 48 10. signs,
- 49 11. landscaping plans.

51 D. Recommendation: The DRB shall review the proposed conceptual design plan for
 52 compliance with the RO design guidelines set forth in section 13.50.190 of this chapter.
 53 At the conclusion of the review, the DRB shall make a recommendation to the Planning C
 54 ommission to accept the design concept as submitted, provisionally accept the design concept
 55 subject to plan revisions necessary to achieve compliance with the design guidelines, or

1 continue design concept for preparation of a new design concept if the concept is
2 substantially out of compliance with the design guidelines.

3
4 **13.50.190: DESIGN GUIDELINES:**

- 5
6 A. *Purpose:* The purpose of this section is not to restrict architectural freedom in new
7 buildings, nor choose any one specific architectural style for any particular property or
8 street but to address the appropriate design, size and scale of a structure given its
9 context within the surrounding neighborhood. Two (2) factors influence the perception of
10 mass and scale of a structure: the physical relationship of the structure to the size of the
11 adjacent structures and the physical distance between structures.
- 12
13 B. *Limitation:* To avoid any large, continuous building mass of uniform height, no portion of
14 any new building shall continue more than forty feet (40') horizontally without a minimum
15 of an eighteen inch (18") break in the roofline and/or an articulated architectural element
16 such as overhangs, projections, insets, material and textural changes, or other
17 architectural elements used to create shadow patterns along the elevation of the building.
18 The maximum length of any blank wall uninterrupted by windows, doors or architectural
19 detailing at the first floor level shall be fifteen feet (15').
- 20
21 C. *Second Story Locations:* Second story portions of a building shall be designed with
22 adjacent structures in mind. Reduction in the overall scale of the building can be
23 accomplished by the use of varied upper story setbacks, providing significantly larger
24 setbacks for the entire structure and/or placement of the major portion of the second
25 story over the rear portion of the first story.
- 26
27 D. *Facade Embellishment:* Any building wall visible from a public right of way shall
28 incorporate architectural design embellishments which are compatible with other publicly
29 visible parts of the building. Embellishments dividing the facade visually may include
30 windows, a recessed entrance or other appropriate variations as approved by the DRB.
- 31
32 E. *Window and Door Designs:* Windows and doors shall be used to define the character of
33 buildings by giving scale to the building and providing visual interest to the composition of
34 individual facades. Distinct window and door designs should be used to help define
35 building styles. There must be provided at least one operable building entrance per
36 elevation that faces a public street.
- 37
38 F. *Awnings And Canopies:* Awnings and canopies should contribute to the architectural
39 theme and shall be integrated within the building design. Awnings should be constructed
40 of traditional materials and located over windows and doors. Backlit awnings are
41 prohibited.
- 42
43 G. *Building Materials:* Building exteriors shall be constructed from high quality and durable
44 materials. It is important that the materials and colors will weather well and need minimal
45 maintenance.
- 46
47 1. Acceptable exterior finish materials include the following:
48 a. Painted, stained or weathered wood siding such as, 4-S shingles, board and
49 batten and clapboard;
50 b. Artificial wood siding such as painted cementitious fiberboard;
51 c. Brick or natural stone;
52 d. EIFS (synthetic stucco) (not more than 50 percent of all exterior finished surfaces);
53 e. Stucco;
54 f. Synthetic stone; and
55 g. Architectural finish or decorative faced concrete masonry units (CMUs).
56

1 2. Materials not listed above shall be prohibited unless determined to be part of a strong
2 architectural design theme.

3
4 H. Roofs: The character of a roof is a major feature for a structure. The roof pitch, its
5 materials, size and orientation are all distinct features that should contribute to the
6 residential character of the building. Shadows created by traditional overhangs should
7 contribute to the perception of a building's scale. Roof designs should relate to the
8 building facade articulations.

9
10 Roof materials should be in keeping with the character of the architectural style of the
11 building. Recommended roof materials include slate shingles, asphalt and fiberglass
12 shingles, metal standing seam or tiles. Crickets or other snow guard devices should be
13 placed in such a way that does not alter the form of the roof as seen from the street.

14
15 I. Building orientation: Building orientation shall be to the front or corner side yard.

16
17 J. Remodeling or Additions: Remodeling or additions to residential buildings shall be
18 allowed only if the residential character of the exterior is maintained. Building additions
19 shall consist of materials, color and exterior building design consistent with the existing
20 structure.

21
22 **13.50.200 ADMINISTRATIVE RELIEF:** The city recognizes that the specific landscape
23 requirements set forth herein cannot and do not anticipate all possible landscape situations.
24 A certain amount of flexibility in the application of such requirements is necessary in cases
25 where the requirements are inapplicable or inappropriate to a specific use, design or site
26 proposal. A written request for relief may be submitted to the Land Use Authority in
27 conjunction with the applicable development proposal, including an explanation of the
28 findings and justification necessary to grant administrative relief.

29
30 A. The Land Use Authority as part of a site plan approval may reduce the minimum needed
31 landscaping up to ten percent (10%) after taking into consideration:

32
33 1. The location and size of parking lots and/or structures, the layout of the buildings, the
34 topography and geometry of the site and other environmental factors;

35
36 2. The exclusion of natural areas for reasons of preservation;

37
38 3. A commensurate or additional percent of landscaping is being provided in an abutting
39 right of way by permission of the owner of the right of way.

40
41 4. An increase of the impervious surface coverage has been accomplished by the methods
42 shown in section 13.14.080 C, table 13.14. 080 C of this Title;

43
44 B. The Land Use Authority shall document in writing any such findings granting
45 administrative relief.

46

1 13.04.040: **DEFINITION OF TERMS:**

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3
4 SIGN, MONUMENT: A sign supported by a fixed, permanent frame support in the ground. A
5 freestanding sign which is attached directly to the ground and supported by a base, the width of
6 which should be at least 50 percent (50%) of the width of the sign.

7
8 LIVE/WORK: A building or spaces within a building used jointly for a primary commercial or
9 manufacturing use as allowed by the zone and a residential use where the residential use of the
10 space is secondary or accessory to the primary use as a place of work.

11
12 13.03.040: **SUBMISSIONS REQUIREMENTS FOR ALL OTHER LAND USE**
13 **APPLICATIONS:**

14
15 H. Review by the Design Review Board: For any land use application that requires review
16 by the Design Review Board under the provisions of this Title the following shall be submitted:

- 17 1. A conceptual site plan as required by subsection 13.03.020 A of this chapter;
- 18 1. exterior elevations;
- 19 2. photographs of the subject or abutting properties;
- 20 3. perspective drawings;
- 21 4. description of building materials;
- 22 5. color samples; and
- 23 6. exterior lighting designs;

24
25
26 13.11.020: **ZONES ESTABLISHED:**

27 For the purpose of this Title, the city is divided into the following classes of zones:

- 28 Forestry and recreation zone FR-0.5
- Forestry and recreation zone FR-1
- Forestry and recreation zone FR-2.5
- Forestry and recreation zone FR-5
- Forestry and recreation zone FR-10
- Forestry and recreation zone FR-20
- Residential zone R-1-4
- Residential zone R-1-8
- Residential zone R-1-10
- Residential zone R-1-15
- Residential zone R-1-21
- Residential zone R-1-43
- Residential zone R-1-87
- Residential zone R-2-8
- Residential zone R-2-10
- Residential zone R-M
- Residential Office zone RO
- Office, research park and development zone O-R-D
- Public use zone P

Neighborhood commercial zone	NC
Commercial zone	C-1
Commercial zone	C-2
Limited use zone	LU
Regional/mixed-use zone	R/M-U
Holladay Village zone	HV
Foothills and canyons overlay zone	FCOZ

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13.82.210: SIGNS ALLOWED:

Signs allowed, by zone, shall be as set out in the following chart:

Signs Allowed In The RO Zone				
Sign	Size	Height	Location	Other
<u>Awning/canopy</u>	<u>Maximum 5% of a wall area may be covered with an awning or canopy, and 50 % of an awning or canopy may be covered with graphics.</u>			<u>Attached to building. May not extend above top of facade. Primary graphics on face or street side of structure.</u> <u>Must count toward the maximum overall wall signage allowance*.</u>
<u>Monument</u>	<u>1 per lot, 24 square feet maximum.</u>	<u>5 feet maximum</u>	<u>Must be located in a landscaped area no less than twice the area of the sign allowed.</u>	<u>May be externally illuminated but must comply with lighting requirements of section 13.50.110 of this Title.</u>
<u>Real estate</u>	<u>6 square feet maximum</u>	<u>3 feet maximum when freestanding</u>	<u>On private property</u>	<u>Only 1 sign allowed per lot. Signs must be removed within 7 days of the sale or lease of the property in question</u>
<u>Wall*</u>	<u>Maximum 5% percent of one wall area visible to a principal or minor arterial street.</u>		<u>Attached to a building. May not extend above the building parapet, soffit, eave line or roof of the building</u>	<u>Signs not allowed on elevations exposed to residential properties. Brushed metal letters, reverse pan channel or pan channel letters only. May be illuminated but must comply with lighting requirements of section 13.50.110 of this Title.</u>

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**13.100: APPENDIX A
Table of Allowed Uses**

C=Conditional Use P= Permitted Use - = not allowed

	RO Zone
AGRICULTURE	
Agriculture	-
INDUSTRIAL & MANUFACTURING	
Building Materials Sales and Services	-
Disinfecting & Exterminating	-
Educational & Scientific Research, Medical/Dental Laboratories	<u>C</u>
Landscaping Installation & Maintenance	-
Manufacturing	<u>C</u>
Self-Service Storage	-
TRANSPORTATION, COMMUNICATIONS, & UTILITY FACILITIES	
Public Parking	-
Local, Suburban and Interurban Transportation	-
Radio & Television Broadcasting Studio	-
Utility Company, Public	-
Utility Facility Company	-
Wireless Telecommunications	-
RETAIL	
Alcoholic Beverage Retail Sales:	-
Brewery	-
Club, Equity	-
Club, Fraternal	-
Club, Dining	-
Club, Social	-
Off- Premise	-
On-Premise Banquet and Catering	-
On- Premise Beer Retailer	-
Restaurant - Full Service	-
Restaurant- Limited Service	-
Special Event Permit	-
Drug store (Pharmacy)	-
Gas Station	-
Groceries/Food	-
Motorcycle Sales, Rental	-
Motor Vehicle Sales, Rental (new only)	-
Neighborhood Market, Large	-
Neighborhood Market, Small	-

Nursery, Garden Center	-
Recreational Vehicles Sales, Rental	-
Restaurant	-
Retail, General	-
Sexually Oriented Business	-
SERVICES	
Banking & Credit	-
Commercial Daycare, Preschool	-
Commercial Kennel	-
Commercial Stable (on lots of one [1] acre or more)	-
Dry Cleaning ¹⁵	-
Educational Facility, Private	<u>C</u>
Equipment Rental & Leasing	-
Funeral Home, Crematory	-
Hospital	-
Laundry, self-service, Alteration & Apparel Repair	-
Medical, Dental, & Related Health	<u>C</u>
Motor Vehicle Repair	-
Nonresidential Treatment Facility	-
Permanent Cosmetics	-
Personal Service	-
Pet Grooming/Pet Daycare	-
Professional & Business Services	<u>C</u>
Reception Center	-
Small Engine Repair, Appliance, Electrical, & Machine Repair	-
Veterinary Services	<u>C</u>
ENTERTAINMENT & RECREATION	
Arcade	-
Auditorium, Exhibit Hall, Convention Center	-
Motion Picture Theater, Live Theater	-
Private Nonprofit Recreational Grounds & Facilities	-
Professional, Fraternal & Social Association	-
Recreation, Commercial, Indoor	-
Recreation, Commercial, Outdoor	-
Recreation, Fitness Center	-
RESIDENTIAL	
Bed & Breakfast	-
Dwelling,	-
Multiple-family	-
Single-family	-
Two-family	-
GROUP QUARTERS:	-
Assisted Living Facilities-Type I	-
Large	-

Small	-
Limited	-
Assisted Living Facilities-Type II	-
Large	-
Small	-
Limited	-
Nursing Home	-
Residential Facilities for Persons with a Disability	-
Residential Facility for Elderly Persons	-
Live/Work	P
Temporary Lodging, Hotel, Motel, etc.	-
PUBLIC	
Cemetery	-
Charter School	-
Educational Facility, Public	-
Public Use	-
Quasi-Public Use	-
Accessory Uses*	
Drive-through	-
Family Food Production	-
Flea Market/Farmers Market	-
Guest house and/or caretaker quarters	-
Home Daycare/Preschool,	-
Home Daycare/Preschool, Small	-
Home Occupation	-
Household pets	-
Livestock, large	-
Livestock, small	-
Merchandise Vending Machine, outside	-
Outside Dining	-
Outside Display	-
Outside Storage	-
Resource Recycling Collection	-
Seasonal Sales	-
Short term rental	-
Sportsman' Kennel/Animal Hobby Permit	-
Stable, Private	-
Temporary buildings incidental to construction, incl. living quarters for security	-
Temporary Sales/Use	-
Miscellaneous Uses	
Non-Residential Planned Unit Development	-
Residential Planned Unit Development	-



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE:

AGENDA ITEM:

SUBJECT: Residential Office Zone

SUBMITTED BY: Planning Commission

SUMMARY: The Planning Commission has been working on a draft of a new zone, Residential Office (RO) that would allow the conversion of single family homes on very busy streets to be converted to small, low intensity non-residential uses. The new chapter was called for in the Highland Drive Corridor Master Plan and the Commission has recommended unanimously the attached text.

Overall the proposed standards include:

- Lot requirements that are kept to a minimum because of the nature of redevelopment on existing lots.
- Maximum impervious surface coverage at 60%, with a 10% additional coverage allowance when complying with the table already in use in the residential zones.
- Building heights and setback that strictly follow the R-1 zone allowances.
- Parking is set by the number of employees and customers with a maximum number allowed. No parking is allowed in the front setback area of a lot (the first 20'). This should contribute to the overall residential feel of the streetscape.
- The zone regulations only allow for residential type trash containers so that the pick-up of refuse will not require a large, commercial type vehicle to enter the premises. Some outside storage is allowed if it is screened but the zone prohibits outside displays of merchandise. Both regulations clearly support the intent of the zone to require more intense uses to locate in the commercial zones.
- Lighting regulations are modeled on the HV zone but are much simpler. A lighting plan is required for any site plan approval by the PC.
- Landscaping requirements are simple; all setback areas adjacent to a public street must be landscaped. This is standard language in many zones but forces the placement of parking areas away from the street. Also, a 5' landscaped buffer on the sides and rear is required.
- The zone allows new construction but these projects as well as exterior remodels must go the DRB for architectural review and recommendation prior to approval by the PC.

RECOMMENDATION: The Planning Commission held a public hearing on this matter on April 16, 2013. Several citizens spoke in favor of the proposal. The Commission continued the public hearing through their May 21st meeting. Other comments were heard from the community, primarily in support of the proposal. At that meeting, the Commissioner voted unanimously to recommend adoption of the new Chapter.

CONTACT PERSON: Paul Allred or Pat Hanson

ATTACHMENTS: Proposed text

1 **13.76.400: DEVELOPMENT NEAR WATERWAYS:**
2

3 A. *Buildable Areas.* Any buildable area or portion of a buildable area, fence or structure shall
4 not be closer than twenty feet (20') to any manmade drainage, fifty feet (50') to an
5 ephemeral stream or natural drainage channel, or one hundred feet (100') to a perennial
6 streams; Cottonwood Creek, Mill Creek or Spring Creek without approval of a special
7 exception as follows:
8

9 1. The Community Development Director, with the consent of upon recommendation
10 from the City Engineer and the concurrence of any state or federal regulatory body with
11 jurisdiction over such waterways may approve special exceptions to buildable areas that are
12 within;

13 a. Twenty feet (20') to any manmade drainage;

14 b. Fifty feet (50') to an ephemeral stream or natural drainage channel, or;

15 c. One Hundred (100) feet to Fifty (50) feet of Cottonwood Creek. Mill Creek
16 or Spring Creek.
17

18 2. The Planning Commission may grant an exception for a buildable area closer than
19 fifty feet (50') to Cottonwood Creek or Spring Creek with the consent of as per procedures
20 set forth in chapter 13.08 and based upon recommendations from the City Engineer and the
21 Community Development Director and the concurrence of any state or federal regulatory
22 body with jurisdiction over such waterways.
23

24 B. *Modification of Existing Waterway.* Existing waterways including ~~irrigation ditches,~~
25 irrigation pipes, storm drain channels, storm drain pipes, and related facilities shall be
26 preserved in function and capacity and a permit is required for any modification to any such
27 waterway.
28

29 C. *Piping of Existing, Canals and Ditches.* Irrigation ditches, also know as "Laterals", and
30 canals were historically designed and used as open-channel water conveyances, however,
31 urban encroachment has created a need to pipe these facilities. Piping of existing open-
32 channel facilities is permissible subject to the following:
33

34 1. A permit is required for changing any irrigation canal or ditch, means of conveyance
35 or alignment. Applicant shall provide necessary details to the City Engineer and certify that
36 the proposed changes will not adversely impact the capacity or functioning of the canal or
37 ditch, nor hinder the ability to deliver water to those with a water right.
38

39 2. The permit will be subject to the review and approval of the City Engineer.
40

41 3. Current and future landowner(s) are responsible for the perpetual and continual
42 maintenance and condition of the piping along and through the property.
43
44



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: February 6, 2014

AGENDA ITEM:

SUBJECT: Text Amendment to 13.76.400 - Stream Exception Approvals,
Canal Improvement Responsibilities

SUBMITTED BY: Jonathan Teerlink and Clarence Kemp

SUMMARY:

At the request of the planning commission a text amendment to 13.76.400 has been drafted by staff for discussion regarding construction projects within the 100 foot stream protection corridor of a perennial stream. It is proposed by the planning commission that some exceptions to the 100' stream protection corridor may be granted at the staff level, following the required review and recommendations by the city engineer IF the proposed project is 50' or further from the stream. Otherwise, requirements for construction that is proposed at 50' or less from such waterways will not change and require that the applicant appear before the planning commission for their approvals.

On January 7th the planning commission heard public comment regarding these two code amendments (See EXHIBIT "A"). The commission heard multiple concerns from citizens who would prefer that all projects proposed within the 100' stream protection buffer be heard in a public forum. In other words, apart from the proposal to required property owners to protect installed irrigation pipes, the public requests no other change to this section. The commission consequently moved to approved only a portion of the proposed ordinance amendment (Exhibit "B")

RECOMMENDATION:

Recommended by staff are amendments to and 13.76.400 with duplicate additions to 17.12.050 be also considered at this time. Currently, as development encroaches around open, man-made irrigation laterals, property owners often desire to enclose these laterals by the means of pipes or culverts. The concern of the city is that the property owners must own, maintain and prevent failure of this new infrastructure to ensure the proper conveyance of water to downstream users.

FISCAL IMPACT:

CITY OF HOLLADAY

RESOLUTION NO. 2014-____

**A RESOLUTION CONFIRMING APPOINTMENT OF ROBERT DAHLE
TO UNIFIED FIRE AUTHORITY BOARD.**

WHEREAS, the City Council (the “Council”) of the City of Holladay (the “City”) met in regular session on February 6, 2014 to consider, among other things, appointing a City representative to the governing Board (“Board”) of the Unified Fire Authority of Greater Salt Lake (the “UFA”); and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the residents of the City to appoint a City representative to the UFA Board; and

WHEREAS, Mayor Robert Dahle heretofore has served, and has expressed willingness to continue to serve as the City’s representative to the UFA Board; and

WHEREAS, the Council is familiar with Mayor Dahle and his qualifications to so act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Holladay that the Council hereby consents to, confirms and ratifies the appointment of Robert Dahle as the City’s representative to the UFA Board for the period of _____ through _____, and thereafter until his replacement is duly appointed.

PASSED AND APPROVED this 6th day of February, 2014.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, 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	___
Robert Dahle	Yea	___	Nay	___

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 6th day of February, 2014.

RECORDED this 6th day of February, 2014.

CITY OF HOLLADAY

RESOLUTION NO. 2014-____

**A RESOLUTION CONFIRMING APPOINTMENT OF ROBERT DAHLE
TO UNIFIED POLICE DEPARTMENT BOARD.**

WHEREAS, the City Council (the “Council”) of the City of Holladay (the “City”) met in regular session on February 6, 2014 to consider, among other things, appointing a City representative to the governing Board (“Board”) of the Unified Police Department of Greater Salt Lake (the “UPD”); and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the residents of the City to appoint a City representative to the UPD Board; and

WHEREAS, Mayor Robert Dahle heretofore has served, and has expressed willingness to continue to serve as the City’s representative to the UPD Board; and

WHEREAS, the Council is familiar with Mayor Dahle and his qualifications to so act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Holladay that the Council hereby consents to, confirms and ratifies the appointment of Robert Dahle as the City’s representative to the UPD Board for the period of _____ through _____, and thereafter until his replacement is duly appointed.

PASSED AND APPROVED this 6th day of February, 2014.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, 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	___
Robert Dahle	Yea	___	Nay	___

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 6th day of February, 2014.

RECORDED this 6th day of February, 2014.