

Providence City Planning Commission Agenda AMENDED
Providence City Office Building, 15 South Main, Providence UT 84332
April 27, 2016

The Providence City Planning Commission will begin discussing the following agenda items at 6:00 p.m.
Anyone interested is invited to attend.

Approval of the Minutes:

Item No. 1. The Providence City Planning Commission will consider for approval the minutes of April 13, 2016.

Action Items:

Item No. 1. Recommendation – Petition for Exception: The Providence City Planning Commission will consider for recommendation to the City Council, a Petition for Exception from the requirements of Title 11 Subdivision Regulations, filed by Tie Geng and Gary Meunier, for property located at approximately 438 North 300 East.

Item No. 2. Recommendation - Rezone: The Providence City Planning Commission will consider for recommendation to the City Council, a proposed rezone from Agricultural (AGR) to Single-Family Medium (SFM) for Parcel No. 02-115-0022, an 18.81-acre parcel located at approximately 1100 South 400 East, requested by Sierra Homes, LLC.

Study Items:

Item No. 1. Proposed General Plan Amendments and Use Chart Uses: The Providence City Planning Commission will discuss possible amendments for the zoning element of the Providence City general plan; including the definitions for zoning districts.

Item No. 2. Pending ordinance – Code Amendments to Providence City Code 10-6-1: The Providence City Planning Commission will consider code amendments to the Use Chart including but not limited to adding the words “counter top or” before the words “cabinet shop” in Item H. Industry and Manufacturing, Use 3.

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

Agenda posted by Skarlet Bankhead on April 26, 2016.

Amended agenda posted on April 26, 2016


Skarlet Bankhead
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) may be connected to the electronic meeting by teleconference.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

1 **Providence City Planning Commission Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT 84332**
4 **April 13, 2016 6:00 pm**

5
6 Chairman: Larry Raymond
7 Commissioners: Rowan Cecil, Robert James, Wendy Simmons
8 Excused: Heather Hansen
9

10 **Approval of the Minutes:**

11 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of February 24, 2016.

12 **Motion to approve the minutes of February 24, 2016: W Simmons, second – R James**

13 **Vote: Yea: R James, L Raymond, W Simmons**
14 **Nay: None**
15 **Abstained: None**
16 **Excused: H Hansen**

17 **Item No. 2.** The Providence City Planning Commission will consider for approval the minutes of March 9, 2016.

18 **Motion to approve the minutes of March 9, 2016 with the corrections as noted: R James, second – W Simmons**

- 19
 - Page 2, line 9 add word to before recommend.
 - Page 4 line 1 add that

20
21 **Vote: Yea: R James, L Raymond, W Simmons**
22 **Nay: None**
23 **Abstained: None**
24 **Excused: H Hansen**

25 **Item No. 3.** The Providence City Planning Commission will consider for approval the minutes of April 6, 2016.

26 **Motion to approve the minutes of April 6, 2016: R James, second – W Simmons**

27 **Vote: Yea: R James, L Raymond, W Simmons**
28 **Nay: None**
29 **Abstained: None**
30 **Excused: H Hansen**

31 Skarlet Bankhead swore in Rowan Cecil as a member of the Planning Commission.

32 **Public Hearing:** The Providence City Planning Commission will hold a public hearing to provide an opportunity for
33 anyone interested to comment on a proposed rezone from Agricultural (AGR) to Single-Family Medium (SFM) for
34 Parcel No. 02-115-0022, an 18.81-acre parcel located at approximately 1100 South 400 East, requested by Sierra
35 Homes, LLC, before action is taken.

36 Public hearing opened at 6:15 pm.

- 37
 - Matt Hansen, Sierra Homes, thought this was going back to staff for a rezone request to SFR (10,000 sf) minimum.
 - S Bankhead clarified that if Sierra Homes wants this to go back to staff, they will come back with a recommendation for SFT. S Bankhead explained to the audience that Sierra Homes is now willing to ask for a rezone for SFR. The review staff is asking for SFT.
 - L Raymond said that the zones surrounding this parcel are SFT or SFE. There is nothing less than SFT. He has had at least two requests to make this SFT and that follows the recommendation of the staff review committee.
 - R James clarified minutes from the previous meetings regarding SFT or SFR.
 - S Bankhead said the 10,000 sf option is no longer available in the flexibility lot sizing. The minutes are correct, but the ordinance has changed since then. SFT is all that can be requested.
 - Ryan Stolworthy, Hillsborough subdivision, has concerns about ingress/egress for the subdivision and infrastructure in the area in general. 400 East to Hillsborough is asphalt, but about 70 feet running south of Hillsborough is gravel. Presently 400 East is quite small. Not a lot of infrastructure to support the size of the development. What are the plans to mitigate these concerns? Are there plans to improve the dirt road? Will Sierra Homes put in a park?

- 1 • S Bankhead said this development will be required to improve 400 East, widen asphalt to the east, add
- 2 curb, gutter and park strip on the east side of the road. They will also be required to connect to 600 East
- 3 and Orchard Hills subdivision (470 East) connection. The plans for the dirt road are yet to be determined.
- 4 • L Raymond said the hearing is to change to a different zone, then the developer will have to submit a
- 5 preliminary plat which will go to public hearing, final plat will have to be approved.
- 6 • R Stolworthy said he would be willing to support SFL but not anything smaller.
- 7 • Tatia Nail asked why the developer is only required to do improvements on the east side of the street and
- 8 not the entire road.
- 9 • S Bankhead said the developer will increase the asphalt, but the city council decided a few years ago not
- 10 to require improvements on both sides of the road because of topography issues on that road. If and
- 11 when the west side of the road is developed, then that developer will be required to do improvements on
- 12 the west side of the street.
- 13 • Sheridan Peck asked about how many lots will be in this subdivision. He does not feel 400 East or Canyon
- 14 Road can take much more traffic. He is in support of development, but wants to see it developed in the
- 15 best way possible.
- 16 • R James said about 30, Matt Hansen said he didn't think it would be that many.
- 17 • George Bersonnet , Hillsborough Drive, calculates that there will be about 75 lots not 30.
- 18 • S Bankhead said they have to exclude property used for interior roads, that can't be used for density
- 19 calculations. The number of lots they can use caps at about 45, but depending on how they lay out the
- 20 subdivision, topography, etc., it still may only come to the amount they have designed for. Sierra Homes
- 21 can't go down to 10,000 sf, they have to stay at 12,000 sf. They may not even be able to get the maximum
- 22 allowed by ordinance.
- 23 • R James said there is no way to know many lots will be there until final plans are presented.
- 24 • S Bankkhead said the planning commission does not change the zone. They only make recommendations
- 25 as to what zoning the city council should consider and the city council will change the zone. The city
- 26 council will take their action in a public meeting, which everyone can attend that meeting.
- 27 • G Bersonnet said the north side of Hillsborough is 1 acre lot; there are no 12,000 sf lots there.
- 28 • Steve Curtis, lives on west side of 400 East, asked about water issues on this property.
- 29 • L Raymond said the city engineer confirmed that zone 2 has a water problem, so the developer will have
- 30 to determine how to bring adequate water to the development.
- 31 • S Bankhead said some of the additional lines will help support the water supply, but the city council will
- 32 also consider the water issue and what type of options they will look at for the water requirement, either
- 33 water dedication or a fee in lieu.
- 34 • S Curtis said when he built his home 4 years ago there was a concern of having enough pressure for water
- 35 if there were to be a fire.
- 36 • Matt Hansen said the water issue has not been resolved yet, it is a future issue that will be taken care of
- 37 in the platting process.
- 38 • Nate Webb, Hillsborough, asked if larger lots require more or less ingress/egress.
- 39 • S Bankhead said it will be the same either way.
- 40 • N Webb said he thinks there is a demand for half acre lots and asked if half acre lots are feasible. He feels
- 41 half acre lots would be the best option for traffic, salability, etc.
- 42 • M Hansen said Sierra Homes is not a semi-custom luxury home builder. They gear their market more
- 43 towards SFR or smaller. The half-acre market is not their target market.
- 44 • S Curtis asked if the water issue was something that could be resolved before the rezoning.
- 45 • L Raymond said planning commission cannot make that decision. When the developer submits the plan,
- 46 then they will need to address the issue.
- 47 • S Bankhead said city council looks at water concerns very carefully before they rezone.
- 48 • R James said state code has requirements for water pressure for fire protection. That may affect the lot
- 49 sizes even if this is rezoned SFT. SFT is a *minimum* lot size. Water does get reviewed very carefully.
- 50 • Debbie Parry asked what price range Sierra Homes is considering.
- 51 • M Hansen said \$350-\$450 range.
- 52 • J Drew said that last December when the idea was presented to the city, the smaller lots were about
- 53 23,000 sf.

- 1 • S Bankhead said she thought the range was from 12,000 to 21,000 sf. Some of the lots on the bend may
- 2 have been bigger.
- 3 • M Hansen said there are some large lots in there, substantially larger lots. There is a good mix of lot sizes.
- 4 • Todd Hendricks asked about smallest versus largest lot sizes.
- 5 • M Hansen said smaller lots are around 12,000 sf but this is based on conceptual information.
- 6 • Curt Webb, Hillsborough, said lot size does not determine the value of homes; restrictive covenants will
- 7 have more to do with home value than lot size. What is the vision for this subdivision?
- 8 • M Hansen said their website shows what types of home they build.
- 9 • S Bankhead said Sunrise Acres has Sierra Homes in that subdivision and it is zoned SFT.
- 10 • K Webb said he would like to see larger lots; his home value is diminished by a subdivision that is
- 11 significantly different than the surrounding zones.
- 12 • M Hansen suggested people go look at Mountain Gate Estates in Hyde Park.
- 13 • Jenni Stimpson, Hillsborough, asked about restrictive covenants regarding exterior coverings.
- 14 • M Hansen said hardy board brick, no vinyl siding, about 1,500 sf, two story, 3-car garage. Roof pitch to be
- 15 determined, but will be standard pitch. Sierra homes is a traditional home builder.
- 16 • T Nail asked about a \$1M home in Tremonton.
- 17 • M Hansen said Sierra Homes does a lot of custom homes, but he does not. Lots are 2 specs for every 3-4
- 18 ?? (unintelligible).
- 19 • T Nails said covenants and restrictions are on paper, but it is difficult to enforce.
- 20 • S Bankhead said the restrictive covenants is the HOA's responsibility, not Providence City or the building
- 21 department. We have no control over enforcing that. It depends on how HOA's are set up.
- 22 • G Bersonnet said if more homes go up, what about storm water. He has a concern about homes above
- 23 him sliding into his yard if we get a severe enough storm. Ingress and egress is also a concern
- 24 • L Raymond said the developer has to submit a preliminary plat, which the city will look at and then make a
- 25 recommendation.
- 26 • S Bankhead said the developer will have to provide for and address storm water. There are requirements
- 27 in the ordinance to provide for onsite storage for storm water.
- 28 • M Hansen said there will be an entrance at 400 East, one at 470 East, and on both sides of 600 East. That
- 29 is per city requirements, not Sierra Homes design.
- 30 • S Bankhead said 600 East will be a through street. That is how it is planned. 470 East will not going to be a
- 31 through street.
- 32 • Rob Cruz, 1056 S 470 E, what is the city going to do to fix 470 East; that is only a half lane from his house
- 33 down to Robert's home.
- 34 • M Hansen said he assumes Sierra Homes will be required to finish building the street. Half plus 10.
- 35 • L Raymond said Sierra Homes will have to submit a preliminary plat, which the city will review. This won't
- 36 be the last hearing.
- 37 • R Cruz said the city didn't consider it when his home was built. That's why there is half a street.
- 38 • S Bankhead said now the code requires 24' of asphalt.
- 39 • J Drew said as a rule, the city does not build roads, the developers do. If one side is not developed, the
- 40 city does not go in and finish the road.
- 41 • D Parry said there is a well back there, it is a private well.
- 42 • S Bankhead said it has not been dedicated to the city.
- 43 • Morris Poole, resident, would like to see SFE, at least SFL. Anything less will be a tragedy for the area.
- 44 • T Hendricks also would like to see SFL as a minimum. A minimum at least ensures a good value and
- 45 adequate water, making a nice community. Would love to see SFE, but is willing to accept SFL.
- 46 • Terry Naylor, Hillsborough, said SFE would go well in that area. There is more to life than the money that
- 47 is in your pocket.
- 48 • S Bankhead said she isn't opposed to SFE, but larger lots require more water. Less homes but larger lots
- 49 will use more water.

50 Public hearing closed at 7:06 pm.

- 51 • R James said, as pointed out, most of that area is zoned SFT; there is SFE bordering to the south. Most of
- 52 the lots in that area are acre lots.

- 1 • R Cecil said SFT is the best option, no less than SFT. Many of the lots will be larger than 12,000 sf due to topography.
- 2
- 3 • R James said SFT makes sense, but comparable lot sizes vary quite a bit.
- 4 • W Simmons also thought SFT was a good lot size to recommend. She suggested waiting until H Hansen was present before a motion was made.
- 5
- 6 • C Webb said he was the first owner of a lot in that area. Estate lots were supposed to be on both sides. Hillsborough subdivision was designed to be a U shaped with estate lots, but the developers didn't own the property so they couldn't finish the development as planned. Residents in that area purchased homes based on the proposed development.
- 7
- 8 • S Bankhead said the city has the design plans from the first purchase and development plan. When it was changed to SFE, cul-de-sacs were designed to come off Hillsborough instead of those big acre lots. The developer never did change the layout of the subdivision, left them 1 acre lots. That is why the SFT suggestion came up; before anyone on the north side owned there.
- 9
- 10 • R James asked if that north area had stayed SFE, how would the planning commission zone the parcel now?
- 11
- 12 • W Simmons said she would recommend it be zoned SFE. She thinks it would be good to continue to next meeting. This needs more thought.
- 13
- 14 • Jamel Knowles, Hidden View Drive, would like to see SFL.
- 15
- 16 • S Peck said the majority of those lots from Highlands that border this property are all bigger lots. Smaller lots in Highlands are up by the park, not bordering this property.
- 17
- 18 • W Simmons said what residents say is taken very seriously and she does not want the Commission to be hasty. She would like to have time to go up and look at the area before decisions are made. She also has concerns for the landowner and his property rights.
- 19
- 20 • M Poole said as a business owner, they owned the land for 3 years before they were allowed to build. He feels taking time is a good idea.
- 21
- 22 • T Hendricks also feels that taking time to make the decision is a good idea. The landowner has property rights, but so do home owners who have had an investment in their homes longer than the recent property owner.
- 23
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29 **Action Items:**

30 **Item No. 1. Recommendation - Rezone:** The Providence City Planning Commission will consider for
 31 recommendation to the City Council, a proposed rezone from Agricultural (AGR) to Single-Family Medium (SFM)
 32 for Parcel No. 02-115-0022, an 18.81-acre parcel located at approximately 1100 South 400 East, requested by
 33 Sierra Homes, LLC.

34 **Motion to continue to next meeting: W Simmons, second – R James**

35 **Vote: Yea: R Cecil, R James, L Raymond, W Simmons**
 36 **Nay: None**
 37 **Abstained: None**
 38 **Excused: H Hansen**

- 39 • C Webb approached the planning commission and expressed his concern that these lots be zoned as SFL, not SFT. He feels SFL would be the best transition from SFE to SFT. He feels Sierra Homes could build for SFL and that those lots would have no problem selling. He feels Sierra Homes is trying to make as much money as possible on those lots and zoning SFT is not in the best interest of the property owners in the surrounding area.
- 40
- 41 • R James said 400 East is a poor road and even though there will be improvements, it is still something to consider.
- 42
- 43 • W Simmons said the property owner purchased the property with the intent of getting a rezone.
- 44
- 45 • R James said it is a recent purchase and purchasing that lot with the intent for a SFM rezone was a risk the purchaser took.
- 46
- 47 • W Simmons asked where the sewer is in that area.
- 48
- 49 • S Bankhead said it flows back north to 400 East.
- 50
- 51 • W Simmons said there is a concern with the sewer concerns crossing Canyon Road.
- 52
- 53 • S Bankhead said the concerns he had have been address since B Cox worked here.

54 **Study Items:**

Study items were postponed to next meeting when H Hansen can be in attendance.

1 Item No. 1. Proposed General Plan Amendments and Use Chart Uses: The Providence City Planning Commission
2 will discuss possible amendments for the zoning element of the Providence City general plan; including the
3 definitions for zoning districts.

4 Item No. 2. Pending ordinance – Code Amendments to Providence City Code 10-6-1: The Providence City Planning
5 Commission will consider code amendments to the Use Chart including but not limited to adding the words
6 “counter top or” before the words “cabinet shop” in Item H. Industry and Manufacturing, Use 3.

7 Staff Reports: Any items presented by Providence City Staff will be presented as informational only.
8 No staff reports tonight.

9 Commission Reports: Items presented by the Commission Members will be presented as informational only; no
10 formal action will be taken.
11 No Commission reports tonight.

12 **Motion to adjourn: R James, second – R Cecil**

13 **Vote: Yea: R Cecil, R James, L Raymond, W Simmons**

14 **Nay: None**

15 **Abstained: None**

16 **Excused: H Hansen**

17 Meeting adjourned at 7:40 pm.

18 Minutes recorded and prepared by C Craven.

19

20

21

22

23

Larry Raymond, Chairman

Caroline Craven, Secretary

PROVIDENCE CITY
Development Review Committee Report
Executive Staff Review Date: 04/26/2016

Request: Petition for Exception from Requirements of Title 11 Subdivision Regulations

Item Type: Exception

Applicant: Tie Geng & Gary Meunier

Agent: NA

Prepared by: S Bankhead

General Plan: Single-Family Traditional (SFT)

Zone: SFT

Parcel ID #:

02-004-0032 & 02-004-0035

Address: 435 N 300 East

Acres: 2.94

Number of Properties: 2

Proposed Lots: 3

Staff Report Summary of Key Issues:

1. The Meuniers own both parcels.
2. The Meunier home is located on parcel 02-004-0032.
3. The Meuniers would like to have 3 total lots, with a private drive accessing the east two lots.
4. The Meuniers feel the subdivision requirements are onerous and costly.
5. The Executive Staff feels the subdivision requirements are in place to protect the interests of current and future property owners, and the City.

FINDINGS OF FACT:

1. UCA 10-9a-102 Purposes -- General land use authority.

(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

2. UCA 10-9a-603 Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and underground utility facility owner verification of plat -- Recording plat.

(1) Unless exempt under Section 10-9a-605 or excluded from the definition of subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:

(a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;

(b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;

(c) the lot or unit reference, block or building reference, street or site address, street name or coordinate

address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and

(d) every existing right-of-way and easement grant of record for an underground facility, as defined in Section 54-8a-2, and for any other utility facility.

3. Providence City does not have an exemption under Section 10-9a-605.
4. Providence City Code Title 11 Subdivision Regulations, Chapter 3 list the requirements for the plat process.
5. Providence City Code Title 11 Chapter 2 Administration and Enforcement, Section 7 Administrative Provisions states:

D. The City Council may grant an exception to the requirements of this Title after receiving the recommendations of the Planning Commission and the Development Review Committee; provided that approving such exception will not substantially impair the intent of this Title.

1. When considering, granting, or denying an exception to title, the City Council is acting as a land use authority.
2. The consideration of and action upon an application for an exception to this title is an administrative act and is not an ordinance or a code amendment. An administrative record shall be kept of the decision. The decision will be supported by appropriate findings of fact and conclusions of law whether the application is approved or denied
3. When approving a request for an exception to this title, the City Council shall specifically identify conditions that exist that support a determination that complete compliance with the requirement(s) of this Code is unnecessary to serve the public interest and the goals and objectives of the Code and the General Plan.
4. Approval of an exception shall not materially increase the burden on the municipality to maintain its infrastructure.
5. In approving an exception, conditions may be imposed which will, as determined by the City Council, better serve the public interest than the strict application of the provisions of this Title.
6. The applicant, a board or officer of the municipality, or any person adversely affected by a decision to approve or deny an exception may, using the procedure in Title 2 Chapter 5 of this Code, appeal the decision to the Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the City Council, acting as a land use authority, in the administration or interpretation of this Code. The appeal shall be a record review and the decision of the City Council will be upheld if it is legal and supported by substantial evidence in the record.

CONCLUSIONS OF LAW:

1. The Utah Code allows municipalities to put regulations in place for the subdivision of property.
2. Providence City Code Title 11 lists the regulations for subdividing property.
3. Providence City Code 11-1-2 states: *The purposes of this Title are to promote an adequate and efficient street and road system, to prevent congestion on streets and promote traffic safety, to secure desirable public space, to ensure proper distribution of population, to provide for adequate utilities and public improvements, to provide for orderly growth, and to improve the health, safety and general welfare of the people.*
4. The Executive Staff feels the subdivision requirements should be followed; and that granting the exception substantially impairs the intent of the Title by allowing lots to be created without following the appropriate rules and regulations.

CONDITIONS:

1. None

RECOMMENDATION:

The Executive Staff recommends the Petition for an Exception from the requirements of Title 11 Subdivision Regulations be denied.

PETITION FOR EXCEPTION

from Requirements of Title 11 – Subdivision Regulations under Section 11-2-7 D

[Submitted April 20, 2016]

Petitioners: Tie Geng* and Gary Meunier, Property Owners
438 N 300 E
Providence, Utah 84332
(435) 213-7639 or (435)753-4592



* to whom all mailed correspondence should be addressed

Property Location: Immediately north of 438 North 300 East

Parcel Number: 02-004-0035

Purpose: Lot Split into 2 parcels on exceedingly narrow and deep lot.

Reasons for Petition and Why Exception Should Be Granted.

We, as owners and not as property developers, wish to sell this 1.7 acre property and believe that a simple lot split gives the greatest flexibility and prospects of success in realizing a reasonable value from such a sale. Rather than selling the entire lot, the lot could be divided and sold to two separate buyers. The City would realize the benefits of earlier increased assessed valuation in this manner, as we believe the front lot, in particular, could easily be sold and developed in a timely manner. In the present and foreseeable future market conditions, we believe that the entire (single, undivided) lot would take a long time to sell and be developed. The existing subdivision requirements, if applied to this lot split, would be particularly onerous and costly for no real gain to the City, but also result in increased and wasteful use of City staff resources.

Key points in favor to us and to the City in granting the desired Exception are as follows:

1. As shown in the attached concept drawing, this lot is between 570 and 579 feet deep, but its frontage on 300 East is only approximately 113 feet. Therefore the only possible subdivision of this lot is by virtue of one or more north-south dividing lines. We have proposed one such line.
2. The front lot of such a split as proposed would logically feature a driveway and access for utilities directly from 300 East due to how narrow the frontage is. Therefore, the driveway and utility access for the rear lot would not be shared with the front lot, but would rather be exclusive to the rear lot, through the designation of the easement across the south side of the front property as shown. This completely abrogates the rationale for application of the subdivision requirements – there would be no shared street or common driveway, and no shared utility service.
3. It would be entirely reasonable and feasible for the eventual owner of the rear lot to plan, design, and execute the necessary access and utility service to that lot in accordance with their specific needs and requirements. We ourselves have successfully demonstrated this in developing our

property immediately to the south, with no adverse effect upon the City and resulting in a property with high assessed valuation and property taxes to the City and others.

4. There is a strong historical precedent for such a split, which, by the way, mediates the adverse effects of the poor land use decisions that resulted in these excessively deep and narrow lots. The lots immediately to the south of the subject parcel resulted from the split of a very similar lot into THREE parcels, with right-of-way access (Parcels 02-004-0026, 02-004-0034, and 02-004-0032). With two houses on these lots the City has benefitted from the increased total valuation that the split of the original lot resulted in.

Therefore, we believe that both the City and ourselves will benefit from the granting of this petition. Per Section 11-2-7 D.3, the City can easily determine that compliance with the requirements of Subdivision 11 is unnecessary for the reasons described above. The City can also easily determine under Section 11-2-7 D.4 that its burdens in the review of this proposal, in the compliance with codes as to the property development, and in any potential impacts on the City's streets and water and sewer infrastructure will not be increased if this petition is granted and will actually be lessened because of the simplicity of this proposal and the fact that the development of the two lots can be addressed individually and straightforwardly within likely well-separated time-frames.

Conditions under Section 11-2-7 D.5 That We Would Be Willing to Abide By.

As stated previously we have attached a concept drawing showing the intended lot split and easement for the rear lot. We have obtained the services of a licensed surveyor who can prepare the necessary proposed parcel map and legal descriptions. We propose to provide in the deeds a detailed description of the proposed easement for the driveway and utility access to the rear parcel, such that either of the two potential buyers would have the necessary information to know clearly the limitations, obligations, and opportunities attached to the development of the properties. We also would add to the deed for the rear property a notification and reference regarding potential code requirements for their driveway and utility service. As stated previously, we successfully worked with the City, without ANY adverse effect on the City, in providing driveway and utility access to a house approximately 450 feet from 300 East.

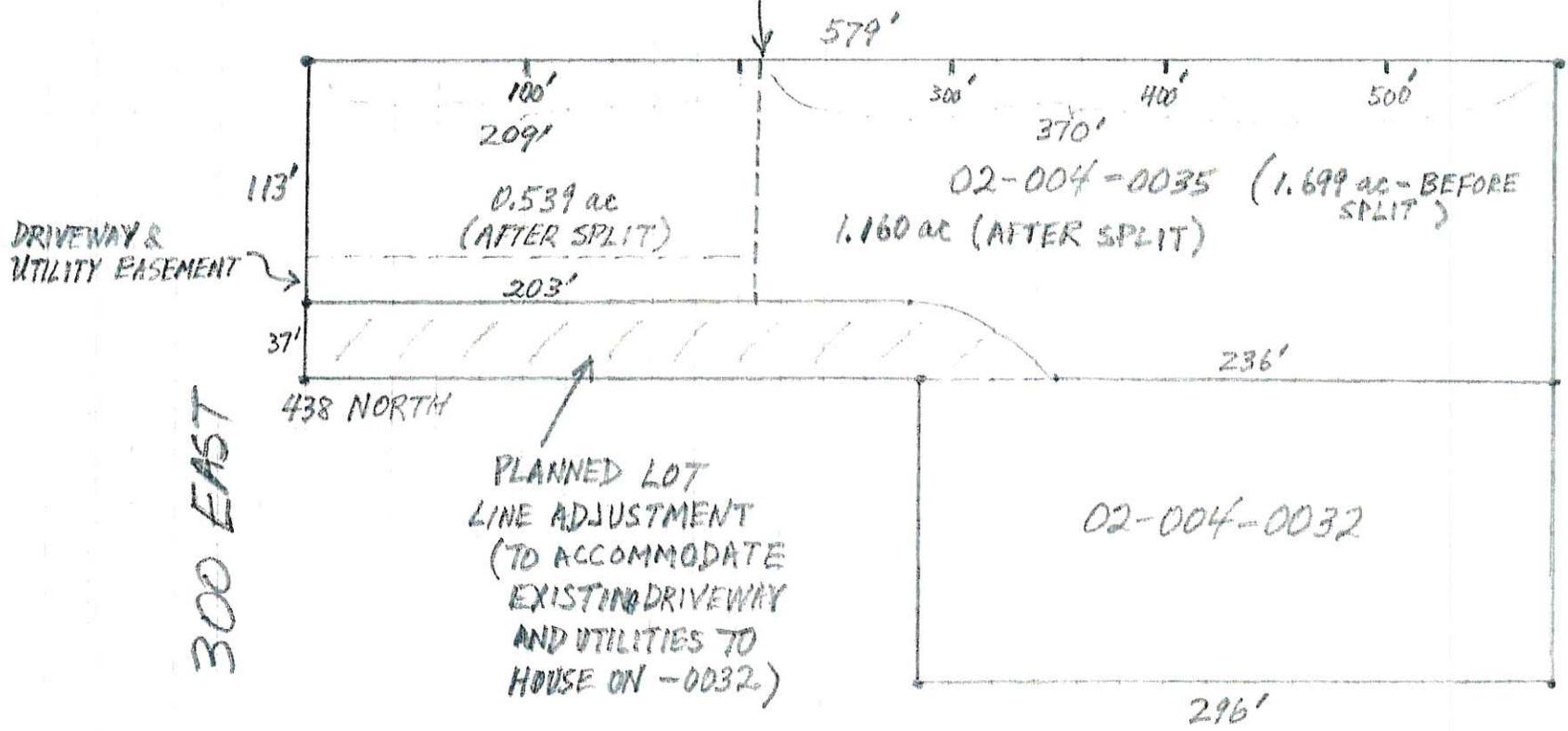
Attachment:

Concept Plan





PROPOSED LOT SPLIT

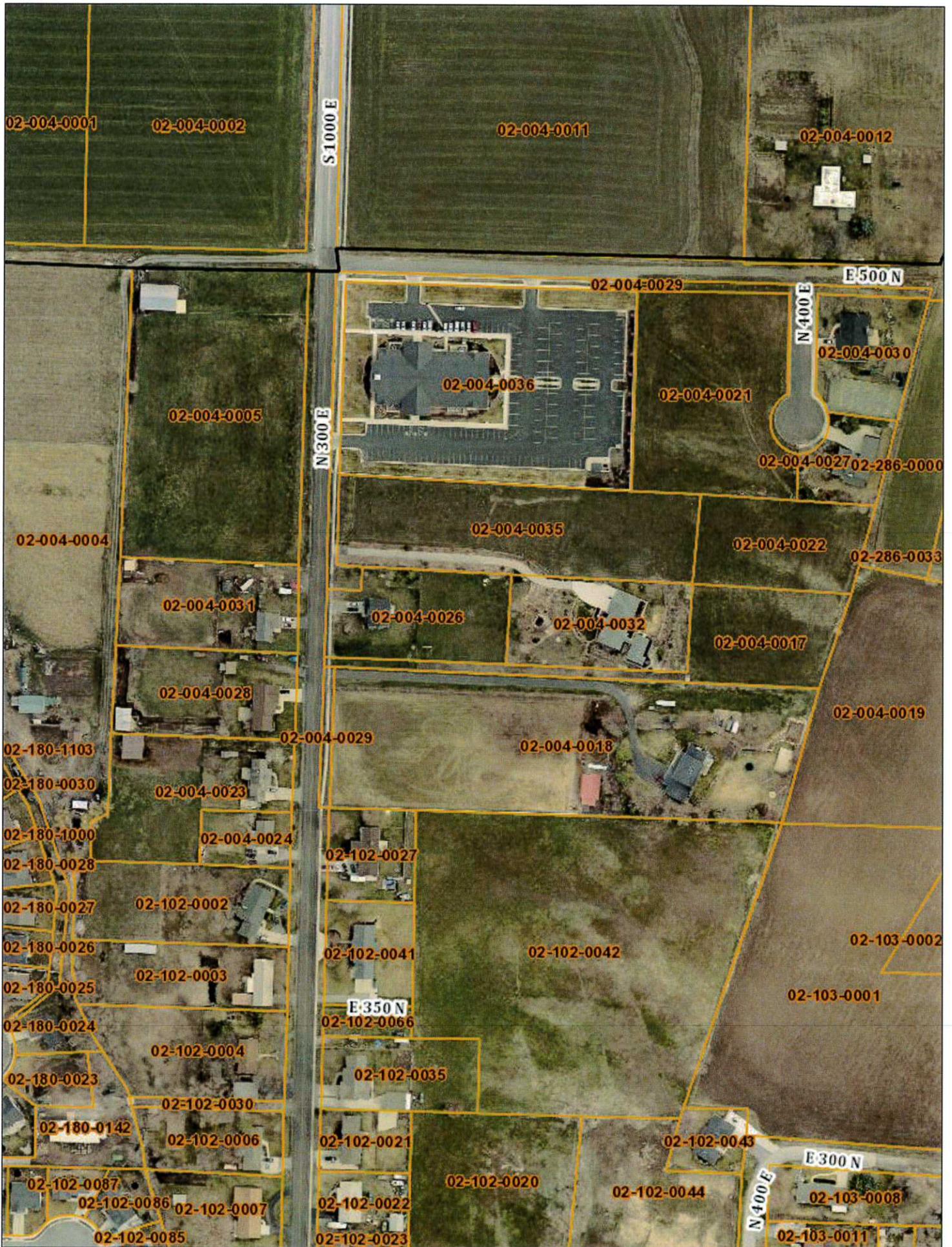


300 EAST

CONCEPT PLAN - LOT SPLIT (02-004-0035)

GARY MEUNIER/TIE GENG, 4/19/16





PROVIDENCE CITY
Executive Staff Report
Review Date: 03/08/2016

Request: Rezone an 18.81 acre parcel from Agricultural (AGR) to Single-Family Medium (SFM); located generally at 400 East 1100 South.

Item Type: Rezone	Applicant: Sierra Homes LLC, Matt Hansen Agent	Owner: Benstock, LLC
Prepared by: S Bankhead	General Plan: Single-Family Traditional (SFT)	Current Zone: AGR Requested Zone: SFM
Parcel ID #: 02-115-0022	Acres: 18.81	Number of Properties: 1

Staff Report Summary of Key Issues:

1. Providence City received an application for rezone for the above property on March 4, 2016.
2. The Providence City Master Plan Map Sheet No. 5-B Future Re-zone of Existing Districts indicates that this property will be zoned Single-Family Traditional.
3. SFM is not consistent with the General Plan for the area.
4. Executive Staff feels SFT is a more appropriate zone for this area.

FINDINGS OF FACT:

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
3. UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
4. UCA § 10-9a-102 Purposes -- General land use authority.
 - (1) *The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.*
 - (2) *To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.*
5. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
6. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a

- proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
7. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

CONCLUSIONS OF LAW:

1. The proposed rezone has been processed consistent with the above Findings of Fact.

CONDITIONS:

1. That the Applicant continues to follow all applicable laws, codes, policies, etc.

RECOMMENDATION:

That the Providence City Planning Commission make a recommendation to the Providence City Council, that they adopt an ordinance rezoning the property from Agricultural to Single-Family Traditional.

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council		
Annexation	Exception to Title	Rezone <input checked="" type="checkbox"/>
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
Appeal		Variance

PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES. THESE WILL BE BILLED SEPARATELY.

Applicant's Name: <u>SIERRA HOMES, LLC</u>	
Address: <u>470 N 2450 W TREMONTON, UT 84337</u>	
Phone(s): <u>435-257-4963</u> Fax:	E-Mail: <u>Matt @ Sierra Homes.com</u>

Party Responsible for Payment: <u>BENSTOCK, LLC</u>	
Billing Address: <u>470 N 2450 W TREMONTON UT 84337</u>	
Phone(s): <u>435-257-4963</u> Fax:	E-Mail: <u>budget@SierraHomes.com</u>

Property Owner's Name (how it appears on a legal document): <u>BENSTOCK, LLC</u>	
Address: <u>470 N 2450 W TREMONTON, UT 84337</u>	
Phone(s):	Fax: E-Mail:

Architect/Engineer/Surveyor's Name: <u>ALLIANCE EMB.</u>	
Address: <u>150 E 200 N LOGAN, UT 84321</u>	
Phone(s): <u>435-755-5121</u> Fax:	E-Mail: <u>alliance@loganam@jsh.com</u>

Cache County Property Number(s):	
Total Acreage: <u>18.81</u>	Project Name: <u>02-115-0022 (NO NAME YET)</u>
City Address of Project (if applicable): <u>400 E 1100 S. APPROX</u>	

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: [Signature] Date: 2/24/2016

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

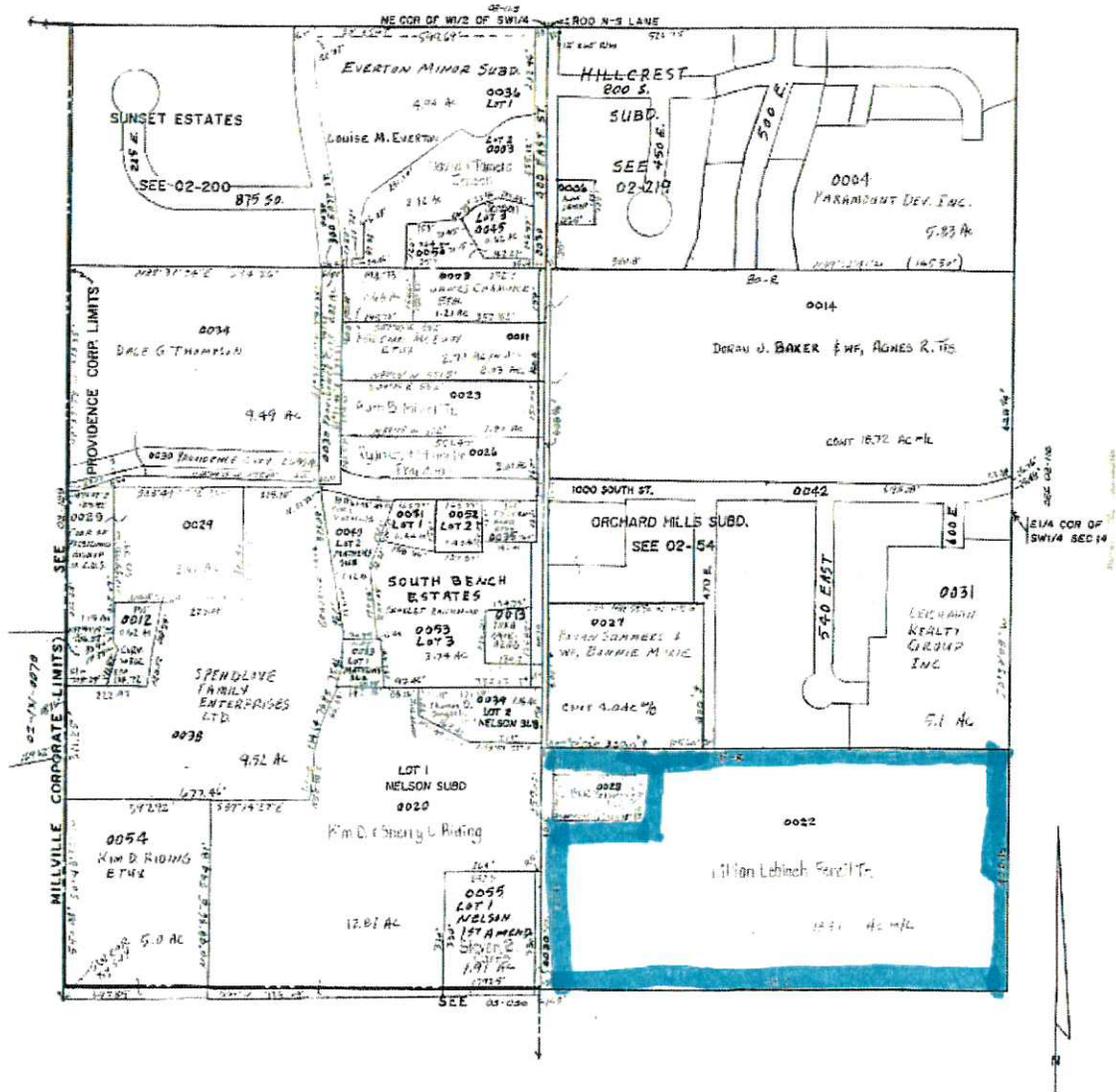
Receipt Number:
Received By:
Date Stamp:

SW⁴Section 14 Township 11 North Range 1 East

02
115

Scale 1 Inch = 200 FEET

TAX UNIT 09



RECEIVED
 MAR 01 2016
 By _____

Property Address 1039 S 0400 E

03-036-0008

Owner Name CELCO INC

Owner Address 1241 S HIDDEN VIEW DR

Owner City State Zip PROVIDENCE, UT 84332

03-036-0002

Owner Name KNOWLES DEVELOPMENT LLC

Owner Address PO BOX 306

Owner City State Zip MILLVILLE, UT 84326-0306

03-036-0009

Owner Name DORAN J & KATHY R TRS BAKER

Owner Address PO BOX 219

Owner City State Zip PROVIDENCE, UT 84332-0219

03-036-0011

Owner Name CELCO INC

Owner Address 1241 S HIDDEN VIEW DR

Owner City State Zip PROVIDENCE, UT 84332

02-115-0014

Owner Name DORAN J & KATHY R TRS BAKER

Owner Address PO BOX 219

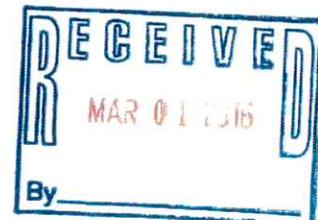
Owner City State Zip PROVIDENCE, UT 84332-0219

02-115-0038

Owner Name SPENDLOVE FAMILY ENTERPRISES LTD

Owner Address 1572 E 1540 N

Owner City State Zip LOGAN, UT 84341-2979



Property Address 1039 S 0400 E

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02-115-0038

Owner Name SPENDLOVE FAMILY ENTERPRISES LTD

Owner Address 1572 E 1540 N

Owner City State Zip LOGAN, UT 84341-2979



Owner Address 634 W 7150 S

Owner City State Zip WILLARD, UT 84340-6739

02-115-0055

Owner Name STEVEN B TR CURTIS

Owner Address 1195 S 400 E

Owner City State Zip PROVIDENCE, UT 84332-9411

Large land Parcels

02-115-0027

Owner Name BRYAN & BONNIE MARIE SUMMERS

Owner Address 90 N 200 E

Owner City State Zip HYRUM, UT 84319-1342

02-115-0031

Owner Name B & C LAND DEVELOPMENT LLC

Owner Address 586 E 170 S

Owner City State Zip LOGAN, UT 84321-5371

02-115-0020

Owner Name SPENDLOVE FAMILY ENTERPRISES LTD

Owner Address 1572 E 1540 N

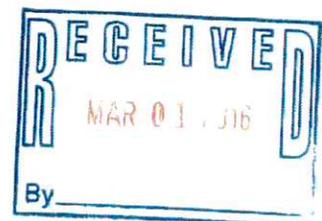
Owner City State Zip LOGAN, UT 84341-2979

02-115-0053

Owner Name SKARLET M BANKHEAD

Owner Address 1039 S 400 E

Owner City State Zip PROVIDENCE, UT 84332-9461



Owner Name SHERIDAN L & AMBER PECK
Owner Address 1143 FORGOTTEN LANE
Owner City State Zip PROVIDENCE, UT 84332-9318
02-203-0007

Owner Name JON R & TONYA BRENCHLEY
Owner Address 1127 FORGOTTEN LANE
Owner City State Zip PROVIDENCE, UT 84332-9318
02-203-0006

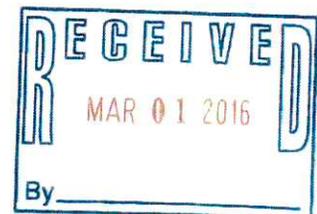
Owner Name ERICA A & DAVID G LOW
Owner Address 1113 FORGOTTEN LANE
Owner City State Zip PROVIDENCE, UT 84332
02-154-0021

Owner Name B & C LAND DEVELOPMENT LLC
Owner Address 586 E 170 S
Owner City State Zip LOGAN, UT 84321-5371
02-154-0020

Owner Name MICHAEL & MELINDA DESIMONE
Owner Address 1093 S 540 E
Owner City State Zip PROVIDENCE, UT 84332
02-154-0013

Owner Name ROBERT & AUBREY KEKAUOHA
Owner Address 1106 S 470 E
Owner City State Zip PROVIDENCE, UT 84332
02-115-0028

Owner Name BFR SERVICES LLC



03-143-0007

Owner Name GAURTH AND JOYCE THOMPSON FAMILY LTD PTSHP

Owner Address 515 EDGEHILL DR

Owner City State Zip PROVIDENCE, UT 84332-9446

03-143-0008

Owner Name GAURTH AND JOYCE THOMPSON FAMILY LTD PTSHP

Owner Address 515 EDGEHILL DR

Owner City State Zip PROVIDENCE, UT 84332-9446

02-203-0012

Owner Name KALLE & MISTY M JOHNSON

Owner Address 1213 S HIDDEN VIEW DR

Owner City State Zip PROVIDENCE, UT 84332

02-203-0011

Owner Name BRADY J & YAMEL KNOWLES

Owner Address 1197 S HIDDEN VIEW DR

Owner City State Zip PROVIDENCE, UT 84332

02-203-0010

Owner Name CORWIN J CARD

Owner Address 371 W 3575 S

Owner City State Zip NIBLEY, UT 84321

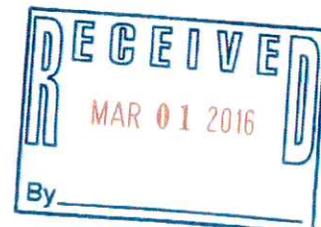
02-203-0009

Owner Name DAVID L & CHRISTINE CLARK

Owner Address 1164 FORGOTTEN LANE

Owner City State Zip PROVIDENCE, UT 84332

02-203-0008



03-143-0001

Owner Name GAURTH AND JOYCE THOMPSON FAMILY LTD PTSHP

Owner Address 515 EDGEHILL DR

Owner City State Zip PROVIDENCE, UT 84332-9446

03-143-0002

Owner Name G TODD & CECILI CRANDALL

Owner Address 435 HILLSBOROUGH DR

Owner City State Zip PROVIDENCE, UT 84332-9481

03-143-0003

Owner Name RYAN J & JENNIFER K STOLWORTHY

Owner Address 459 HILLSBOROUGH DR

Owner City State Zip PROVIDENCE, UT 84332-9481

03-143-0004

Owner Name GEORGE B & MARY ANN C BERSONNET

Owner Address 481 HILLSBOROUGH DR

Owner City State Zip PROVIDENCE, UT 84332-9481

03-143-0005

Owner Name TERRY & WENDI E NAYLOR

Owner Address 503 HILLSBOROUGH DR

Owner City State Zip PROVIDENCE, UT 84332-9481

03-143-0006

Owner Name DENNIS B & DEBRA A TRS PARRY

Owner Address 537 HILLSBOROUGH

Owner City State Zip PROVIDENCE, UT 84332-948



Affected Entity List:

Cache County: 179 N Main St, Logan, Utah 84321 435-755-1850

Rocky Mountain Power: 780 N. Main, Smithfield, Utah 84335 435-563-29534

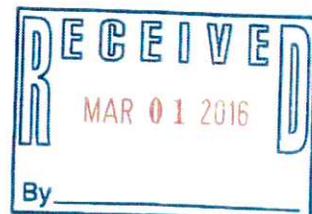
Questar: 895 w 800 n Logan, UT 84321 435-752-7751

Centurylink: 431 26th ST - RM 209 Ogden, UT 84401 (801) 626-5003

Cache County School District: 2063 North 1200 East North Logan, UT 84341, Phone: (435) 752-3925

Cache County Sherriff: 1225 West Valley View (200 North), Logan, UT 84321 Phone:(435) 755-1000

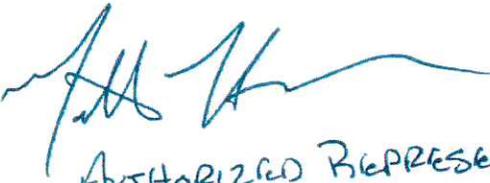
Cache County Fire: 179 North Main St. Suite 309 Logan UT, 84321 (435) 755-167



3-1-16

PERMISSION FOR REZONE:

I MATT HANSEN AUTHORIZE THE
REZONE OF 02-115-0022 OWNED BY
BENSTOCK LLC.



AUTHORIZED REPRESENTATIVE
BENSTOCK, LLC



To Providence City:

We at Benstock, LLC, the current owners of the property, are requesting a rezoning of our property. Our goal in rezoning the property is to have a comparable zoning to our neighbors, an increase in property value and to be better prepared for future development.

Thank you for your consideration and we look forward to working with you.

Benstock, LLC





Skarlet Bankhead <sbankhead@providence.utah.gov>

Fwd: Rezoning Application for 400 East 1100 South (Bentley Estates)

1 message

Bonnie Fuhriman <bfuhriman@providence.utah.gov>
To: "Bankhead, Skarlet" <sbankhead@providence.utah.gov>

Fri, Mar 4, 2016 at 10:20 AM

----- Forwarded message -----

From: **Matt Hansen** <matt@sierrahomes.com>
Date: Fri, Mar 4, 2016 at 9:42 AM
Subject: Re: Rezoning Application for 400 East 1100 South (Bentley Estates)
To: Bonnie Fuhriman <bfuhriman@providence.utah.gov>

Thank you for checking. If we are able to get a higher density, we would change the concept / idea of the project.

Matt

Matt Hansen
Project Manager

Text/ Call 801-608-1719

www.sierrahomes.com



On Fri, Mar 4, 2016 at 9:41 AM, Bonnie Fuhriman <bfuhriman@providence.utah.gov> wrote:

Matt,

The concept plan you submitted does not match SFM - 8000. It is more in line with SFT-12,000. I just wanted to double check and make sure that it was indeed SFM - 8000 you were requesting.

Thanks,
Bonnie

On Thu, Mar 3, 2016 at 4:27 PM, Matt Hansen <matt@sierrahomes.com> wrote:

Bonnie.. thank you for bringing that to my attention.

Looking at the zoning options in the city code we are requesting a change of zoning from the current agricultural zone to the SFM - 8000 zone.

Thank you.

Matt

Matt Hansen

Cache County Tax Roll Report Parcel Number: 02-115-0022

<p>Taxpayer Name & Address</p> <p>Parcel: <u>02-115-0022</u></p> <p>Entry: <u>1136247</u> </p> <p>Name: <u>BENSTOCK LLC.</u></p> <p>Address 1: <u>1100 S 400 E</u></p> <p>City, State, Zip: <u>PROVIDENCE, UT 84332</u></p> <p>District: <u>009 PROVIDENCE CITY</u></p>	<p style="text-align: center;">Owners</p> <p>1. <u>BENSTOCK LLC.</u></p> <p><u>1136247</u> (1872/227)</p>																								
<p style="text-align: center;">Property Address</p> <p>Property Address:</p> <p>Property City:</p> <p>Tax Rate: 0.01201</p>																									
<p>Pursuant to state statute, the Assessor's Office does not complete adjustments to the Tax Rolls until May 21, 2016. Please be aware that any values for the Tax Year 2016 may change until that date.</p>																									
<p>Property Information</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">----- 2016 -----</th> <th style="text-align: center;">----- 2015 -----</th> </tr> <tr> <th></th> <th style="text-align: center;">ACRES MARKET TAXABLE</th> <th style="text-align: center;">MARKET TAXABLE</th> </tr> </thead> <tbody> <tr> <td>LV - LAND VACANT</td> <td style="text-align: center;">18.81 846,450 846,450</td> <td style="text-align: center;">846,450 846,450</td> </tr> <tr> <td>TOTALS</td> <td style="text-align: center;">18.81 846,450 846,450</td> <td style="text-align: center;">846,450 846,450</td> </tr> </tbody> </table>			----- 2016 -----	----- 2015 -----		ACRES MARKET TAXABLE	MARKET TAXABLE	LV - LAND VACANT	18.81 846,450 846,450	846,450 846,450	TOTALS	18.81 846,450 846,450	846,450 846,450												
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		Abatements:	\$0.00																						
		Payments:	\$0.00																						
		Balance Due:	\$10,165.86																						
<p>Parcel History</p> <p>REM/COM W/02-115-0021 REM 9/90-0030 STREET</p>																									
<p>Legal Description</p> <p>----- 2016 -----</p> <p>BEG SE COR OF SW/4 SEC 14 T 11N R 1E & TH N 40 RDS TH W 78 RDS TH S 72.5 FT TH N 88°32'39" E 232.558 FT TH S 0°47'12" E 129 FT TH S 88°32'35" W 232.558 FT TO PT 33 FT E OF 1/4 SEC LN S 458.5 FT TO S LN OF SD SEC TH E 78 RDS TO BEG CONT 18.81 AC M/L</p>																									
<p>** No Greenbelt Information **</p>																									
<p>** No Back Tax Owing **</p>																									



Parcel & Zoning Viewer

clear web browsers cache if searches are not working

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Search Address

Q

Layer List

Multi-Family Residential Density:

The proposed policy definition contains the following statement: “The district is appropriate in areas where the applicable master plan policies recommend . . .”

Instead of saying *where the applicable master plan policies recommend*, would you consider something like: areas compatible with the rural environment and recreation potential of the City. Encourage such areas to be located and designed to be complementary to adjacent activities and at the same time provide suitable housing for those who prefer and/or need multiple-family living quarters.

General Plan Policy: established to provide an environment suitable for a variety of housing types of a low density nature, including single-family, two-family, and multi-family dwellings. The district is appropriate in areas **compatible with the rural environment and recreation potential of the City. Encourage such areas to be located and designed to be complementary to adjacent activities and at the same time provide suitable housing for those who prefer and/or need multiple-family living quarters.**

Area Requirements:

Min. lot area, square feet	10,000	*See subsection 10-8-3:B.5 of this Chapter for further regulation and explanation.
Min. lot width (measured at setback line)	80	
Min. lot area increase ea. add'l unit, square feet		
Max. unites / ac excluding ROW, infrastructure^	7.25	
Max. lot area per ea. twin home, square feet^^	5,000	
Min. lot width, each unit (measured at setback line)	40.0'	
Setbacks		
Principal uses		
Front yard, ft.	25	**See subsection 10-8-3:B.9 of this Chapter for further regulation and explanation.
Side yard, interior	10**	***See subsection 10-8-3:C.7 of this Chapter for further regulation and explanation.
Side yard, Street (OM 33-2004)	20**	
Rear yard	20***	
Detached Accessory Uses		
Front yard, ft.	25	##See subsection 10-8-3:C.2, C.3, C.4 of this Chapter for further regulation and explanation.
Side yard, interior	5	###See subsection 10-8-3:B.10 of this Chapter for further regulation and explanation.
Side yard, street	20	
Rear yard	5	
Distance between residential structures on same lot		
^^Lots of record for twin homes are limited to 20% of total lots in development.		
Height		
Principal Use, Max. hgt. ft.	35	^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.
Accessory Use, ft. max.	35	
Principal Use, ft. min.	10	
Fences – non-game (max. height)		
Front yard, ft.	6^^^^	^^^^See subsection 10-9-2
Side yard, interior	8^^^^	
Side yard, street	20**	

Rear yard	20***	
Fences – game	10,000	
Front yard, ft.	80	
Side yard, interior		
Side yard, street	7.25	
Rear yard	5,000	
	40.0'	

Multi-Family Residential Density				
A.	Residential Uses			
1	Single family, detached	P		P = permitted use C = conditional use permit required X = special review required = not permitted (absence of symbol)
2	Single family, attached	P		
3	Dwelling, two family	P		
4	Dwelling, three family	P		
5	Dwelling, four family	P		
6	Dwelling, multi-family			
7	Manufactured/modular	P		
8	Mobile/trailer home			
9	Secondary residential structure (OM 005-2005 01/13/04)			
10	Cluster development	C		
11	Inner block development			
12	Planned Unit Development	C		
13	Bed & Breakfast			
14	Hotel/motel			
15	Lodging house	C		
16	Residence for persons with disabilities	P		
17	Residential facility for the aged	P		
B.	Accessory/Incidental Uses			^Use is allowed as a permitted or conditional use only if it is a home business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this Code, Conditional Businesses ^^Must conform to Title 5 Chapter 1 of this Code, Animal Regulation and Control.
1	Accessory building	P		
2	Accessory dwelling unit			
3	Accessory farm building			
4	Off street parking incidental to main use	P		
5	Private swimming pool	P		
C.	Governmental/Institutional/Special Services			
1	Church	P		
2	Ministers, rabbis, priests, and other similar ordained religious work	P^		
3	Community center	P		
4	Day care nursery	C^		
5	Preschool	C^		
6	Public Park	P		
	Private Lessons / public facility			
7	Public School (OM 020-2004)	P		
8	Public building	P		
D.	Utility and Related Service			
1	Electric substation			
2	Electric power plant			
3	Fire station	P		
4	Gas meter station	P		
5	Irrigation supply	P		
6	Utility distribution lines	P		
7	Radio/TV/cellular tower			
8	Sewage/water pumping station	P		

Multi-Family Residential Density		
9	Telephone utilities	P
10	Public utilities, other	P
11	Utility shop, storage and bldgs	P
12	Water treatment plant	P
13	Water well reservoir or storage tank	P
E.	Professional Services	
1	Business office, medium impact	C^
2	Business office, low impact	P^
3	Business office, general	
4	Clinic, dental	
5	Clinic, medical	
6	Clinical Social Worker	
7	Office for single physician, dentist, or chiropractor	C^
8	Licensed professional	C^
9	Mortuary	C^
10	Optical shop	C^
11	Pharmacy	C^
12	Private school, teaching, tutoring(1 or 2 students at a time)	C^
13	Private school, teaching	C^
14	Studio: Art, Dance, Drama, Photography, etc (1 or 2 students at a time)	C^
15	Studio: Art, Dance, Drama, Photography, etc and tutoring	C^
13	Dressmakers, seamstresses, tailors, upholsters, and related occupations	C^
14	Artists, artisans, craftsman, sculptors, authors, small crafts and handcrafts, and related artistic work	C^
15	Veterinarian^	C^
F.	Retail/Related Uses	
1	Adult oriented business	
2	Food preparation, catering, etc	C^
3	Bakery/Confectionery sales	C^
4	Barber/beauty shop	C^
5	Book/Stationery Store	
6	Computer Store	
7	Department store	
8	Florist Store	
9	Furniture Store	
10	Specialty Store/Shop	C^
11	Grocery store	C^
12	Hardware store	
13	Home & Garden store	
14	Laundry/dry cleaning store	
15	Laundry Services	C^
16	Liquor store (OM 015-2004)	
17	Music Store	
18	Paint Store	
19	Pet Grooming	C^
20	Pet Store	
21	Restaurant/fast food	
22	Shoe repair	C^
23	Small appliance repair	C^
24	Variety Store	
25	Commercial complex	
26	Shopping center	
27	Tire sales, retail (OM 001-002, 02/27/01)	
28	Yard sales on an occasional basis	P^
G.	Commercial/Related Uses	
1	Auto Sales – New & Used (OM 016-2004 05/11/04)	

Multi-Family Residential Density		
2	Auto Sales –Used (OM 016-2004 05/11/04)	
3	Auto wash	
4	Bank/financial	
5	^^^Nondepository Financial Institutions	
6	Building materials	
7	Dance hall	
8	Gasoline/petroleum storage (not bulk)	
9	Gasoline sales/service	
10	Fitness Center Commercial (Gym)	
11	Convenience store	
12	Night club	
13	Print shop/sales	
14	Recreation/Entertainment	
15	Research facilities	
16	Theater	
17	Vehicle storage	
H.	Industry and Manufacturing	
1	Auto repair, paint and body shop	
2	Paint and body shop	
3	Bldg maintenance & repair services	
4	Cabinet Shop	
5	Counter top shop	
6	Clothing Manufacturer	
7	Furniture Manufacturer	
8	General contractor yard	
9	Landscape / lawn maintenance	
10	HVAC shop/sales	
11	Ice cream plant	
12	Lumber yard	
13	Paint Shop	
14	Welding/machine Shop	
15	Wholesale outlet/storage and sales	
16	Light Manufacturing	
17	Motorcycle, Snowmobile, ATV, etc repair	
I.	Agriculture and Related Uses	
1	Beekeeping 4 or less colonies	P^^
1A	Beekeeping More than 4 colonies	C^^
2	Breeding or raising animals for sale, food, pleasure, or profit	
3	Keeping dogs, cats, fish, or exotic caged birds	P^^
4	Commercial crop production	
5	Dairy business	
6	Feed lot	
7	Gardens and orchards for home use	P
8	Ranch/farm production and operation	
9	Garden and greenhouse plants and produce for wholesale or retail sales OM 007-2006 05/23/2006	
10	Gasoline/petroleum storage (not bulk)	

Multi-Family Medium Density:

The proposed policy statement contains the following statement: “The district is appropriate in areas where the applicable master plan policies recommend . . .”

Instead of saying *where the applicable master plan policies recommend*, would you consider something like: that provide a sense of community, a variety of housing types, and establish a pedestrian friendly atmosphere.

General Plan Policy: established to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and four-family dwellings. The district is appropriate in areas **that provide a sense of community, a variety of housing types, and establish a pedestrian friendly atmosphere.**

Area Requirements:

Min. lot area, square feet		*See subsection 10-8-3:B.5 of this Chapter for further regulation and explanation.
Min. lot width (measured at setback line)		
Min. lot area increase ea. add'l unit, square feet		
Max. unites / ac excluding ROW, infrastructure^	12	**See subsection 10-8-3:B.9 of this Chapter for further regulation and explanation.
Max. lot area per ea. twin home, square feet^^		***See subsection 10-8-3:C.7 of this Chapter for further regulation and explanation.
Min. lot width, each unit (measured at setback line)		
Setbacks		##See subsection 10-8-3:C.2, C.3, C.4 of this Chapter for further regulation and explanation.
Principal uses		
Front yard, ft.	25	
Side yard, interior	10**	
Side yard, Street (OM 33-2004)	20**	
Rear yard	10***	
		###See subsection 10-8-3:B.10 of this Chapter for further regulation and explanation.
Detached Accessory Uses		
Front yard, ft.	25	
Side yard, interior	5	^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.
Side yard, street	20	
Rear yard	5	
		^^Lots of record for twin homes are limited to 20% of total lots in development.
Distance between residential structures on same lot		
		^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.
Height		
Principal Use, Max. hgt. ft.	15 35	
Accessory Use, ft. max.	15 35	
Principal Use, ft. min.	10	^^^^See subsection 10-9-2
Fences – non-game (max. height)		
Front yard, ft.	6^^^^	
Side yard, interior	8^^^^	
Side yard, street	20**	
Rear yard	10***	
Fences – game		

Front yard, ft.		
Side yard, interior		
Side yard, street	12	
Rear yard		

Multi-Family Medium Density				
A.	Residential Uses			
1	Single family, detached		P = permitted use C = conditional use permit required X = special review required = not permitted (absence of symbol)	
2	Single family, attached	P		
3	Dwelling, two family	P		
4	Dwelling, three family	P		
5	Dwelling, four family	P		
6	Dwelling, multi-family			
7	Manufactured/modular	P		
8	Mobile/trailer home			
9	Secondary residential structure (OM 005-2005 01/13/04)			
10	Cluster development	C		
11	Inner block development			
12	Planned Unit Development	P		
13	Bed & Breakfast			
14	Hotel/motel			
15	Lodging house	C		
16	Residence for persons with disabilities	P		
17	Residential facility for the aged	P		
B.	Accessory/Incidental Uses			
1	Accessory building	P	^Use is allowed as a permitted or conditional use only if it is a home business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this Code, Conditional Businesses ^^Must conform to Title 5 Chapter 1of this Code, Animal Regulation and Control.	
2	Accessory dwelling unit			
3	Accessory farm building			
4	Off street parking incidental to main use	P		
5	Private swimming pool	P		
C.	Governmental/Institutional/Special Services			
1	Church	P		
2	Ministers, rabbis, priests, and other similar ordained religious work	P^		
3	Community center	P		
4	Day care nursery	C^		
5	Preschool	C^		
6	Public Park	P		
	Private Lessons / public facility			
7	Public School (OM 020-2004)	P		
8	Public building	P		
D.	Utility and Related Service			
1	Electric substation			
2	Electric power plant			
3	Fire station	P		
4	Gas meter station	P		
5	Irrigation supply	P		
6	Utility distribution lines	P		
7	Radio/TV/cellular tower			
8	Sewage/water pumping station	P		
9	Telephone utilities	P		
10	Public utilities, other	P		
11	Utility shop, storage and bldgs	P		
12	Water treatment plant	P		

Multi-Family Medium Density		
13	Water well reservoir or storage tank	P
E.	Professional Services	
1	Business office, medium impact	C^
2	Business office, low impact	P^
3	Business office, general	
4	Clinic, dental	
5	Clinic, medical	
6	Clinical Social Worker	
7	Office for single physician, dentist, or chiropractor	C^
8	Licensed professional	C^
9	Mortuary	C^
10	Optical shop	C^
11	Pharmacy	C^
12	Private school, teaching, tutoring(1 or 2 students at a time)	C^
13	Private school, teaching	C^
14	Studio: Art, Dance, Drama, Photography, etc (1 or 2 students at a time)	C^
15	Studio: Art, Dance, Drama, Photography, etc and tutoring	C^
13	Dressmakers, seamstresses, tailors, upholsters, and related occupations	C^
14	Artists, artisans, craftsman, sculptors, authors, small crafts and handcrafts, and related artistic work	C^
15	Veterinarian^	C^
F.	Retail/Related Uses	
1	Adult oriented business	
2	Food preparation, catering, etc	C^
3	Bakery/Confectionery sales	C^
4	Barber/beauty shop	C^
5	Book/Stationery Store	
6	Computer Store	
7	Department store	
8	Florist Store	
9	Furniture Store	
10	Specialty Store/Shop	C^
11	Grocery store	C^
12	Hardware store	
13	Home & Garden store	
14	Laundry/dry cleaning store	
15	Laundry services	C^
16	Liquor store (OM 015-2004)	
17	Music Store	
18	Paint Store	
19	Pet Grooming	C^
20	Pet Store	
21	Restaurant/fast food	
22	Shoe repair	C^
23	Small appliance repair	C^
24	Variety Store	
25	Commercial complex	
26	Shopping center	
27	Tire sales, retail (OM 001-002, 02/27/01)	
28	Yard sales on an occasional basis	P^
G.	Commercial/Related Uses	
1	Auto Sales – New & Used (OM 016-2004 05/11/04)	
2	Auto Sales –Used (OM 016-2004 05/11/04)	
3	Auto wash	
4	Bank/financial	
5	^^^Nondepository Financial Institutions	

Multi-Family Medium Density		
6	Building materials	
7	Dance hall	
8	Gasoline/petroleum storage (not bulk)	
9	Gasoline sales/service	
10	Fitness Center Commercial (Gym)	
11	Convenience store	
12	Night club	
13	Print shop/sales	
14	Recreation/Entertainment	
15	Research facilities	
16	Theater	
17	Vehicle storage	
H.	Industry and Manufacturing	
1	Auto repair, paint and body shop	
2	Paint and body shop	
3	Bldg maintenance & repair services	
4	Cabinet Shop	
5	Counter top shop	
6	Clothing Manufacturer	
7	Furniture Manufacturer	
8	General contractor yard	
9	Landscape / lawn maintenance	
10	HVAC shop/sales	
11	Ice cream plant	
12	Lumber yard	
13	Paint Shop	
14	Welding/machine Shop	
15	Wholesale outlet/storage and sales	
16	Light Manufacturing	
17	Motorcycle, Snowmobile, ATV, etc repair	
I.	Agriculture and Related Uses	
1	Beekeeping 4 or less colonies	P^^
1A	Beekeeping More than 4 colonies	C^^
2	Breeding or raising animals for sale, food, pleasure, or profit	
3	Keeping dogs, cats, fish, or exotic caged birds	P^^
4	Commercial crop production	
5	Dairy business	
6	Feed lot	
7	Gardens and orchards for home use	P
8	Ranch/farm production and operation	
9	Garden and greenhouse plants and produce for wholesale or retail sales OM 007-2006 05/23/2006	
10	Gasoline/petroleum storage (not bulk)	

Multi-Family High Density:

The proposed policy statement contains the following statement: “The district is appropriate in areas where the applicable master plan policies recommend . . .”

Instead of saying *where the applicable master plan policies recommend*, would you consider something like: promoting the efficient use of land and public transit opportunities while planning for the availability of public services and community facilities such as: utilities, fire and police protection, streets, public transit, schools, parks, trails, and recreation. Development of attractive residential areas that provide a sense of community and establish a pedestrian-friendly atmosphere is encouraged.

General Plan Policy: established to provide an environment suitable for high density multi-family dwelling. The district is appropriate in areas **promoting the efficient use of land and public transit opportunities, while planning for the availability of public services and community facilities such as: utilities, fire and police protection, streets, public transit, schools, parks, trails, and recreation. Development of attractive residential areas that provide a sense of community and establish a pedestrian-friendly atmosphere is encouraged.**

Area Requirements:

Min. lot area, square feet		*See subsection 10-8-3:B.5 of this Chapter for further regulation and explanation.
Min. lot width (measured at setback line)		
Min. lot area increase ea. add'l unit, square feet		
Max. unites / ac excluding ROW, infrastructure^	18	**See subsection 10-8-3:B.9 of this Chapter for further regulation and explanation.
Max. lot area per ea. twin home, square feet^^		
Min. lot width, each unit (measured at setback line)		***See subsection 10-8-3:C.7 of this Chapter for further regulation and explanation.
Setbacks		
Principal uses		
Front yard, ft.	25	##See subsection 10-8-3:C.2, C.3, C.4 of this Chapter for further regulation and explanation.
Side yard, interior	10**	
Side yard, Street (OM 33-2004)	20**	
Rear yard	10***	###See subsection 10-8-3:B.10 of this Chapter for further regulation and explanation.
Detached Accessory Uses		
Front yard, ft.	25	
Side yard, interior	10	
Side yard, street	25	^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.
Rear yard	5	
Distance between residential structures on same lot		
		^^Lots of record for twin homes are limited to 20% of total lots in development.
Height		
Principal Use, Max. hgt. ft.	IBC 45	^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.
Accessory Use, ft. max.	IBC 35	
Principal Use, ft. min.	10	
Fences – non-game (max. height)		
Front yard, ft.	8^^^^	^^^^See subsection 10-9-2

Side yard, interior	8^	
Side yard, street	20**	
Rear yard	10***	
Fences – game		
Front yard, ft.		
Side yard, interior		
Side yard, street		
Rear yard		

Multi-Family High Density			
A.	Residential Uses		
1	Single family, detached		P = permitted use C = conditional use permit required X = special review required = not permitted (absence of symbol)
2	Single family, attached	P	
3	Dwelling, two family	P	
4	Dwelling, three family	P	
5	Dwelling, four family	P	
6	Dwelling, multi-family	P	
7	Manufactured/modular	P	
8	Mobile/trailer home		
9	Secondary residential structure (OM 005-2005 01/13/04)		
10	Cluster development	C	
11	Inner block development		
12	Planned Unit Development	P	
13	Bed & Breakfast		
14	Hotel/motel	C	
15	Lodging house	C	
16	Residence for persons with disabilities	P	
17	Residential facility for the aged	P	
B.	Accessory/Incidental Uses		
1	Accessory building	P	^Use is allowed as a permitted or conditional use only if it is a home business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this Code, Conditional Businesses ^^Must conform to Title 5 Chapter 1 of this Code, Animal Regulation and Control.
2	Accessory dwelling unit		
3	Accessory farm building		
4	Off street parking incidental to main use	P	
5	Private swimming pool	P	
C.	Governmental/Institutional/Special Services		
1	Church	P	
2	Ministers, rabbis, priests, and other similar ordained religious work	P^	
3	Community center	P	
4	Day care nursery	C^	
5	Preschool	C^	
6	Public Park	P	
	Private Lessons / public facility		
7	Public School (OM 020-2004)	P	
8	Public building	P	
D.	Utility and Related Service		
1	Electric substation		
2	Electric power plant		
3	Fire station	P	
4	Gas meter station	P	
5	Irrigation supply	P	
6	Utility distribution lines	P	

Multi-Family High Density		
7	Radio/TV/cellular tower	
8	Sewage/water pumping station	P
9	Telephone utilities	P
10	Public utilities, other	P
11	Utility shop, storage and bldgs	P
12	Water treatment plant	P
13	Water well reservoir or storage tank	P
E.	Professional Services	
1	Business office, medium impact	C^
2	Business office, low impact	P^
3	Business office, general	
4	Clinic, dental	
5	Clinic, medical	
6	Clinical Social Worker	
7	Office for single physician, dentist, or chiropractor	C^
8	Licensed professional	C^
9	Mortuary	C^
10	Optical shop	C^
11	Pharmacy	C^
12	Private school, teaching, tutoring(1 or 2 students at a time)	C^
13	Private school, teaching	C^
14	Studio: Art, Dance, Drama, Photography, etc (1 or 2 students at a time)	C^
15	Studio: Art, Dance, Drama, Photography, etc and tutoring	C^
13	Dressmakers, seamstresses, tailors, upholsters, and related occupations	C^
14	Artists, artisans, craftsman, sculptors, authors, small crafts and handcrafts, and related artistic work	C^
15	Veterinarian^	C^
F.	Retail/Related Uses	
1	Adult oriented business	
2	Food preparation, catering, etc	C^
3	Bakery/Confectionery sales	C^
4	Barber/beauty shop	C^
5	Book/Stationery Store	
6	Computer Store	
7	Department store	
8	Florist Store	
9	Furniture Store	
10	Specialty Store/Shop	C^
11	Grocery store	C^
12	Hardware store	
13	Home & Garden store	
14	Laundry/dry cleaning store	
15	Laundry Services	C^
16	Liquor store (OM 015-2004)	
17	Music Store	
18	Paint Store	
19	Pet Grooming	C^
20	Pet Store	
21	Restaurant/fast food	
22	Shoe repair	C^
23	Small appliance repair	C^
24	Variety Store	
25	Commercial complex	
26	Shopping center	
27	Tire sales, retail (OM 001-002, 02/27/01)	
28	Yard sales on an occasional basis	P^

Multi-Family High Density		
G.	Commercial/Related Uses	
1	Auto Sales – New & Used (OM 016-2004 05/11/04)	
2	Auto Sales –Used (OM 016-2004 05/11/04)	
3	Auto wash	
4	Bank/financial	
5	^^^Nondepository Financial Institutions	
6	Building materials	
7	Dance hall	
8	Gasoline/petroleum storage (not bulk)	
9	Gasoline sales/service	
10	Fitness Center Commercial (Gym)	
11	Convenience store	
12	Night club	
13	Print shop/sales	
14	Recreation/Entertainment	
15	Research facilities	P
16	Theater	
17	Vehicle storage	
H.	Industry and Manufacturing	
1	Auto repair, paint and body shop	
2	Paint and body shop	
3	Bldg maintenance & repair services	
4	Cabinet Shop	
5	Counter top shop	
6	Clothing Manufacturer	
7	Furniture Manufacturer	
8	General contractor yard	
9	Landscape / lawn maintenance	
10	HVAC shop/sales	
11	Ice cream plant	
12	Lumber yard	
13	Paint Shop	
14	Welding/machine Shop	
15	Wholesale outlet/storage and sales	
16	Light Manufacturing	
17	Motorcycle, Snowmobile, ATV, etc repair	
I.	Agriculture and Related Uses	
1	Beekeeping 4 or less colonies	P^^
1A	Beekeeping More than 4 colonies	C^^
2	Breeding or raising animals for sale, food, pleasure, or profit	
3	Keeping dogs, cats, fish, or exotic caged birds	P^^
4	Commercial crop production	
5	Dairy business	
6	Feed lot	
7	Gardens and orchards for home use	P
8	Ranch/farm production and operation	
9	Garden and greenhouse plants and produce for wholesale or retail sales OM 007-2006 05/23/2006	
10	Gasoline/petroleum storage (not bulk)	

CHAPTER 6

USE REGULATIONS

SECTION:

10-6-1: Use Chart

10-6-2: Classification of New and Unlisted Uses

10-6-1: **USE CHART:** Land and buildings in each of the zoning districts may continue to be used, but no land shall herein after be used, and no building or structure shall hereinafter be erected, altered or converted which is arranged, designed or used for other than those uses specified for the district in which it is located as set forth by the following use chart and indicated by:

P = permitted use

C = conditional use permit required

X = special review required

I = Allowed only as a conditional use when incidental to a retail business with more than 15,000 square feet of floor area and:

- incidental to a single use (i.e.: a bank is incidental to retail business, not multiple businesses); and
- a department store, grocery store, health fitness center, or other retail business may have more than one incidental use associated with it; and
- the combined total of all incidental uses associated with a building may not exceed 12% of the gross square footage of the building or 6,000 sq ft whichever is less (administrative offices, restrooms, storage areas, and other enmities necessary for the operation of the retail business are not considered incidental uses) ; and
- cannot be a stand alone building (an unoccupied drive through structure(s) and/or fueling pads will be counted as part of the 12% but not included in the 6,000 sq ft cap of the incidental use); and
- must share the same public entrance(s); and
- a permitted business is not considered an incidental use; and
- incidental use must have its own business license unless owned and operated by the primary retail business.

= not permitted (absence of symbol)

If a use is not specifically designated, it is prohibited.

		A G R	S F E	S F L	S F T	S F R	S F M	S F H	S M H	M F R	M F M	M F H	C G D	C H D	M X D	P U B
A.	Residential Uses															
1	Single family, detached	P	P	P	P	P	P	P	P						P	
2	Single family, attached					P	P	P		P	P	P			P	
3	Dwelling, two family									P	P	P			P	
4	Dwelling, three family									P	P	P			P	
5	Dwelling, four family									P	P	P			P	
6	Dwelling, multi-family											P			P	
7	Manufactured/modular	P	P	P	P	P	P	P	P	P	P	P			P	
8	Mobile/trailer home								P							
9	Secondary residential structure (OM 005-2005 01/13/04)	C	C	C	€											
10	Cluster development			C	C	C	C	C	C	C	C	C			C	

Proposed changes: Dec 2015

Title 10 Zoning Chapter 6 Use Regulations

		A G R	S F E	S F L	S F T	S F R	S F M	S F H	S M H	M F R	M F M	M F H	C G D	C H D	M X D	P U B
11	Inner block development		C	C	C										C	
12	Planned Unit Development	€	C	C	C	C		C	C	C	P	P			C	
13	Bed & Breakfast	C	C	C	C	C							C		C	
14	Hotel/motel												C	C		C
15	Lodging house									C	C	C	C			C
16	Residence for persons with disabilities		P	P	P	P	P	P	P	P	P	P				C
17	Residential facility for the aged		P	P	P	P	P	P	P	P	P	P				C
B.	Accessory/Incidental Uses															
1	Accessory building	P	P	P	P	P	P	P		P	P	P	P	P	P	
2	Accessory dwelling unit	€	€		€	€	€									P
3	Accessory farm building	P	P	P	P	P										
4	Off street parking incidental to main use	P	P	P	P	P	P			P	P	P	P	P	P	
5	Private swimming pool	P	P	P	P	P	P			P	P	P	P			P
C.	Governmental/Institutional/Special Services															
1	Church	P	P	P	P	P	P	P	P	P	P	P				
2	Ministers, rabbis, priests, and other similar ordained religious work	P^														
3	Community center	P	P	P	P	P	P	P	P	P	P	P	P			
4	Day care nursery	C^	P		I or C*	C										
5	Preschool	C^				C										
6	Public Park	P	P	P	P	P	P	P	P	P	P	P				P
	Private Lessons / public facility															C
7	Public School (OM 020-2004)	P	P	P	P	P	P	P	P	P	P	P				
8	Public building	P	P	P	P	P	P	P	P	P	P	P	P		P	P
D.	Utility and Related Service															
1	Electric substation	C	C													
2	Electric power plant	C														
3	Fire station	P	P	P	P	P	P	P	P	P	P	P				
4	Gas meter station	P	P	P	P	P	P	P	P	P	P	P				
5	Irrigation supply	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6	Utility distribution lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
7	Radio/TV/cellular tower	P											C			C
8	Sewage/water pumping station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9	Telephone utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
10	Public utilities, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
11	Utility shop, storage and bldgs	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12	Water treatment plant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
13	Water well reservoir or storage tank	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
E.	Professional Services															
1	Business office,	C^				P										

		A G R	S F E	S F L	S F T	S F R	S F M	S F H	S M H	M F R	M F M	M F H	C G D	C H D	M X D	P U B
	medium impact															
2	Business office, low impact	P^			P											
3	Business office, general												P	I or C*	P	
4	Clinic, dental												P	I or C*	P	
5	Clinic, medical												P	I or C*	P	
6	Clinical Social Worker												P	I or C*	P	
7	Office for single physician, dentist, or chiropractor	C^		I or C*												
8	Licensed professional	C^	P	I or C*	P											
9	Mortuary	C^	C^	C^					C^	C^	C^	C^	P		P	
10	Optical shop	C^	P	I or C*	P											
11	Pharmacy	C^	P	I or C*	P											
12	Private school, teaching, tutoring(1 or 2 students at a time)	P^	C^	C^	C^	C^										
13	Private school, teaching	C^	P		P											
14	Studio: Art, Dance, Drama, Photography, etc (1 or 2 students at a time)	P^	C^	C^	C^	C^										
15	Studio: Art, Dance, Drama, Photography, etc and tutoring	C^	P	I or C*	P											
16	Dressmakers, seamstresses, tailors, upholsters, and related occupations	P^	C^	C^	C^	C^										
17	Artists, artisans, craftsman, sculptors, authors, small crafts and handcrafts, and related artistic work	P^	C^	C^	C^	C^										
18	Veterinarian^^	C^	C^	C^					C^	C^	C^	C^	C		P	
F.	Retail/Related Uses															
1	Adult oriented business												C			
2	Food preparation, catering, etc	C^	P	P	P	C										
3	Bakery/Confectionery sales	C^	P	P	P											
4	Barber/beauty shop	C^	P	P	P											
5	Book/Stationery Store												p	p	P	
6	Computer Store												p	p	P	
7	Department store												p	p	P	

Proposed changes: Dec 2015

		A G R	S F E	S F L	S F T	S F R	S F M	S F H	S M H	M F R	M F M	M F H	C G D	C H D	M X D	P U B
8	Florist Store												p	p	P	
9	Furniture Store												p	p	P	
10	Specialty Store/Shop	C^			P											
11	Grocery store	C^	p	p	P											
12	Hardware store												p	p	P	
13	Home & Garden store												p	p	P	
14	Laundry/dry cleaning store												p	p	P	
15	Laundry services	C^														
16	Liquor store (OM 015-2004)												p	p	P	
17	Music Store												p	p	P	
	Paint Store												p	p	P	
18	Pet Grooming	C^	P	P	P											
19	Pet Store												p	p	P	
20	Restaurant/fast food												p	p	P	
21	Shoe repair	C^	p	p	P											
22	Small appliance repair	C^	p	p	C											
23	Variety Store												p	p	P	
24	Commercial complex												p	p	P	
25	Shopping center												p	p	P	
26	Tire sales, retail (OM 001-002, 02/27/01)												c	P		
27	Yard sales on an occasional basis	P^														
G.	Commercial/Related Uses															
1	Auto Sales – New & Used (OM 016-2004 05/11/04)												P	P		
2	Auto Sales –Used (OM 016-2004 05/11/04)															
3	Auto wash												P	P		
4	Bank/financial												C	I or C*	P	
5	^^^Nondepository Financial Institutions												P	I or C*		
6	Building materials												P	P		
7	Dance hall															
8	Gasoline/petroleum storage (not bulk)	C	C	C	C	C							C	C		
9	Gasoline sales/service												P	P		
10	Fitness Center Commercial (Gym)												P	P	P	
11	Convenience store												P	P		
12	Night club															
13	Print shop/sales	C^					P	P	P							
14	Recreation/Entertainment												P	I or C*		
15	Research facilities	C^					P									
16	Theater												P	P	P	
17	Vehicle storage															
H.	Industry and Manufacturing															
1	Auto repair, paint and body shop	C^	C^	C^	C^	C^									C	C
2	Paint and body shop															

		A G R	S F E	S F L	S F T	S F R	S F M	S F H	S M H	M F R	M F M	M F H	C G D	C H D	M X D	P U B
3	Bldg maintenance & repair services	C^	C^	C^	C^	C^										
4	Counter-top or Cabinet Shop	C^	C^	C^	C^	C^										
5	Counter top shop															
6	Clothing Manufacturer	C^	C^	C^	C^	C^										
7	Furniture Manufacturer	C^	C^	C^	C^	C^										
8	General contractor yard	C^	C^	C^	E^	E^										
9	Landscape/lawn maintenance	C^	C^	C^	C^	C^										
10	HVAC shop/sales															
11	Ice cream plant															
12	Lumber yard												P			
13	Paint Shop												P			
14	Welding/machine Shop												C			
15	Wholesale outlet/storage and sales												P			
16	Light Manufacturing												C			
17	Motorcycle, Snowmobile, ATV, etc repair	C^														
I.	Agriculture and Related Uses															
1	Beekeeping 4 or less colonies	P^ ^														
1A	Beekeeping More than 4 colonies	C^ ^														
2	Breeding or raising animals for sale, food, pleasure, or profit	P^ ^	P^ ^	P^ ^	P^ ^	P^ ^										
3	Keeping dogs, cats, fish, or exotic caged birds	P^ ^	C	I	P											
4	Commercial crop production	P	P	P	P	P										
5	Dairy business	P^ ^	P^ ^	P^ ^												
6	Feed lot	C														
7	Gardens and orchards for home use	P	P	P	P	P	P	P	P	P	P				P	
8	Ranch/farm production and operation	P	P													
9	Garden and greenhouse plants and produce for wholesale or retail sales OM 007-2006 05/23/2006	C^														
10	Gasoline/petroleum storage (not bulk)	C														

^Use is allowed as a permitted or conditional use only if it is a home business, child care business or nonconforming business that complies with Title 3, Chapter 4 of this Code, Conditional Businesses

^^Must conform to Title 5 Chapter 10 of this Code, Animal Regulation and Control.

^^^Nondepository financial institutions are businesses that conduct transactions of cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses

licensed by the State of Utah pursuant to the check cashing and deferred deposit lending registration act. Nondepository financial institutions shall be limited by the population of all residents in Providence City. The total population figures shall be based on the US Census Bureau's annual estimates. Only one nonfinancial institution shall be allowed for a population of 0 – 7,000. and 1 per 7,000 thereafter.

*The following conditions apply to a non-sales tax generating business (NSTGB) located in the CHD zone:

1. The combined total of all NSTGB will be limited to no more than 15% of the combined existing gross leasable space (GLS) of buildings in the project area; the GLS of a building is based on the square footage of the ground floor; upper levels are not included in the combined totals for or against the 15% limitation.
2. The project area is the approved preliminary plat.
3. Incidental uses in the project area are not computed in the 15% limitation.
4. NSTGB may be in a free standing building of its own or part of a multi-tenant building with separate outside entrances for the public.

10-6-2: CLASSIFICATION OF NEW AND UNLISTED USES:

A. Request; Referral: Requests for a new use or unlisted conditional use shall be referred to the Planning Commission chairperson for consideration by the Planning Commission. Applications for a new use and unlisted conditional use will be processed in accordance with the procedures listed in subsection 10-3-5:C of this Title to determine if such use should be permitted and added to the current list of approved uses. The Planning Commission shall forward to the City Council a recommendation to accept or reject the request. The Planning Commission shall also forward, with any recommendation for approval of a new use, the necessary ordinance amendments to implement the use.

B. City Council Action: The City Council will approve or disapprove the recommendation. Upon approval, the Process will be started to amend the necessary City ordinances in accordance with the procedures outlined for ordinance amendments and changes. (Ord., 7-23-1996)