



Providence City

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Providence, UT 84332
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PROVIDENCE CITY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Project Type: Code Amendment

Applicant: Providence City

Project Location/Description: Proposed code amendment to Providence City Code Title 10 Chapter 6 Section 1 Use Chart.

Hearing Date: May 25, 2016

Hearing Time: 6:00 PM

Hearing Location: Providence City Office Building, 15 South Main, Providence UT

Prior to making a recommendation on this code amendment, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,


Skarlet Bankhead
City Administrator/Recorder

Newspaper Publication Date(s): Saturday, May 14, 2016

Posting Date: Friday, May 13, 2016

Posting Locations:

1. Providence City Office Building, 15 South Main
2. Providence City website www.providencacity.com
3. Utah Public Notice Website

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 enities 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					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	

		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	P	
5	Private swimming pool	P	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	l or C*	C											
5	Preschool	C^			C											
6	Public Park	P	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, medium impact	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
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^	P	I or C*	P											
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	
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	

		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
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
2	Paint and body shop														C	
3	Bldg maintenance & repair services												C			
4	Counter top or Cabinet Shop															
5	Counter top shop															
6	Clothing Manufacturer															

		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
7	Furniture Manufacturer															
8	General contractor yard												C			
9	Landscape services															
10	Yard/lawn/snow removal maintenance	C^	C^	C^	C^	C^							C			
11	HVAC shop/sales												C			
12	Ice cream plant															
13	Lumber yard												P			
14	Paint Shop												P			
15	Welding/machine Shop												C			
16	Wholesale outlet/storage and sales												P			
17	Light Manufacturing												C			
18	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 1of 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)

**THE FOLLOWING INFORMATION IS FOR BACKGROUND PURPOSES ONLY.
IT IS NOT PART OF THE CODE AMENDMENT.**

It is to provide information that may be useful when reading the use chart.

Use Chart Abbreviations

District	Abbreviation	Minimum Lot Size sq. ft.	Summary
Agricultural district	AGR	217,800 (5 acres)	Agricultural operations.
Single family estate district	SFE	43,560 (1 acre)*	Single family residential type uses. Home businesses may be allowed as a permitted use or a conditional use.
Single family large district	SFL	21,800*	
Single family traditional district	SFT	12,000*	
Single family residential density district	SFR	10,000	
Single family medium density district	SFM	8,000	
Single family high density district	SFH	6,000	
Single family mobile home district	SMH	5,000	
Multi-family residential density district	MFR	10,000	
Multi-family medium density district	MFM		
Multi-family high density district	MFH		
Mixed Use District	MXD		Established to stimulate economic development by providing a unique planning environment which combines light commercial, office, and residential development in a pedestrian friendly manner. This district encourages creative development and site design for mixed use commercial, office, and residential uses within the District. The MXD includes a mixture of uses with no one land use type being a constant dominate or prevailing use.
Commercial general district	CGD		Retail, personal service, entertainment, office and related commercial uses.
Commercial highway district	CHD		Retail uses (88%), minimal non-retail use allowed (12%)
Public district	PUB		Established to allow for public buildings and associated uses; and to enable land to be used for public open space or recreation purposes. Allowing a range of recreational settings and activities and compatible land uses; and to protect and enhance the natural environment for recreational purposes.
Recreation District	REC		

*Lot Size Averaging may be used in these zones (SFE, SFL, SFT).

If a C or a P has a ^ next to it, the use is allowed as a permitted or conditional use, only if it is a home business, child care business or non-conforming business that complies with Providence City Code Title 3 Chapter 4 Conditional Businesses.

If a C or a P has a 6^ next to it, the use must conform to Providence City Code Title 5 Chapter 1 Animal Regulation and Control.

Utah Code 10-9a-103. Definitions.

(5) "Conditional Use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Utah Code 10-9a-507. Conditional Uses

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

(2)

(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Providence City Code 10-3-5 Conditional Use Permits

A. Standards: A conditional use permit shall be approved if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the following standards:

1. Conditions may be imposed on a proposed conditional use:
 - a. To mitigate the effects of the proposed use on the health, safety, or general welfare of persons residing, working, or conducting business in the vicinity;
 - b. To mitigate injury to property in the vicinity;
 - c. To mitigate any risk to safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
 - d. To mitigate unreasonable interference with the lawful use of surrounding property;
 - e. To mitigate the need for essential municipal services which cannot be reasonably met;
 - f. To mitigate the exposure of minors to activities appropriately restricted to adults; and
 - g. To better conform the proposed use to the principles and objectives of the zoning regulations and general plan.
2. Conditions may be imposed on a conditional use permit including, but not limited to, limitations on the size and shape of buildings; the dedication, rededication and/or development of streets; installation and upsizing of utility mains; screening or landscaping to protect adjacent properties; the elimination or relocation of windows or doors to protect the public and adjacent property from the detrimental features of the proposed use; restrictions in signage, lighting, and on-premise advertising, including the number, location, color size, height, lighting, and landscaping of signs; increased set-back distances; appropriate design, construction, and location of structures, buildings, and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and /or location of use due to special site conditions, including but not limited to geologically hazardous areas, flood plains, fault zones, and landslide areas; limitation and/or restrictions on the use and/or locations of uses in sensitive areas due to soils capabilities, wildlife, and plant life; processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise; the planting of ground cover or other surfacing to prevent dust and erosion; or the requirement of additional parking or other changes.