Providence City Planning Commission Agenda
Providence City Office Building, 164 North Gateway Drive, Providence UT 84332
April 24, 2019 6:00 p.m.
Anyone interested is invited to attend.

Call to Order: Gary Sonntag, Chair

Approval of the Minutes:
Item No. 1. The Planning Commission will consider approval of the minutes for April 10, 2019.

Public Comments: Citizens may appear before the Planning Commission to express their views on issues within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes.

Public Hearing(s): None

Action Item(s):
Item No. 1.

Study Items(s):
Item No. 1. Ordinance and Design Standards for Life Cycle Residential Zone, LCR
The Commission will review and discuss the proposed changes for Title 10 Chapter 4, LCR Zone.
Additional Attachment: LCR April 18, 2019 DRAFT

Item No. 2. General Plan Map of Future Re-Zone of Existing Districts and Annexation Areas
The Commission will review and discuss the proposed changes to the map.
Additional Attachments: Millville Maps (2); River Heights (2); Logan (1)

Item No. 3. Providence Planning Commission Bylaws
The Commission will review and discuss the Bylaws and consider potential updates.
Additional Attachments: Providence City Bylaws April 18, 2019 DRAFT

Reports:
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 Mindi Petersen on April 19, 2019

Mindi Petersen

Mindi Petersen

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, 164 North Gateway Drive, 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.

Providence City Planning Commission Minutes
Providence City Office Building, 164 North Gateway Drive, Providence UT 84332
April 10, 2019 6:00 p.m.

Call to Order: Gary Sonntag, Chair
Attendance: Rowan Cecil, Bob Perry, Gary Sonntag, John Parker, Ruthann Holloway, Laura Banda, Josh Paulsen
Excused:
Voting Alternate: L Banda, J Paulsen
Excused Alternate:

Approval of the Minutes:
Item No. 1. The Planning Commission will consider approval of the minutes for March 27, 2019.
Motion to approve the minutes from March 27, 2019 – R Cecil, second – J Parker
Vote:
Yea: R Cecil, B Perry, G Sonntag, J Parker, R Holloway
Nay:
Abstained:
Excused:
Excused Alternate:
Corrections: None

- Josh Paulsen was sworn in as a Planning Commission Alternate.

Public Comments: Citizens may appear before the Planning Commission to express their views on issues within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes.

- None

Public Hearing(s): None

Action Item(s):
Item No. 1. The Providence Planning Commission will consider for approval a preliminary plat for Vineyard Subdivision, a multi-family residential subdivision consisting of single family homes, townhomes and condominiums with approximately 149 units located in the general area of 200 E Spring Creek Parkway, Providence, UT; (Discussion time approximately 10 minutes)
Motion to approve the preliminary plat for Vineyard Subdivision with Conclusions of Law, Findings and Fact and conditions as stated – R Cecil , second – R Holloway
Vote:
Yea: R Cecil, B Perry, G Sonntag, J Parker, R Holloway
Nay: None
Abstained:
Excused:
Excused Alternate: L Banda (excused early)

FINDINGS OF FACT:
Residential Development – General Plan Principles

1. New residential development should be developed based on density and include mixed residential uses.
2. Open space shall be included as part of the overall density of new residential development.
3. Sensitive areas (faults, slope, wetlands, flood plains, storm water and other areas) should be identified and residential development should be limited within these areas.
4. New residential development should increase mobility and connectivity of the City's overall transportation system.
5. New residential development should provide design for pedestrian-friendly development.
6. New residential development should include all necessary public and private utilities.

7. Residential development should not be encouraged within the major utilities easement on the east bench of the City.

Transportation Corridors – General Plan Principles:

- As development plans are reviewed, those involved in the review and approval processes rely on the Utah Code, the Public Works Standards and Specifications Manual, and any other applicable codes and/or standards
- The City Code requires connectivity of new streets with existing streets and that the arrangement of streets in new developments provide for the continuation of streets to adjoining undeveloped areas. Because connectivity throughout the City is important, the use of cul-de-sacs should be limited.
- Provide safe, flexible, and accessible transportation corridors thought the City. Integrate alternative means of transportation, including public transportation pedestrian travel, and bicycle friendly routes.
- Future Needs – Northeast Area:
    - Connecting the area of 500 North to Spring Creek Parkway will help with east/west traffic flow concerns.
    - Upgrade and build Spring Creek Parkway from Gateway Drive

City Code – Zoning Regulations:

- 10-4-6: LIFE CYCLE RESIDENTIAL:
    - Intent:
      It is the intent of this zone to guide development in accordance with the following goals: (1) Provide attractively landscaped neighborhoods with a mix of single-family, two-family, and multi-family residential lots, structures, and associated uses. (2) Provide an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements. (3) Maintain a residential character compatible with surrounding traditional single-family neighborhoods. (4)The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which will result in the enjoyment and benefit of the citizens of Providence, both current and future.
    - Lot Regulations:
      SF Detached: minimum lot size – 5,000 sq ft; minimum lot width – 60 feet; maximum structure height – 35 ft; front yard (street garage) 20 ft minimum/35 ft maximum front yard (alley garage) 10 ft minimum, rear yard – 10 ft minimum, side yard – 7.5 ft minimum, corner lot – 15 ft minimum on side adjacent to street; parking – 4 per dwelling unit.
      SF Attached: minimum dwelling size – 800 sq ft/dwelling unit; lot width – 16 ft minimum/20 ft average. No front or rear building setback is in the place for single-family attached and apartment housing, provided that the development's open space is integrated throughout the project so that each group of single-family attached dwelling units and each building of apartments has a minimum of 10' of landscaped open space on all sides, said landscaping being calculated from the front/rear plane of the dwelling unit or exterior wall of the apartment building, with the exception of one side of single-family attached which may be needed for alley garage access. Buildings whose front plane faces the front plane of another building shall have a minimum of 20' separation between the buildings' front planes.
- 10-5: SENSITIVE AREAS:
  All requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title.
- 10-8-9: Design Standards for Attached and Multi-Family Residential Development:
  D.1. Submittals: Each phase of application and approval of projects shall require certain submittals. The various phases of approval that phase's required submittals, and the details contained in each submittal are as follows:
    a. Concept Plan: Concept plan submittals shall consist of a general site plan showing approximate building locations, proposed road layouts, proposed open space, and general parking layouts, anticipated public & private amenities and their locations.

b. Preliminary Plat: Preliminary plat submittals shall consist of preliminarily engineered items required in the concept plan submittal, as well as preliminary architectural plans, a preliminary landscaping plan and a preliminary site plan for the overall development of the project.
   i. The preliminary landscaping plan shall consist of the general location and type of plants to be used, as well as the preliminary calculations demonstrating that landscaping requirements have been met.

- 11-3-2: Preliminary Plat:
  The preliminary plat shall be prepared in accordance with all requirements of the City and shall include all propose phases.
  The preliminary plat includes existing conditions, proposed conditions, and phasing.
- 11-5-11: EXTENSION OF PUBLIC WORKS FACILITIES: The extension of any City public works facilities, including but not limited to, roads, bridges, storm drains, water mains, sewer lines, and secondary water systems, shall be installed by the developer of any development. Layout must provide for future extension to adjacent development and be compatible with the contour of the ground for proper drainage. All public improvements shall be installed to the boundary lines of the development. There shall be no consideration or return to the developer within the area. The City, however, will consider cost sharing on any water line that is in excess of an eight inch (8") diameter or any sewer line that is in excess of a ten inch (10") diameter, in the event the City desires to participate for future planning purposes.

CONCLUSIONS OF LAW:

Residential Development – General Plan Principles

- The proposed preliminary plat includes mixed residential uses (single-family detached, single-family attached townhomes and condominiums) with a density of 7.9 units/acre that is within the range allowed by the LCR zone.
- The proposed preliminary plat identifies sensitive areas within the development.
- The proposed preliminary plat increases transportation mobility or connectivity. The streets are designed to allow traffic circulation through the development and provide for emergency equipment mobility as well.
- The proposed preliminary plat includes pedestrian connectivity throughout the entire development. The plan shows sidewalk and or trail along the west, south, and east perimeter of development.
- The proposed preliminary plat includes the public and private utilities.

Transportation Corridors – General Plan Principles

- This review relies on Utah Code, the Public Works Standards and Specifications Manual, and any other applicable codes and/or standards.
- The street layout on the proposed preliminary plat provides for connectivity with Spring Creek Parkway (500 North) and 300 East. As part of the annexation agreement, the Developer will construct the crossing over Spring Creek to connect with the existing Spring Creek Parkway; and construct Spring Creek Parkway adjacent to the south side of the development in accordance with the City's partial road cross-section. The majority of the interior streets are private and will be maintained by a HOA. The Developer will dedicate 170 East as a public street; it will be constructed to a 66' cross-section with 30' of asphalt, with a temporary turnaround on the north end, allowing connectivity when property to the north develops. The Developer will also install a temporary emergency access on the north side of the development from 220 East to 300 East.

City Code 10-4-6 Life Cycle Residential:

- The proposed preliminary plat contains landscaped areas, includes a variety of housing types, and provides open space and sidewalk/trail for public use.
- The setback regulations stated in city code are listed on the proposed preliminary plat.

City Code 10-5 Sensitive Areas:

- The Developer included a site feasibility study with the annexation application. The feasibility study discusses sensitive areas. The report concluded/recommended the following:
  - *The site is located over 3,000' from the nearest fault line and has low potential for liquefaction.*
  - *While there has been high ground water recorded in the area, at the time of the soil study the ground water was found to be at 11 feet. The study does clarify that the season ground water is estimated to much higher and recommends that no basements be allowed in the area without*

efforts to mitigate the potential high level, ie field drains.

- *There is limited potential impact from wetlands or flooding. The wetlands and floodplain only impacts the extension of the Spring Creek Parkway and not any future lots.*

- The southwest corner of the property is in a Flood Zone A and is shown on the proposed preliminary plat.
- The entire project is located within a high water sensitive area as described in PCC 10-5-5. The notes on the proposed preliminary plat indicate the area covered by buildings, parking spaces, and paved surfaces does not exceed 40% of the site.
  - Buildings – 134,166 sq ft. 17.63%, parking – 46,544 sq ft. 6.12%, and asphalt road 123,211 sq ft. 16.19%

City Code 10-8-9: Design Standards for Attached and Multi-Family Residential Development:

- The Developer provided the general site plan required with the concept plan, and preliminary architectural plans, a preliminary landscaping plan (includes the general location and type of plants to be used, and preliminary calculations demonstrating that the landscaping requirements have been met), and a preliminary site plan for the overall development of the property.

City Code 11-3-2: Preliminary Plat:

- The proposed preliminary plat meets the requirements of PCC 11-3-2 with the conditions listed below.

City Code 11-5-11: Extension of Public Works Facilities

- Utilities extend to the boundary line of the development.

CONDITIONS:

1. Submit letter(s) from irrigation company (ies).
2. Submit quit claim documentation from property owners on the south side of the proposed extension of Spring Creek Parkway.
3. Submit easement documentation from John Hubbard for storm water and maintenance agreement.
4. The dumpster locations will need to be approved by Logan City.
5. The following will be addressed in the development agreement:
   a. Water dedication
   b. Water line maintenance agreement
   c. Sidewalk deviation
   d. Island maintenance by the HOA
   e. Where the water is coming from on 300 North and its quality
   f. Submit water requirement calculations
   g. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
   h. HOA be registered with the State before the sale of lots

- B Perry asked for clarification on the easement that is located on J Hubbard's property. J Jackson provided background information and explained the agreement he has with Mr. Hubbard. He explained that the agreement with Mr. Hubbard is to help him clean up the water and install a flood drain pipe that starts at the intersection and runs all the way to spring creek.
- J Parker asked if the detention ponds will pick water up that comes from the east. J Jackson explained that there is a 30" pipe that dumps water straight into Spring Creek. The detention pond on J Hubbard's property will pick up the storm water that is generated on Spring Creek Parkway. J Jackson explained that all of the interior storm drain from his project will be picked up by the pond inside.
- G Sonntag asked J Jackson if the common areas will be private and part of the subdivision. J Jackson explained that there will be a master HOA and 3 sub HOA's. He explained that the sub HOA's will be laid out for the single family homes, townhomes and condominiums with fees being different for each type of home. Each sub HOA will be governed by the master HOA.
- G Sonntag asked if there is a concern with the public using the walkway. J Jackson explained that there is a concern with liability and vandalism. He explained that these concerns will be addressed in the development agreement.

Study Items(s):

Item No. 1. Ordinance and Design Standards for Life Cycle Residential Zone, LCR

The Commission will review and discuss the proposed changes to Title 10 Chapter 4, LCR Zone.

- The Commission discussed housing types within the LCR zone.
- S Bankhead explained that HOA's would be in a much better position to monitor rentals of townhomes or homeowner occupancy. J Jackson explained that a condominium project cannot exceed 30% rentals. He stated that it does differ from townhomes.
- R Cecil suggested having a percentage for how many apartments should be allowed.
- A-1 broad demographic range and diversity types, that appeal to multiple generations
- S Bankhead explained that too much focus has been on housing types instead of multiple generations.
- A-4 – Provide functional ~~community~~ open space for ~~public use~~ development
- G Sonntag explained that he felt consolidating parks with creative ideas would help with the burden of landscaping, water and maintenance. He explained from his experience parks create a hard draw on budgets for personnel and equipment that goes along with keeping parks maintained.
- J Paulsen explained that he felt that it is important to take inventory of the parks and make sure there is appropriate dispersion throughout the city. He explained there is a cost that is born by the homeowners directly via HOA fees or by the homeowners broadly via property tax. He felt it would be important to see how people feel about public parks and the ability to use the services provided.
- J Paulsen felt that if the words "public use" are used it appears to be an endorsement by the city. G Sonntag explained using and posting signs that say use at your own risk.
- J Paulsen asked what the intent is with green space. He explained is it the intent to create public parks or the intent to create enough green space that it offsets the density. He stated he feels it is to offset density.
- Page 3 - Diversity of Housing Types – 1a – G Sonntag suggested leaving this open enough for the developer to address the market and what is sellable
- S Bankhead felt that if the spectrum of choices was broadened it would allow the developer to create great neighborhoods.
- Phasing - As part of the application for a rezone to an LCR, developers shall be required to submit a proposed concept/phasing plan for the project.

Item No. 2. General Plan Map of Future Re-Zone of Existing Districts and Annexation Areas

The Commission will review and discuss the proposed changes to the map.

- G Sonntag explained to Corey Tweet and Mayor Hair at the last planning meeting there was some concern from a citizen that is in the process of selling a 10 acre parcel (02-117-0022). He expressed that the sale may fall through because the proposed zone is different than the current zone.
- Corey Tweet and Mayor Hair explained their opinions of the parcel (02-117-0022) and its potential to be zoned commercial. They explained that they felt that if it was zoned commercial it would create difficulties for the residents in the area.
- G Sonntag asked Mayor Hair, of Millville if Millville has any inclination to connect to Garden Drive. Mayor Hair stated that he believed it was the intention of Providence City to connect to Garden Drive.
- G Sonntag provided a handout that had an outline of the different types of uses. He explained that the majority of the city is single family residential. He felt that it was important for the commission to see this map to visualize the direction the city is headed.
- J Paulsen stated that he felt that it was a worthwhile endeavor to speak with the university about the farm. He stated that he would research and report back.
- Single Family Large in highlands – consider changing the zone. Some suggested SFT.
- S Bankhead explained that SFT does allow flexibility for developers with different size lots.
- General area for discussion at the next meeting - 165 E to 100 W from 400 S down to Millville city line

Item No. 3. Providence Planning Commission Bylaws

The Commission will review and discuss the Bylaws and consider potential updates.

- G Sonntag explained the color coding on the bylaws that were provided to the commission. He explained that he would like the bylaws to be used as a guideline for the Planning Commission.
- J Parker felt it would be a good idea to use Robert's Rules of Order.

- R Holloway would like a statement that is easily found by the public to provide information and details of what to do/what to bring if they would like to attend and address the Planning Commission at meetings.
- B Perry felt that there needs to be professionalism at the meetings and that the bylaws are a work in progress.

Reports:

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

- S Bankhead explained she would like to schedule a training and invite the City Council, Executive Staff and the Planning Commission to learn about the challenges with geo technical and sensitive hazard areas.

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

- None

Motion to adjourn – R Cecil, second – J Parker
Vote:
Yea: R Cecil, J Parker, B Perry, G Sonntag, R Holloway
Nay: None
Abstained: None
Excused:
Excused Alternate:

The next meeting is Wednesday, April 24, 2019

Meeting adjourned approximately 9:07 PM
Minutes prepared by Mindi Petersen

_____ _____

Robert James, Chair Skarlet Bankhead, City Recorder

DRAFT

10-4-6: **Life Cycle Residential Zone** DRAFT AMENDMENTS #3 APR 18TH

A. Purpose and Intent
B. Compliance With Standards
C. Definitions
D. Zone Location
E. Permitted/Conditional Uses
F. Lot Regulations
G. Development Standards

A. **Purpose and Intent.** It is the intent of this zone to guide development in accordance with the following goals:

1. Provide ~~attractively~~ landscaped neighborhoods with a mix of single-family~~, two-family~~ and multi-family residential lots, structures, and supporting uses, ~~associated uses, in areas where slopes do not exceed twenty percent (20%). Areas with slopes in excess of twenty percent (20%) shall be subject to Providence City Code Chapter 5 of this Title, Sensitive Areas~~ that addresses a ~~broad demographic and~~ diversity in affortable housing types in a subdivision layout, addressing generational life cycle housing opporunities that will provide a variety of housing that is afforadable by a broad demographic of current and future home owners seeking alternative types of housing. Said housing is for permanet home owners and not to create a rental pool of dwelling units.

2. Provide an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified by this chapter.

3. Maintain ~~a residential~~ character compatible with surrounding ~~traditional single-family neighborhoods~~ and adjacent land uses; conflicts may be mitigated utilizing perimeter landscaping, berms, ~~community~~ neighborhood open space areas, buffers, walls, fencing, walking pathways, etc.

4. Provide private, common and functional ~~community space for public use.~~ open space area, for residents of the subdivision. Common and functional open space areas would be maintained by an HOA.

5. This chapter provides enabling authority and standards for the review, and approval of applications for Life Cycle Residential (LCR) developments. The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which will result in the enjoyment and benefit of the citizens of Providence, both current and future.

B. **Compliance with Standards.** Substantial compliance with the zone regulations and other provisions of ~~this title~~ PCC Title 10 Zoning Regulations in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes.

C. **Housing Definitions.** The types of dwelling units permitted in an LCR zone shall have the definitions found in Providence City Code 10-1-4

1. Single Family Detached, see Chapter 1 Section 4 of this Title for the definition for "Dwelling, Single-Family Detached".
2. Multi-family:
    a. A group of two or more dwelling units within a building (this definition is specific to LCR). Multi-family includes single-family attached and apartments.
    b. See Chapter 1 Section 4 of this Title for definitions for "Dwelling Unit" and "Dwelling, Single-Family Attached".
    c. For the purposes of LCR, apartments are a group of two or more dwelling units within a building on a single lot of record.

D. **Zone Location.** ~~The LCR is intended to be located in many areas throughout Providence.~~ LCR is an independent zone, that could be considered throughout the City. Changing from an existing zone to LCR ~~is a rezone.~~ requires a rezone application and approval.

E. **Permitted~~/Conditional Uses~~ Housing Types**

1. The following uses are permitted in an LCR.
    a. Single-family detached residential housing ~~(i.e. single-family homes)~~
    ~~b. Single-family duplex housing~~
    c. ~~Single-family attached residential housing (i.e. condominiums, town homes, twin homes)~~
    Single-family attached comdominiums
    Single -family attached town homes
    Single -family attaced twin homes
    ~~d. Residential Care facilities for 8 persons or less~~
    ~~e. Apartments (i.e. duplex/two-family, three-family, four-family, multiple family)~~

2. Creating a bank of 1 or more rental units (either single family detached or attached) owned by a single entity and not occupied by the owner, is prohibited.

~~2. Providence City may conditionally permit uses in the LCR outside of those listed above. Such conditional uses are outlined in Providence City Code 10-6: Use Regulations.~~

F. **Lot Regulations**

Minimum Project Size	2 acres
Minimum Density[1]	4 dwelling units per acre
Maximum Density[1]	~~12~~ 10 dwelling units per acre
Minimum Lot Area[2] • Single Family Detached • ~~Duplex~~	 5,000 sq ft ~~7,500 sq ft~~
Minimum Dwelling Unit Size (total, not per floor) • **Single Family Attached** • ~~**Apartments**~~	 800 sq ft per dwelling unit ~~750 sq ft per dwelling unit~~
Minimum Lot Width • Single Family Detached • Single Family Attached (alley garage access) • Single Family Attached (street garage access) • ~~Duplex~~ • ~~Apartments~~	 ~~60~~ 50 feet 16 feet minimum, 20 feet average 16 feet minimum, 20 feet average ~~80 feet~~ ~~60 feet, plus 10 additional feet per building. See~~

[1] Density = Housing Units/(Gross project acreage-acreage dedicated to rights-of-way)

[2] Minimum Lot Area not included for single family attached (townhome) and apartments, as all areas outside of the individual dwelling units are traditionally held in common ownership. Single family attached (townhome) and apartments are required instead to have a minimum square footage requirement for each dwelling unit.

	~~Subsection B 2 below~~
Setbacks(Single Family Detached~~, Duplex~~)[3] • Front Yard (street garage access) • Front Yard (alley garage access) • Rear Yard • Side Yard • Corner Lot	 20 feet minimum/35 feet maximum 10 feet minimum 10 feet minimum 7.5 feet minimum 15 feet minimum on side adjacent to street
Setbacks (Single Family Attached, ~~Apartment~~) • Front Yard (street garage access) • Front Yard (alley garage access) • Rear Yard • Side Yard • Corner Lot	See Subsection ~~C~~ 3 below
Maximum Structure Height • Single Family Detached ~~and Duplex~~ • Single-Family Attached/~~Apartments~~	 35 feet 45 feet
Maximum Lot Coverage (Single Family/Duplex)	75 percent of the buildable area of the lot
Off-Street Parking • Single Family Detached • Single Family Attached • ~~Duplex~~ • ~~Apartments (0-1 bedroom)~~ • ~~Apartments (2+ bedrooms)~~	 4 per dwelling unit 2 per dwelling unit +.25 guest spot per unit ~~2 per dwelling unit~~ ~~1.5 per dwelling unit + .25 guest spot per unit~~ ~~2 per dwelling unit + .25 guest spot per unit~~

1. **Diversity of Housing Types.** Housing may be comprised of different types ~~and sub-types of housing,~~ as defined above to include 2 to 4 types of housing; but, No more than fifty percent (50%) of the total dwelling units in any project governed by this ordinance shall be composed of any one type of housing. Regardless of project size, all projects are required to have a minimum of twenty-five percent (~~20%~~ 25%) of dwelling units in the project be composed of single-family detached ~~housing~~ dwelling units.
   ~~a. **Project Size and Diversity of Housing Types**~~
      ~~I. Projects less than 25 acres shall be required to have a minimum of two (2) housing types.~~
      ~~II. Projects 25.00 acres or larger shall be required to have three (3) housing types.~~

~~2. **Minimum Lot Width, Apartments.** The required lot width for apartments shall be based on the number of buildings of apartments on the lot. Each lot containing apartments shall have a minimum of 50' lot width, plus an additional 60' for each building containing apartments.~~

3. **Setbacks for Single Family Attached ~~and Apartment Housing~~.** No front or rear building setback is in place for single family attached ~~and apartment housing,~~ provided that the development's open space is integrated throughout the project so that each group of single family attached dwelling units and each building of apartments has a minimum of 10' of landscaped open space on all sides, said landscaping being calculated from the front/rear plane of the dwelling unit ~~or exterior wall of the apartment building,~~ with the exception of one side of single-family attached which may be needed for alley garage access. Buildings whose front plane faces the front plane of another building shall have a minimum of 20' separation between the buildings' front planes.

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[3] Setbacks are calculated from the front property line along a publicly dedicated road. In cases where the development is served by private roads, the front setback shall be calculated from the edge of the asphalt of the private road adjacent to the front plane of the home.

4. All other development standards, shall be complied with as outlined in the Providence City Subdivision ordinance and engineering design standards.

G. **Development Standards**. In addition to development standards contained herein, all projects developed under the LCR zone shall be developed and landscaped in accordance with the Providence City Multi-Family Design Standards.

H. **Phasing**. As part of the application for a rezone to an LCR, developers shall be required to submit a proposed concept/phasing plan for the project. Said phasing plan shall tentatively outline what types and numbers of various housing ~~types~~ shall be constructed and where in each phase. ~~The final phasing plan shall be incorporated into a Master Development Agreement, which shall be prepared and developed by the City at the time an LCR project is given preliminary plat approval and shall be recorded against the property at that time. The phasing of an LCR project shall follow Providence City Code 11-3-2-B-4, with the exception of 11-3-2-B-4-D, which requires~~ each phase to be a stand-along phase~~. However, no more than two phases of an LCR project may be constructed before at least twenty-five percent (25%) of the single-family detached must be presented for final plat approval.~~ This section will be moved to Providence City Code 11-3-2:B.4.i.

I. **Functional Private ~~Community~~ Neighborhood Space.** Open Space used for the local ~~community~~ neighborhood enjoyment and to encourage social interaction that consists of developed space ~~and optional green space.~~ Developed space consists of parks, manicured grass, trails, playgrounds, gardens, landscaped areas with trees, pavilions or similar amenities. Area required for building setbacks is not considered functional ~~community~~ neighborhood space. Green space (see Open Space as defined in Chapter 1 Section 4 of this Title) and includes non-irrigated native grasses, plants, and terrain.
   1. Private Functional ~~community~~ neighborhood space shall be deemed usable for a variety of recreational and ~~community~~ neighborhood activities.
   2. Excluding building lots, communities must have a minimum acreage of functional ~~community~~ neighborhood space equal to 10% (in addition the building set backs~~25%~~) of the total acreage of the development.
   3. Area that is part of a utility easement or sensitive area as defined in Chapter 5 of this Title, may be eligible for functional ~~community~~ neighborhood space as a conditional use. See Chapter 3 Section 5 for the conditional use process.
   4. To the greatest degree practicable, functional ~~community~~ neighborhood space shall be large blocks and not be divided into unconnected small parcels.
   5. Private facilities that are not open to the general public, ~~are not considered functional community space.~~ will be considered functional open space.

10-4-6: **Life Cycle Residential Zone**

A. Purpose and Intent
B. Compliance With Standards
C. Definitions
D. Zone Location
E. Permitted/Conditional Uses
F. Lot Regulations
G. Development Standards

A. **Purpose and Intent.** It is the intent of this zone to guide development in accordance with the following goals:

1. Provide attractively landscaped neighborhoods with a mix of single-family~~, two-family~~ and multi-family residential lots, structures, and associated uses~~, in areas where slopes do not exceed twenty percent (20%). Areas with slopes in excess of twenty percent (20%) shall be subject to Providence City Code Chapter 5 of this Title, Sensitive Areas~~ that addresses a broad demographic and diversity in housing types.

2. Provide an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified by this chapter.

3. Maintain ~~a residential~~ character compatible with surrounding ~~traditional single-family neighborhoods~~ and adjacent land uses; conflicts may be mitigated utilizing landscaping, berms, community areas, buffers, walls, fencing, etc.

4. Provide functional community space for public use.

5. This chapter provides enabling authority and standards for the review, and approval of applications for Life Cycle Residential (LCR) developments. The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which will result in the enjoyment and benefit of the citizens of Providence, both current and future.

B. **Compliance with Standards.** Substantial compliance with the zone regulations and other provisions of ~~this title~~ PCC Title 10 Zoning Regulations in requiring adequate standards related to the public health, safety and general welfare shall be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes.

C. **Housing Definitions.** The types of dwelling units permitted in an LCR zone shall have the definitions found in Providence City Code 10-1-4

1. Single Family Detached, see Chapter 1 Section 4 of this Title for the definition for "Dwelling, Single-Family Detached".
2. Multi-family:
    a. A group of two or more dwelling units within a building (this definition is specific to LCR). Multi-family includes single-family attached and apartments.
    b. See Chapter 1 Section 4 of this Title for definitions for "Dwelling Unit" and "Dwelling, Single-Family Attached".
    c. For the purposes of LCR, apartments are a group of two or more dwelling units within a building on a single lot of record.

D. **Zone Location.** The LCR is intended to be located in many areas throughout Providence. LCR is an independent zone. Changing from an existing zone to LCR is a rezone.

E. Permitted~~/Conditional Uses~~ Housing Types

1. The following uses are permitted in an LCR.
    a. Single-family detached residential housing (i.e. single-family homes)
    ~~b. Single-family duplex housing~~
    c. Single-family attached residential housing (i.e. condominiums, town homes, twin homes)
    ~~d. Residential Care facilities for 8 persons or less~~
    e. Apartments (i.e. duplex/two-family, three-family, four-family, multiple family)

~~2. Providence City may conditionally permit uses in the LCR outside of those listed above. Such conditional uses are outlined in Providence City Code 10-6: Use Regulations.~~

F. Lot Regulations

Minimum Project Size	2 acres
Minimum Density[1]	4 dwelling units per acre
Maximum Density[1]	~~12~~ 10 dwelling units per acre
Minimum Lot Area[2] • Single Family Detached • ~~Duplex~~	 5,000 sq ft ~~7,500 sq ft~~
Minimum Dwelling Unit Size (total, not per floor) • **Single Family Attached** • ~~**Apartments**~~	 800 sq ft per dwelling unit ~~750 sq ft per dwelling unit~~
Minimum Lot Width • Single Family Detached • Single Family Attached (alley garage access) • Single Family Attached (street garage access) • ~~Duplex~~ • Apartments	 ~~60~~ 50 feet 16 feet minimum, 20 feet average 16 feet minimum, 20 feet average ~~80 feet~~ 60 feet, plus 10 additional feet per building. See Subsection ~~B~~ 2 below
Setbacks(Single Family Detached~~, Duplex~~)[3] • Front Yard (street garage access) • Front Yard (alley garage access) • Rear Yard • Side Yard • Corner Lot	 20 feet minimum/35 feet maximum 10 feet minimum 10 feet minimum 7.5 feet minimum 15 feet minimum on side adjacent to street
Setbacks (Single Family Attached, Apartment) • Front Yard (street garage access) • Front Yard (alley garage access) • Rear Yard • Side Yard • Corner Lot	See Subsection ~~C~~ 3 below
Maximum Structure Height	

[1] Density = Housing Units/(Gross project acreage-acreage dedicated to rights-of-way)

[2] Minimum Lot Area not included for single family attached (townhome) and apartments, as all areas outside of the individual dwelling units are traditionally held in common ownership. Single family attached (townhome) and apartments are required instead to have a minimum square footage requirement for each dwelling unit.

[3] Setbacks are calculated from the front property line along a publicly dedicated road. In cases where the development is served by private roads, the front setback shall be calculated from the edge of the asphalt of the private road adjacent to the front plane of the home.

• Single Family Detached ~~and Duplex~~ • Single-Family Attached/Apartments	35 feet 45 feet
Maximum Lot Coverage (Single Family/Duplex)	75 percent of the buildable area of the lot
Off-Street Parking • Single Family Detached • Single Family Attached • ~~Duplex~~ • Apartments (0-1 bedroom) • Apartments (2+ bedrooms)	 4 per dwelling unit 2 per dwelling unit +.25 guest spot per unit ~~2 per dwelling unit~~ 1.5 per dwelling unit + .25 guest spot per unit 2 per dwelling unit + .25 guest spot per unit

1. **Diversity of Housing Types.** Housing may be comprised of different types and sub-types of housing, as defined above. No more than fifty percent (50%) of the total dwelling units in any project governed by this ordinance shall be composed of any one type of housing. Regardless of project size, all projects are required to have a minimum of twenty-five percent (~~20%~~ 25%) of dwelling units in the project be composed of single-family detached ~~housing~~ dwelling units.
    a. **Project Size and Diversity of Housing Types**
        I. Projects less than 25 acres shall be required to have a minimum of two (2) housing types.
        II. Projects 25.00 acres or larger shall be required to have three (3) housing types.

2. **Minimum Lot Width, Apartments.** The required lot width for apartments shall be based on the number of buildings of apartments on the lot. Each lot containing apartments shall have a minimum of 50' lot width, plus an additional 60' for each building containing apartments.

3. **Setbacks for Single Family Attached and Apartment Housing.** No front or rear building setback is in place for single family attached and apartment housing, provided that the development's open space is integrated throughout the project so that each group of single family attached dwelling units and each building of apartments has a minimum of 10' of landscaped open space on all sides, said landscaping being calculated from the front/rear plane of the dwelling unit or exterior wall of the apartment building, with the exception of one side of single-family attached which may be needed for alley garage access. Buildings whose front plane faces the front plane of another building shall have a minimum of 20' separation between the buildings' front planes.

4. All other development standards, shall be complied with as outlined in the Providence City Subdivision ordinance and engineering design standards.

G. **Development Standards**. In addition to development standards contained herein, all projects developed under the LCR zone shall be developed and landscaped in accordance with the Providence City Multi-Family Design Standards.

H. ~~**Phasing**. As part of the application for a rezone to an LCR, developers shall be required to submit a proposed concept/phasing plan for the project. Said phasing plan shall tentatively outline what types and numbers of various housing types shall be constructed in each phase. The final phasing plan shall be incorporated into a Master Development Agreement, which shall be prepared and developed by the City at the time an LCR project is given preliminary plat approval and shall be recorded against the property at that time. The phasing of an LCR project shall follow Providence City Code 11-3-2-B-4, with the exception of 11-3-2-B-4-D, which requires each phase to be a stand-along phase. However, no more than two phases of an LCR project may be constructed before at least twenty-five percent (25%) of the single-family detached must be presented for final plat approval.~~ This section will be moved to Providence City Code 11-3-2:B.4.i.

I. Functional Community Space. Space used for community enjoyment and to encourage social interaction that consists of developed space and optional green space. Developed space consists of parks, manicured grass,

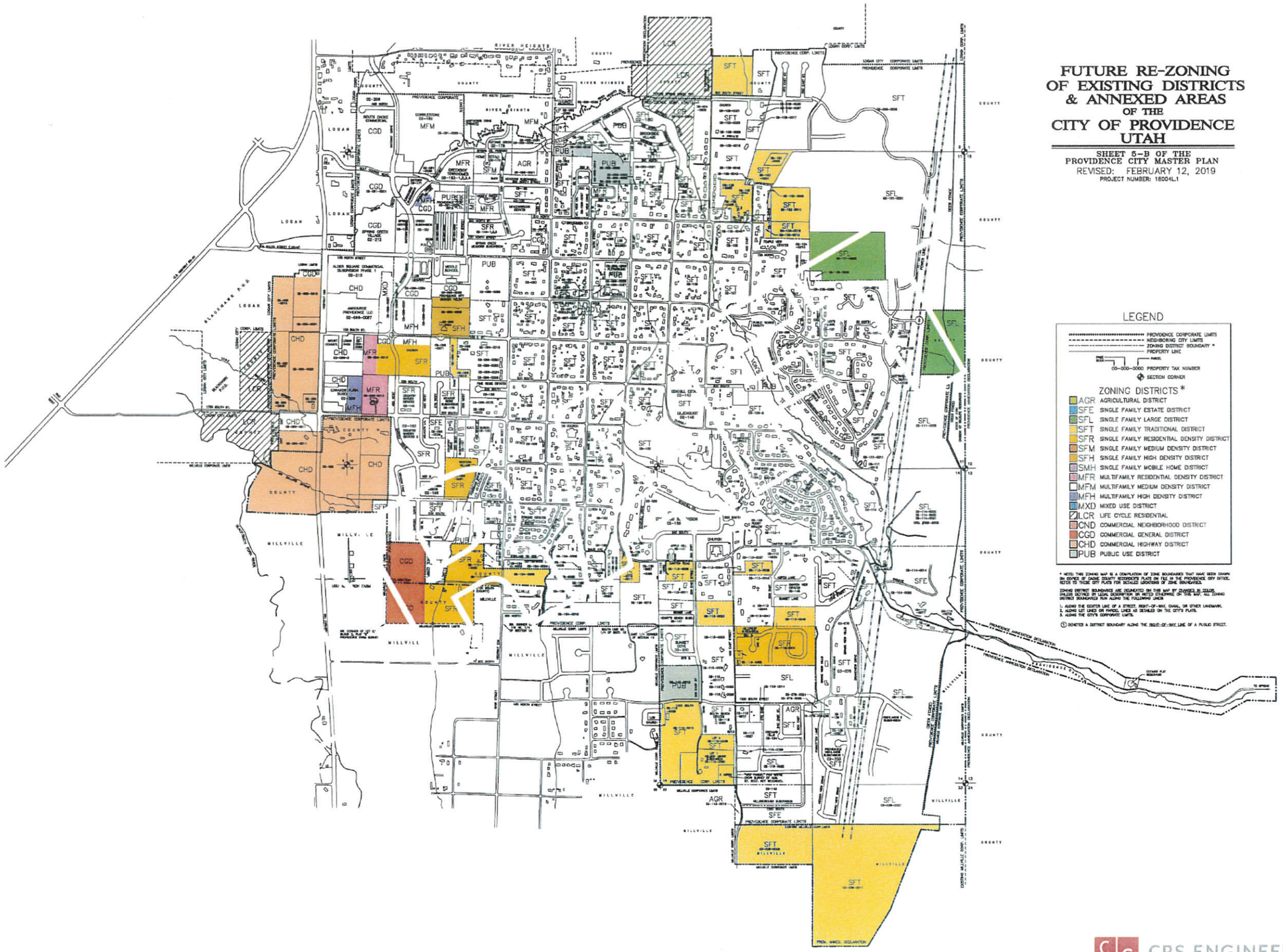
trails, playgrounds, gardens, landscaped areas with trees, pavilions or similar amenities. Area required for building setbacks is not considered functional community space. Green space (see Open Space as defined in Chapter 1 Section 4 of this Title) and includes non-irrigated native grasses, plants, and terrain.

1. Functional community space shall be deemed usable for a variety of recreational and community activities.
2. Excluding building lots, communities must have a minimum acreage of functional community space equal to 25% of the total acreage of the development.
3. Area that is part of a utility easement or sensitive area as defined in Chapter 5 of this Title, may be eligible for functional community space as a conditional use. See Chapter 3 Section 5 for the conditional use process.
4. To the greatest degree practicable, functional community space shall be large blocks and not be divided into unconnected small parcels.
5. Private facilities that are not open to the general public are not considered functional community space.

DRAFT

FUTURE RE-ZONING OF EXISTING DISTRICTS & ANNEXED AREAS OF THE CITY OF PROVIDENCE UTAH

SHEET 5-B OF THE
PROVIDENCE CITY MASTER PLAN
REVISED: FEBRUARY 12, 2019
PROJECT NUMBER: 18004L1



LEGEND

- PROVIDENCE CORPORATE LIMITS
- NEIGHBORING CITY LIMITS
- ZONING DISTRICT BOUNDARY *
- PROPERTY LINE
- 00-000-0000 PROPERTY TAX NUMBER
- SECTION CORNER

ZONING DISTRICTS *

- AGR AGRICULTURAL DISTRICT
- SFE SINGLE FAMILY ESTATE DISTRICT
- SFL SINGLE FAMILY LARGE DISTRICT
- SFT SINGLE FAMILY TRADITIONAL DISTRICT
- SFR SINGLE FAMILY RESIDENTIAL DENSITY DISTRICT
- SFM SINGLE FAMILY MEDIUM DENSITY DISTRICT
- SFH SINGLE FAMILY HIGH DENSITY DISTRICT
- SMH SINGLE FAMILY MOBILE HOME DISTRICT
- MFR MULTIFAMILY RESIDENTIAL DENSITY DISTRICT
- MFM MULTIFAMILY MEDIUM DENSITY DISTRICT
- MFH MULTIFAMILY HIGH DENSITY DISTRICT
- MXD MIXED USE DISTRICT
- LCR LIFE CYCLE RESIDENTIAL
- CND COMMERCIAL NEIGHBORHOOD DISTRICT
- CGD COMMERCIAL GENERAL DISTRICT
- CHD COMMERCIAL HIGHWAY DISTRICT
- PUB PUBLIC USE DISTRICT

* NOTE: THIS ZONING MAP IS A COMPILATION OF ZONE BOUNDARIES THAT HAVE BEEN DRAWN ON SHEETS OF CACHE COUNTY ASSESSORS PLATS ON FILE IN THE PROVIDENCE CITY OFFICE. REFER TO THOSE CITY PLATS FOR SCALED LOCATIONS OF ZONE BOUNDARIES.

ZONING DISTRICT BOUNDARIES ARE DELINEATED ON THIS MAP BY CHANGES IN COLOR. UNLESS DEFINED BY LEGAL DESCRIPTION OR NOTED OTHERWISE ON THIS MAP, ALL ZONING DISTRICT BOUNDARIES RUN ALONG THE FOLLOWING LINES:

1. ALONG THE CENTER LINE OF A STREET, RIGHT-OF-WAY, CANAL OR OTHER LANDMARK.
2. ALONG LOT LINES ON PARCEL LINES AS DETAILED ON THE CITY'S PLATS.
3. ALONG THE CITY'S CORPORATE LIMITS.

① DENOTES A DISTRICT BOUNDARY ALONG THE RIGHT-OF-WAY LINE OF A PUBLIC STREET.

CRS ENGINEERS
Answers to Infrastructure

P:\18004L CITY Providence City\GIS\CRS Engineer Services\Providence City Maps\Master Providence Map.dwg

GENERAL PLAN LAND USE MAP

SCALE: 1:600

Rev.	Date	By	Description
7	11/9/12	CLR	WESTON / CHUGG ANNEXATION

SARGENT
Sargent Engineers, Inc.
95 West 100 South, Suite 115
Logan, UT 84321
Tel. 435 753-7214 • Fax 435 753-7295

RIVER HEIGHTS CITY
520 South 500 East

General Plan Land Use

Designed by:	C Rasmussen
Checked by:	
Drafter:	C Perry
Drafter:	
Issue Date:	11/13/2001
Project Ref.:	
Client Ref.:	

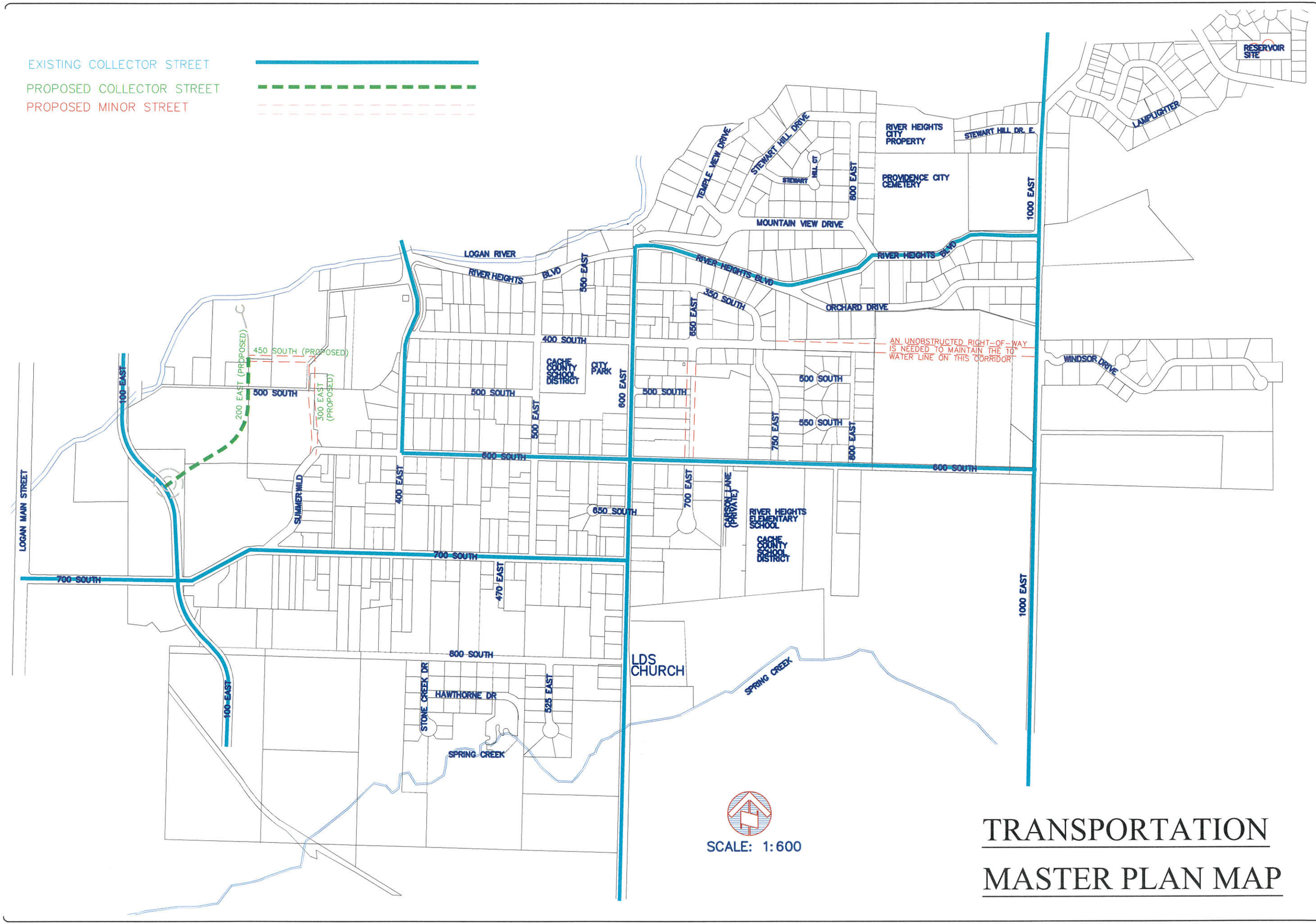
SHEET NO. • OF • SHEETS

File Name: zoning-SensitiveAreas.dwg
Lost Detailer: ____
Time: ____
Plot: ____

EXISTING COLLECTOR STREET

PROPOSED COLLECTOR STREET

PROPOSED MINOR STREET



SCALE: 1:600

TRANSPORTATION MASTER PLAN MAP

Rev.	Date	By	Description
2	11/07/08	CLR	100 EAST EXISTING

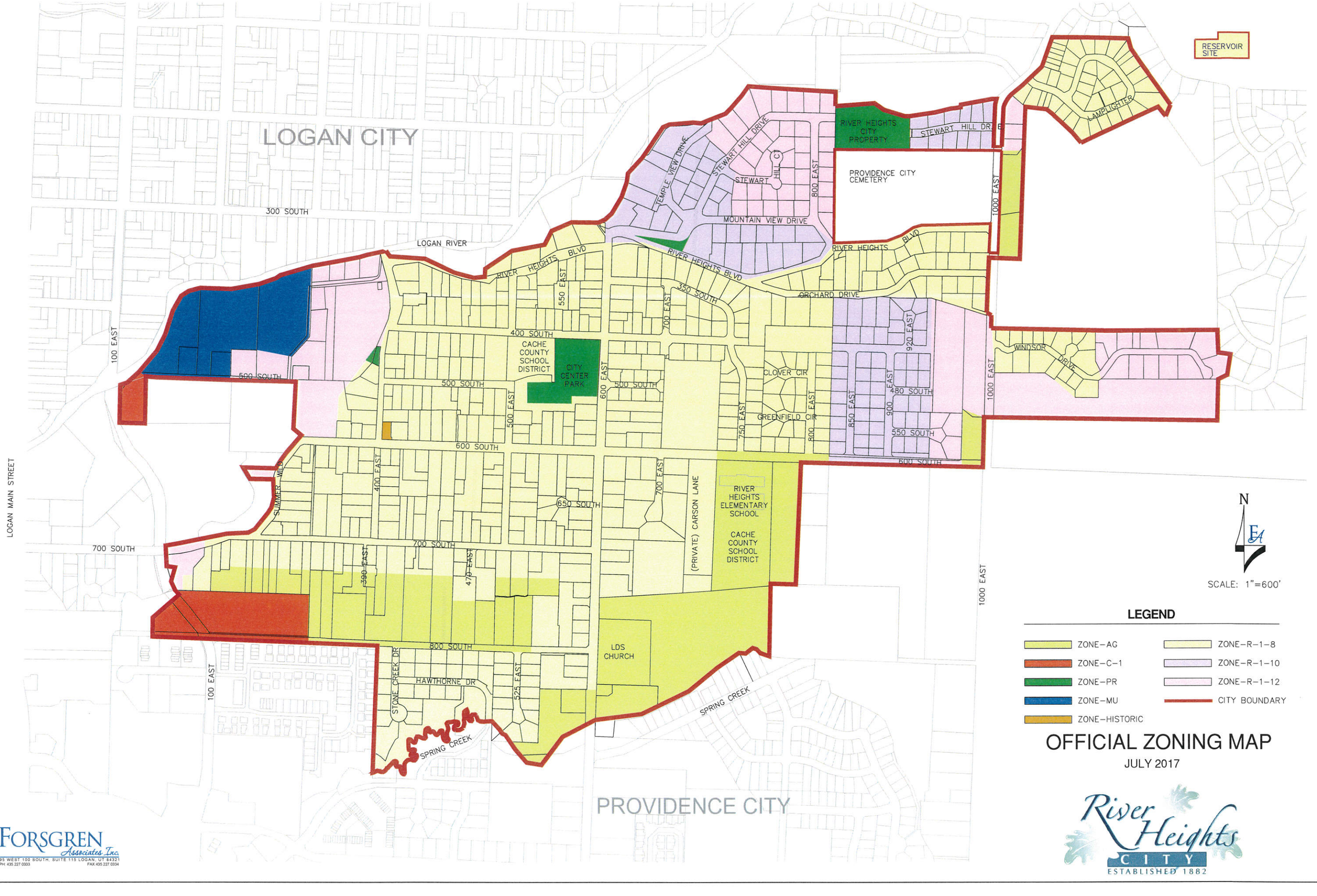
SARGENT
Sargent Engineers, Inc.
95 West 100 South, Suite 115
Logan, UT 84321
Tel. 435 753-7214 • Fax 435 753-7295

RIVER HEIGHTS CITY
520 South 400 East

TRANSPORTATION

Designed by:	C. Rasmussen
Checked by:	.
Drafter:	.
Drafter:	.
Issue Date:	.
Project Ref.:	.
Client Ref.:	.

SHEET NO. • OF • SHEETS



OFFICIAL ZONING MAP

JULY 2017

FORSGREN Associates Inc.
95 WEST 100 SOUTH, SUITE 115 LOGAN, UT 84321
PH: 435.227.0333 FAX: 435.227.0334

River Heights CITY
ESTABLISHED 1882

Millville City

General Plan

Transportation Map

Attachment E

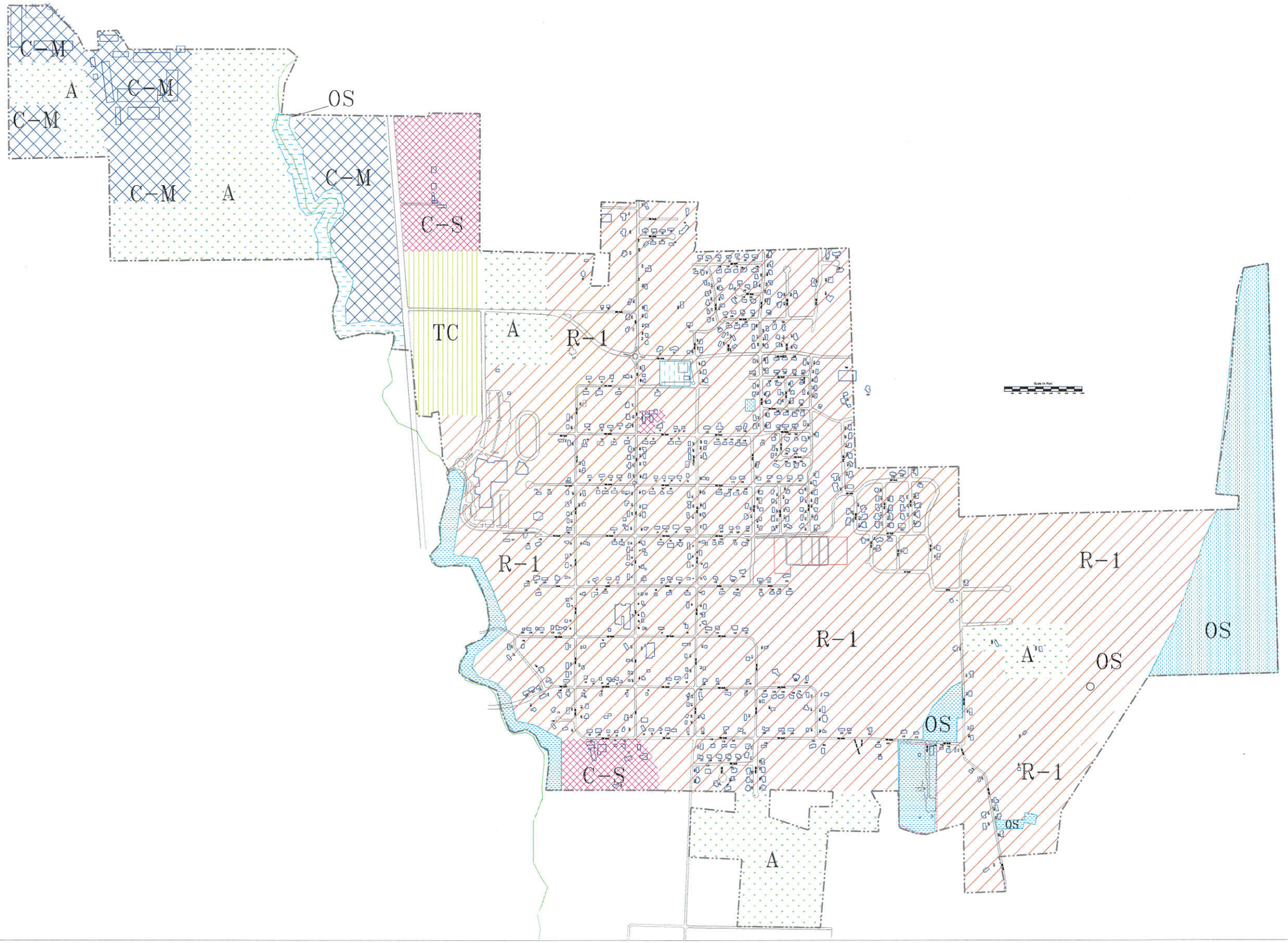
December 13, 2018

ESTABLISHED 1860
MILLVILLE

DEER FENCE TRAIL
CANYON RD
200 N / 500 E
550 E
400 E
350 E
300 E
250 E
450 N
200 N
200 E
300 S
200 S
600 S
900 S
1300 S
350 S
700 N
300 N
100 N
100 S
MAIN ST
100 W
200 W
550 N
2400 S
HIGHWAY 165
Millville Providence Canal
Blacksmith Fork River
101
165
91

Legend
- State Highways
- All Roads and Private Lanes
- Future Arterial and Collector Roads
- Future Nibley Roads
- Millville City Boundary
- Annexation Area

0 0.25 0.5 Mile



Legend:

- Agricultural (A)
- Commercial (C-M)
- Commercial (C-S)
- Residential (R-1)
- Town Center TC
- Open Space (OS)

Prepared by: David Dickey

25 June 2018

File: Zoning 2018 6-25 r12.dwg

Ref File: Millmast 2017 3-30.dwg

Zoning

City of Millville

SCALE IN FEET

0 1000 2000

North

This is to certify that this map is the official zoning map for the city of Millville, Utah referred to in Section 6-4 of the Millville City Ordinances.

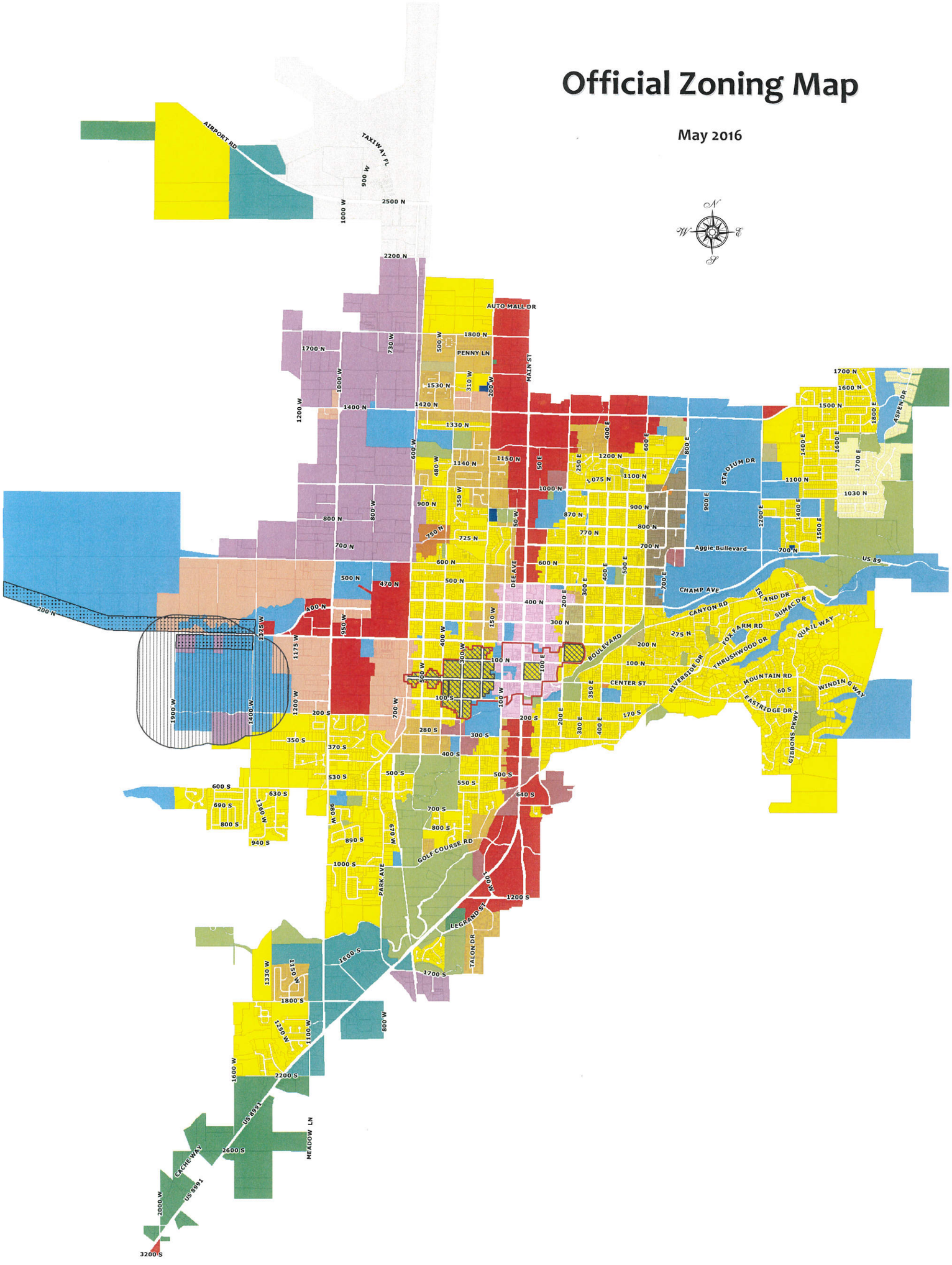
David Hair, Mayor

Attest: Corey Twedt
City Recorder

6-28-18
Date

Official Zoning Map

May 2016



- Low Density Neighborhood Residential (NR-2)
- Suburban Neighborhood Residential (NR-4)
- Traditional Neighborhood Residential (NR-6)
- Mixed Residential Transitional (MR-9)
- Mixed Residential Low (MR-12)
- Mixed Residential Medium (MR-20)
- Mixed Residential High (MR-30)
- Campus Residential (CR)
- Mobile Home (MH)
- Neighborhood Center (NC)
- Resource Conservation (RC)
- Town Center (TC)
- Commercial (COM)
- Community Commercial (CC)
- Mixed Use (MU)
- Gateway (GW)
- Commercial Service (CS)
- Industrial Park (IP)
- Airport (AP)
- Public (PUB)
- Recreation (REC)
- Gateway Overlay
- Historic District
- "X" Overlay Zone
- Landfill Overlay

PROVIDENCE CITY UTAH

Planning Commission Bylaws

Dated: _____

By Laws DRAFT #2 APRIL 18TH

ARTICLE I - GENERAL PROVISIONS

1.1 Applicable State Statutes and Local Ordinances and Rules.

The Providence City Planning Commission, hereinafter referred to as the "Commission," shall be governed by state statutes and local ordinances and policies including the following:

a. State statutes applying generally to public boards, members and officials, including but not limited to: Title 10, Chapter 3, Part 13 of the Utah Code dealing with disclosure requirements and Title 52, Chapter 4 of the Utah Code dealing with open and public meetings.

b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to: Title 10, Chapter 9a, Municipal Land Use Development and Management Act.

c. The Zoning Regulations of Providence City as set forth in Title 10 of the Providence City Code.

d. The Subdivision Regulations of Providence City as set forth in Title 11 of the Providence City Code.

e. Boards and Commissions, Planning Commission as set forth in Title 2 Chapter 1 of the Providence City Code.

f. The bylaws of the Providence City Planning Commission as set forth herein. NOTE: **These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only.** Consequently, should the Planning Commission waive or suspend (see Section 10.2 herein) or otherwise deviate from these bylaws during the course of a hearing/meeting, such **deviation shall not be grounds for invalidating a hearing/meeting** held during such hearing/meeting or any decisions made at such hearing/meeting.

g. If these bylaws conflict with Federal, State, or City codes and/or ordinances, the federal, state, or City codes and/or ordinances shall prevail.

1.2 Requirement of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission.

Upon taking office, all members of the Providence City Planning Commission shall familiarize themselves with the foregoing and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Planning Commission affairs.

1.3 ~~Rules~~ Bylaws of Commission to be Available in the Providence City Office.

An official copy of the ~~rules~~ bylaws of the Planning Commission, in current form, shall be available in the Providence City office as a public record. Additional copies shall be provided to members of the

Commission and made available to the public upon request, but the official copy in the Providence City office shall govern.

1.4 Location of the Providence City Office.

The office of the Providence City Planning Commission shall be located within the Providence City offices, ~~15 South Main~~ 164 N Gateway Dr, Providence, Utah, 84332.

ARTICLE II - MEMBERS

2.1 Number of Members, Appointment, Compensation, Etc.

The membership and appointment of the Planning Commission shall be governed by the provisions of the Utah Code and the provisions of Title 2 Chapter 1 of the Providence City Code.

2.2 Causes for Removal from Commission.

Causes for consideration of removal of members from the Providence City Planning Commission by recommendation of the Mayor to the City Council may include malfeasance, misfeasance, or nonfeasance generally, and in particular:

a. Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the Commission, or failure to be governed thereby, as required by Section 1.2, above.

b. Failure to disclose conflict of interest for purposes of disqualification when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Commission, which the City Council deems to be in violation of the provisions of the Utah Code.

c. Providence City Code 2-1-1B. "Members may be removed with or without cause by a majority vote of the City Council."

2.3 Resignations, Generally, and by Absence.

When members propose to resign, if reasonably feasible, they shall give notice of their intent to the Mayor and to the City Council of Providence City and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chair, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair may then recommend removal of the member to the City Council.

2.4 Vacation of Office.

When a member dies, resigns, or is removed (including resignation by absence), the Mayor shall promptly indicate to the City Council that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chair shall cause any necessary investigation to be made and shall present the facts to the Mayor and

to the City Council who may declare the office vacant and appoint a replacement.

2.5 Expiration of Term.

The terms of office for all members of the Planning Commission shall be three (3) years and until their successors are appointed and qualified except where appointment to a shorter term is necessary to provide for staggered terms among commission members. Members may be removed with or and majority vote of the Council, standing members may be appointed to serve an additional term; r

2.6 Orientation and Training.

Newly appointed commission members will commence orientation and training through reading and study of: 1) Handbook for Planning Commissions and Land Use Authorities published by the Utah League of Cities and Towns; 2) Providence City Code Title 2 Chapter 1 (8/9/16) Planning Commission; 3) Bylaws of the Planning Commission; 4) Conflict of Interest Statement; 5) Meeting schedule for year: 6) Map showing City boundaries and zoning; 7) Current General Plan; 8) Providence City Zoning Code Title 10 Chapters 1-16.
The Administrative Director will notify Planning Commission members of training opportunities.
Commissioners are encouraged to study other areas of Providence City government (e.g. subdivision code(s) and other publications on planning and zoning and attend other training(s).
See the Providence City Personnel Policy Section 8. Training and Travel for reimbursement policies.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Until Successors Take Office.

Annually, as the last item of business at the regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If such regular hearing/meeting is canceled or a quorum is lacking, the election shall be held within 36 days thereafter at a regular or special meeting. If no quorum can be obtained within 36 days, the election shall be held at a regular or special meeting held as soon thereafter as a quorum can be obtained, provided that if no such election is held within 60 days of the dates when generally required, the Mayor shall notify the City Council, who shall appoint a Chair and Vice Chair to serve until the next regular election in the month of July. The prior Chair and Vice Chair shall remain in office until successors take office at the next regular or special meeting following an election or appointment. A chair may not succeed him or herself as chair of the Commission.

3.2 Succession of Vice Chair to Office of Chair; Special Elections.

If the Chair resigns office or no longer becomes a member of the Commission, the Vice Chair shall succeed in office for the remainder of the term. If the Vice Chair resigns office, becomes no longer a member of the Commission, or succeeds to the Chair's office, a special election shall be held at the next regular meeting of the Commission to select a Vice Chair to complete the term, provided that if such regular meeting is one immediately preceding the regular election, the Commission may permit the office of Vice Chair to remain vacant until it is filled in the regular election.

3.3 Duties of Chair and Vice Chair; Appointment of Temporary Chair to Preside at Hearings/Meetings:

If present and able, the Chair shall preside at all hearings/meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside. In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure and order, unless otherwise directed by vote of a majority of the members in attendance. When necessary, in deciding points of order, Roberts Rules of Order, newly revised, ~~shall~~ may be used by the Chair as a point of reference.

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive person(s) in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department. In the event of an emergency, the Chair may order removal of person(s) without a vote of the Commission.

The Chair is a voting member of the Planning Commission and votes on all items.

3.4 Other Responsibilities and Duties of Chair; Delegation to Vice Chair.

The Chair shall have further duties and responsibilities as indicated below. The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during her/his absence or in case of his disability to perform necessary Commission functions in a timely manner. The Vice Chair shall perform all duties so delegated. In case of absence or incapacity of the Chair, on approval by a majority of the commission, the Vice Chair shall perform any or all duties of the Chair whether or not delegated.

3.5 Managerial Responsibilities.

Subject to these rules and further instructions from the Commission, the Chair shall direct the official business of the Commission, interface with the Mayor in the conduct and affairs of the Commission, request needed staff assistance from the Administrative Director or the City Council, and exercise general management direction of the affairs of the Commission.

3.6 Assignment of Commission Members to Inspection Duties.

The Chair may designate members of the Commission to make specific studies and reports, personal inspections of property and land uses, when necessary for proper consideration of agenda items. No more than two Commission members should gather on any City assignment ~~inspect a property~~ at the same location and time; othewise, ~~If it is determined that more than two Commission members should inspect a property at the same time. The~~ open meeting rules will apply.

3.7 Administrative Director.

The Administrative Director to the Providence City Planning Commission shall be the Administrator or her/his designee.

3.8 Duties of Administrative Director.

The Administrative Director, acting under the general direction of the Mayor of Providence City, is responsible for providing staff services to the Commission within the provision of budget authority appropriated by the Providence City Council and within the framework of the provisions of Titles 2,

10, and 11 of the Providence City Code.

3.9 Appointment of Secretary.

The Secretary to the Commission shall be assigned by the Administrative Director from the staff of the Community Services Department.

3.10 Duties of Secretary.

Subject to applicable City Codes and the direction of the Administrative Director of the Planning Commission, the Secretary shall in general attend to all correspondence of the Commission; attend all hearings/meetings of the Commission (except when excused by the Administrative Director with temporary services arranged); and generally perform or supervise all clerical work of the Commission. Under the direction of the City Recorder, send out or cause to be published all notices required; compile all required records; maintain the necessary schedules, minutes, files, and indexes.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS, STAFF

4.1 Representation of Applicants or Petitioners.

No member of the Commission, or of its staff, shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest.

No member of the Commission shall participate in any case in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believe they have any other conflict of interest as defined or regulated under the provisions of the Utah Code. No member of the staff of the Commission or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence the decisions of the Commission, in any case in which he has similar interests and which would constitute a violation of the above-referenced Utah State statutes.

4.3 Disqualification on Grounds of Influence Other Than at Public Hearing/Meeting.

Commission members may be disqualified from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application or petition, other than in the public hearing/meeting, through an Ex parte ~~Aex parte~~ contact.@ ?*"Ex parte" is a Latin phrase meaning "on one side only; by or for one party." An ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with the judge about the issues in the case without the other parties' knowledge.*

4.4 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination.

Commission members may seek information from other Commission members, Counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission; but no member shall express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination. Violation of this rule shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

4.5 Commission Members Not to Vote Unless Present at Meeting.

No Commission member shall vote on any matter unless such member is present, either in person or by electronic connection, at the meeting when a vote is taken.

4.6 Inquiry Regarding Conflicts of Interest and Bias.

It shall be the responsibility of the Chair, Vice Chair or presiding officer to inquire regarding potential conflicts of interest, and issues of bias, regarding the pending agenda item(s), at the beginning of a public hearing or meeting.

4.7 Decorum.

Commission members shall avoid leaving their seats except during approved recesses of a public hearing/meeting. Members shall avoid conversation that is not plainly audible to all present in the hearing/meeting room.

ARTICLE V - HEARINGS/MEETINGS, GENERALLY. It will be the objective of the Planning Commission Chair and Commission Members to conduct a Commission hearing/meeting that is orderly and respectful void of any chaos and clamor. It is in the best interest of the City to afford those who wish to address the Commission an opportunity to do so as much as reasonably possible, allowing a measure of time to present and speak within specific limits of time conducive to the time available and needed by the Commission to hear, discuss and make a decision, forwarding a recommendation to the City Council.

5.1 Regular Meetings.

Regular meetings of the Commission shall be held at 6:00 p.m. in the City Council room and over flow room(s), Providence City offices, on the second and fourth Wednesday of each month; provided that such meetings may be held at any other convenient place or date if directed by the Chair, after public notice is given in compliance with the Utah Code, and upon findings that such other location would serve public convenience or necessity.

5.2 Study Meetings.

Study meetings of the Commission may be held as part of the regularly scheduled meetings or as are deemed appropriate by the Chair, or Administrative Director, provided public notice of the time and place of the meeting is provided in compliance with the Utah Code.

5.3 Special Meetings and Public Hearings:

Special meetings for any purpose may be held at the call of the Chair, the City Council, or the Administrative Director. Said meeting shall be called and scheduled by the Chair at the greatest convenience of the Commission. Notice of the time and place of any special hearing/meeting shall be given in conformance with the provisions of state statutes and local ordinances.

Call of a special meeting at a specified time and place and for specified purposes during a regular meeting of the Commission shall be notice thereof to members of the Commission in attendance at

said regular meeting, but other members shall receive written, electronic, or telephonic notice of the special meeting.

Public Hearing(s) may be scheduled during a regular or special meeting. Noticing requirement shall be done in compliance with applicable City and/or State Codes.

5.4 Recess or Continuance.

Any regular or special hearing/meeting may be recessed or continued from day to day, or to the time of any previously announced regular or special hearing/meeting, and such recess or adjournment to a time and place certain shall not require additional public notice.

5.5 Cancellation.

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any hearing/meeting may be canceled by the Chair by giving notice to all members before noon on the day of such hearing/meeting. The City Office will notify the Chairman or acting Chair.

5.6 Quorum.

A quorum of the Commission shall consist of at least three members or alternate members. In all cases where there are only three members present, all members must cast a vote upon any action on an application or petition requiring action. When only three members are present, a positive vote must be unanimous.

5.7 Agenda, Order of Business.

The Secretary, under direction of the Chair and the Administrative Director, shall prepare an agenda for each Commission meeting. Order of the business shall be as specified by the Chair.

5.8 Length of Hearings/Meetings.

At 9:00 p.m. the Planning Commission will finish the item presently being considered, no additional items will be heard after that time unless there is a motion by a member of the Commission to extend the meeting. All items remaining to be heard will be forwarded to the next regular agenda for consideration.

5.9 Time Control.

The Chair may, at any time, institute measures to control the time for presentation or discussion ~~debate~~ on any issue. Care should be taken to insure fairness in the hearing/meeting process. Those speaking in support and opposed should have substantially equal time. The chair may stop the presentation or discussion ~~debate~~ once he or she believes the issue has been adequately and fairly heard.

5.10 Electronic Meetings.

The Commission members may be allowed to attend any regular or special hearing/meeting by electronic connections as allowed by City and State Codes.

a. At least two (2) members of the Commission must be present at the anchor site (unless specifically noted the anchor site is the Providence City Office building, 164 North Gateway Dr., ~~15 South Main,~~ Providence UT).

b. No more than (2) members of the Commission may attend by electronic connection.

c. A Commission member desiring to attend by electronic connection must notify the Chair and/or the Administrative Director on or before ~~by~~ noon the day of the meeting to allow for arrangements to be made for the electronic meeting and related set up.

ARTICLE VI - PROCEDURES AT HEARING/MEETING

6.1 Representation at Hearing/Meeting.

At the hearing/meeting, any person may appear or be represented by authorized individuals, agents or attorneys. Such individuals, agents or attorneys shall present competent evidence of the extent of their authorization if requested by any member of the Commission.

6.2 Public HearingProcedure.

The public hearing procedure shall be made available to the public and/or be displayed in the commission room, and overflow room(s), needed and available.

a. The Chair, or such person as he may direct, describes the nature of the reason or application ~~case and evidence~~ available to the Commission, for which the hearing is being held, including a summary of staff reports (which shall include recommended findings of fact, conclusions of law and a recommended decision).

b. The applicant, petitioner or authorized agent outlines the nature of the request and presents supporting evidence including pictures, graphics, or other audio/visual material. The applicant will furnish their own presentation equipment and supplies; unless, arrangements have been made in advance with City Staff, and as the City has capacity to reasonably to assist.

c. Persons neutral, or in opposition or support of the application or petition may provide testimony.

d. Rebuttal may be by the applicant, petitioner or authorized agent who spoke in favor.

e. Rebuttal may be by the City Staff or such person as the Chair may direct.

f. Closure of public comment and discussion by the Commission. NOTE: After closure of public comment, the Commission may ask questions of City staff. If questions raised during the Commission's discussion requires an answer by an applicant or other persons present at the hearing/~~meeting~~, the hearing may be reopened, by the Chair for this additional information to be presented and an opportunity for rebuttal provided, as needed. Also, the Chair may open and close the public hearing ~~comment~~ without formal motions from the Planning Commission.

6.3 Conduct During Hearings/Meetings.

During the hearing/meeting, each side shall proceed without interruption by the other. All testimony, statements and pleadings shall be addressed to the Chair. There shall be no questioning or arguing, between individuals in the audience, nor between the audience and the individual making a presentation at the pulpit.

Any member of the Commission, the Legal Counsel to the Commission, or the Commission staff, upon recognition by the Chair, may direct any questions to the applicant, witnesses, or any person speaking from the audience, to bring out pertinent facts. The Chair or the Commission members may call for pertinent facts from the staff or make appropriate comments pertinent to the request, application or matter at hand.. ~~case~~. No Commission member shall debate or argue with persons in the audience.

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive person(s) in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department. In the event of an emergency, the Chair may order removal of person(s) without a vote of the Commission.

Persons attending the hearing/meeting will:

- Refrain from No clapping, whistling, heckling, stomping feet, shouting or speaking out of turn. ~~or shouting.~~

- Refrain from parading or posting of signs inside or outside the meeting room.

- Refrain from any 'straw' polling or imprompt-to-voting during the meeting.

Length of time a speaker can talk (this would depend on the of number of speakers and the importance of the issue and available time). ~~and the number of people attending the meeting~~).

- Sign the Speaker Sheet. To become a speaker on an issue, a person "~~must~~ will ," sign in on a "Speaker Sign-in Sheet" that is separate from the general sign-in sheet, that is made available at the entrance to the meeting room.

Speakers when signing in will designate if they would like to speak to: 1) an Agenda Item; 2) on a Hearing topic; or 3) during the Public Comment period (on any topic).

They will include on the sign in sheet their Name, Agenda items or topic they wish to speak to and the estimated time they expect to speak.

The Commission Chair will, in respect to the meeting Agenda, anticipated time the Commission intends to spend hearing and discussing an agenda item, or the overall length of time the meeting has already gone, may delete or add to the number of speakers allowed as well as the speakers time.

- The "Speaker Sign-in Sheet" will be made available up to the Call to Order opening of the meeting. After the start of the meeting, late arrivals to the meeting will forfeit their opportunity to speak.

- Speakers will be called to speak in the order they have signed in and as determined by the Commission Chair.

· A speaker has "ONE" time to speak, not numerous times, nor getting back up in-between other speakers. The speaker will state, make their presentation or comment ~~State your comment~~ and then sit down allowing the meeting to continue. ~~let the meeting move along.~~

· Speakers will address the Planning Commission, not the public attending the meeting.

· Speakers are not allowed to hand over his or her minutes to another speaker.

· If any person(s) disregards any of the above guidelines, that person will be asked to stop, sit down and/or leave the meeting room.

~~Control of the non-speaking public is a must.~~ Numerous people talking interferes with the audio recording that is being taken by the secretary to the Commission. Individuals speaking ~~speaker our~~ out of turn will be asked to stop talking.

~~One good way to keep the pubic hearing or meeting on track is for the Chair to keep~~ Unless the Chair designates, members of the ~~city council or~~ commission or city staff will refrain from responding directly to the audience ~~member of the public~~ or person with who is speaking.

A Public Hearing is specifically listening to the public, particularly the person speaking. The Planning Commissioners do not have to respond.

The Commission Chair will have the discretion, on any Agenda item, to carry over the review, discussion and need to hear additional testimony from the public attending, to another Commission meeting.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions.

After conclusion of the public hearing on any application or petition, the Commission shall examine the evidence before it in relation to findings required.

With due consideration to the length of the agenda, the nature of the application, ~~case~~, the complexity of the evidence, and the findings required, the Chair may elect, subject to a vote of the majority of the Commission, one of the following alternatives:

a. To proceed immediately to determination and decision on conclusion of the hearing in a particular application ~~case~~; or

b. To defer determination and decision until later in the same meeting; or

c. To defer determination and decision until a specified special or regular meeting of the Commission within the time limits specified by state statute or local ordinances.

7.2 Findings.

If a majority of the quorum of the Commission members present concurs that the evidence supports favorable findings upon an application or petition before it, or that such findings could be made if

conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for a favorable finding are specified in the decision. Such safeguards and requirements shall be binding upon the applicant or petitioner and her/his successor and interests.

If a majority of the quorum of the Commission members present concurs that the evidence does not support a favorable action or recommendation by the Commission, then findings shall be specified in the decision outlining those problems or deficiencies in the application or petition which warrant such action.

If the findings of fact and conclusions of law recommended by staff do not accurately reflect the Commission's decision, the Commission may amend such findings and conclusions at the hearing/meeting or may recess the hearing/meeting to a date and time certain to allow for preparation of revised findings and conclusions by staff.

7.3 Form and Procedure of Decisions.

All such decisions of the Commission shall be made at a public ~~hearing/~~meeting by motion, made and seconded, and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the Commission and a statement of any conditions or safeguards to be attached to the action. If there is any ambiguity on any vote or if the naturally of the application or petition warrants, the Chair may conduct a roll call vote.

7.4 Notification.

Notice of the Commission decision shall be given to the applicant or petitioner and to other interested parties who have requested such notice, by the Secretary of the Commission as soon as reasonably possible after the decision is reached, but within ten (10) days. Such notice shall be given on a "Report of Action" form approved by the Commission and shall include a copy of the complete findings of fact and conclusions of law adopted by the Commission in reaching its decision.

7.5 Appeals. Appeals by applicant or affected party.

Appeals to administrative decisions (legislative decisions?) are directed to the Appeal Authority.

Advisory recommendations of the Commission cannot be appealed as they will be heard by the City Council.

ARTICLE VIII - REQUEST TO WITHDRAW OR AMEND APPLICATIONS OR PETITIONS

8.1 Withdrawal.

Upon written request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

8.2 Amendment.

Applicants, petitioners, or their authorized individuals or agents may amend applications or petitions in any lawful manner on written request delivered to the Administrative Director or ~~her/his or her~~

~~agent~~ not less than ten (10) days prior to the scheduled public hearing/meeting to assure that the amendment is properly evaluated and addressed in the staff report. Amendments received less than ten (10) days before the public hearing/meeting will not be evaluated and made part of the staff report. The staff shall orally report to the Commission at the public hearing/meeting the nature of any amendments received less than ten (10) days before the hearing/meeting. The Commission shall determine whether the nature of the amendment is such as to require referral for re-examination by Counsel or staff having made reports on the original application or petition. If such referral is found necessary, the Commission may proceed with the hearing/meeting or may continue it to a time and place specified, but shall not decide the case until the Commission has received sufficient information and analysis to make a finding that the amendment would not create a substantial difference in the effect of the application or petition.

8.3 Deferrals and Continuances.

On its own motion, or at the request of applicants, petitioners, or their authorized individuals or agents, the Commission may defer the hearing/meeting of applications ~~cases~~ or provide for later continuance of applications ~~cases~~ on which hearings/meetings have begun. Such deferrals or continuances shall be permitted only for good cause, stated in the motion, and, unless time and place is stated, shall require new public notice. An applicant shall be allowed to request one continuance for good cause shown. If additional deferrals or continuances are at their request, new fees shall be paid by applicants or petitioners.

ARTICLE IX - AMENDING OR WAIVING RULES

9.1 Amending Bylaws.

These Bylaws may be amended by a majority vote of the Commission except where such amendment would be contrary to requirements or limitations set by Utah Code or Providence City Code. An amendment may be proposed at any regular meeting of the Commission. Prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed changes. All amendments to the bylaws must have City Council approval before taking affect.

9.2 Waiving or Suspending Rules.

A rule of procedure may be suspended or waived at any hearing/meeting by unanimous vote of Commission members present unless such rule is set by Utah Code or by the Providence City Code.

PROVIDENCE CITY
Planning Commission Bylaws

ARTICLE I - GENERAL PROVISIONS

1.1 Applicable State Statutes and Local Ordinances and Rules.
The Providence City Planning Commission, hereinafter referred to as the ACommission," shall be governed by state statutes and local ordinances and policies including the following:

a. State statutes applying generally to public boards, members and officials, including but not limited to: Title 10, Chapter 3, Part 13 of the Utah Code dealing with disclosure requirements and Title 52, Chapter 4 of the Utah Code dealing with open and public meetings.

b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to: Title 10, Chapter 9a, Municipal Land Use Development and Management Act.

c. The Zoning Regulations of Providence City as set forth in Title 10 of the Providence City Code.

d. The Subdivision Regulations of Providence City as set forth in Title 11 of the Providence City Code.

e. Boards and Commissions, Planning Commission as set forth in Title 2 Chapter 1 of the Providence City Code.

f. The bylaws of the Providence City Planning Commission as set forth herein. NOTE: These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Planning Commission waive or suspend (see Section 10.2 herein) or otherwise deviate from these bylaws during the course of a hearing/meeting, such deviation shall not be grounds for invalidating a hearing/meeting held during such hearing/meeting or any decisions made at such hearing/meeting.

g. If these bylaws conflict with Federal, State, or City codes and/or ordinances, the federal, state, or City codes and/or ordinances shall prevail.

1.2 Requirement of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission.

Upon taking office, all members of the Providence City Planning Commission shall familiarize themselves with the foregoing and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Planning Commission affairs.

1.3 ~~Rules~~ Bylaws of Commission to be Available in the Providence City Office.

An official copy of the ~~rules~~ bylaws of the Planning Commission, in current form, shall be available in the Providence City office as a public record. Additional copies shall be provided to members of the Commission and made available to the public upon request, but the official copy in the Providence City office shall govern.

1.4 Location of the Providence City Office.

The office of the Providence City Planning Commission shall be located within the Providence City offices, ~~15 South Main~~ 164 N Gateway Dr, Providence, Utah, 84332.

ARTICLE II - MEMBERS

2.1 Number of Members, Appointment, Compensation, Etc.

The membership and appointment of the Planning Commission shall be governed by the provisions of the Utah Code and the provisions of Title 2 Chapter 1 of the Providence City Code.

2.2 Causes for Removal from Commission.

Causes for consideration of removal of members from the Providence City Planning Commission by recommendation of the Mayor to the City Council may include malfeasance, misfeasance, or nonfeasance generally, and in particular:

a. Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the Commission, or failure to be governed thereby, as required by Section 1.2, above.

b. Failure to disclose conflict of interest for purposes of disqualification when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Commission, which the City Council deems to be in violation of the provisions of the Utah Code.

c. Providence City Code 2-1-1B. "Members may be removed with or without cause by a majority vote of the City Council."

2.3 Resignations, Generally, and by Absence.

When members propose to resign, if reasonably feasible, they shall give notice of their intent to the Mayor and to the City Council of Providence City and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chair, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair may then recommend removal of the member to the City Council.

2.4 Vacation of Office.

When a member dies, resigns, or is removed (including resignation by absence), the Mayor shall

promptly indicate to the City Council that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chair shall cause any necessary investigation to be made and shall present the facts to the Mayor and to the City Council who may declare the office vacant and appoint a replacement.

2.5 Expiration of Term.

The terms of office for all members of the Planning Commission shall be three (3) years and until their successors are appointed and qualified except where appointment to a shorter term is necessary to provide for staggered terms among commission members. Members may be removed with or without cause by a majority vote of the City Council. On recommendation of the Mayor and by majority vote of the Council, standing members may be appointed to serve an additional term; however, no member may serve more than two consecutive terms.

2.6 Orientation and Training.

The Administrative Director will notify Planning Commission members of training opportunities. See the Providence City Personnel Policy Section 8. Training and Travel for reimbursement policies.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Regular Election of Chair, Vice Chair; Provisions for Contingencies; Continuation of Service Until Successors Take Office.

Annually, as the last item of business at the regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If such regular hearing/meeting is canceled or a quorum is lacking, the election shall be held within 36 days thereafter at a regular or special meeting. If no quorum can be obtained within 36 days, the election shall be held at a regular or special meeting held as soon thereafter as a quorum can be obtained, provided that if no such election is held within 60 days of the dates when generally required, the Mayor shall notify the City Council, who shall appoint a Chair and Vice Chair to serve until the next regular election in the month of July. The prior Chair and Vice Chair shall remain in office until successors take office at the next regular or special meeting following an election or appointment. A chair may not succeed him or herself as chair of the Commission.

3.2 Succession of Vice Chair to Office of Chair; Special Elections.

If the Chair resigns office or no longer becomes a member of the Commission, the Vice Chair shall succeed in office for the remainder of the term. If the Vice Chair resigns office, becomes no longer a member of the Commission, or succeeds to the Chair's office, a special election shall be held at the next regular meeting of the Commission to select a Vice Chair to complete the term, provided that if such regular meeting is one immediately preceding the regular election, the Commission may permit the office of Vice Chair to remain vacant until it is filled in the regular election.

3.3 Duties of Chair and Vice Chair; Appointment of Temporary Chair to Preside at

Hearings/Meetings:

If present and able, the Chair shall preside at all hearings/meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside. In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure and order, unless otherwise directed by vote of a majority of the members in attendance. When necessary, in deciding points of order, Roberts Rules of Order, newly revised, ~~shall~~ may be used by the Chair as a point of reference.

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive person(s) in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department. In the event of an emergency, the Chair may order removal of person(s) without a vote of the Commission.

The Chair is a voting member of the Planning Commission and votes on all items.

3.4 Other Responsibilities and Duties of Chair; Delegation to Vice Chair.

The Chair shall have further duties and responsibilities as indicated below. The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during her/his absence or in case of his disability to perform necessary Commission functions in a timely manner. The Vice Chair shall perform all duties so delegated. In case of absence or incapacity of the Chair, on approval by a majority of the commission, the Vice Chair shall perform any or all duties of the Chair whether or not delegated.

3.5 Managerial Responsibilities.

Subject to these rules and further instructions from the Commission, the Chair shall direct the official business of the Commission, interface with the Mayor in the conduct and affairs of the Commission, request needed staff assistance from the Administrative Director or the City Council, and exercise general management direction of the affairs of the Commission.

3.6 Assignment of Commission Members to Inspection Duties.

The Chair may designate members of the Commission to make personal inspections of property when necessary for proper consideration of agenda items. No more than two Commission members should inspect a property at the same time. If it is determined that more than two Commission members should inspect a property at the same time. The open meeting rules will apply.

3.7 Administrative Director.

The Administrative Director to the Providence City Planning Commission shall be the Administrator or her/his designee.

3.8 Duties of Administrative Director.

The Administrative Director, acting under the general direction of the Mayor of Providence City, is responsible for providing staff services to the Commission within the provision of budget authority appropriated by the Providence City Council and within the framework of the provisions of Titles 2, 10, and 11 of the Providence City Code.

3.9 Appointment of Secretary.

The Secretary to the Commission shall be assigned by the Administrative Director from the staff of the Community Services Department.

3.10 Duties of Secretary.

Subject to applicable City Codes and the direction of the Administrative Director of the Planning Commission, the Secretary shall in general attend to all correspondence of the Commission; attend all hearings/meetings of the Commission (except when excused by the Administrative Director with temporary services arranged); and generally perform or supervise all clerical work of the Commission.
Under the direction of the City Recorder, send out or cause to be published all notices required; compile all required records; maintain the necessary schedules, minutes, files, and indexes.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS, STAFF

4.1 Representation of Applicants or Petitioners.

No member of the Commission, or of its staff, shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest.

No member of the Commission shall participate in any case in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believe they have any other conflict of interest as defined or regulated under the provisions of the Utah Code. No member of the staff of the Commission or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence the decisions of the Commission, in any case in which he has similar interests and which would constitute a violation of the above-referenced Utah State statutes.

4.3 Disqualification on Grounds of Influence Other Than at Public Hearing/Meeting.

Commission members may be disqualified from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application or petition, other than in the public hearing/meeting, through an Aex-parte contact.@

4.4 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination.

Commission members may seek information from other Commission members, Counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission; but no member shall express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination. Violation of this rule

shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

4.5 Commission Members Not to Vote Unless Present at Meeting.

No Commission member shall vote on any matter unless such member is present, either in person or by electronic connection, at the meeting when a vote is taken.

4.6 Inquiry Regarding Conflicts of Interest and Bias.

It shall be the responsibility of the Chair, Vice Chair or presiding officer to inquire regarding potential conflicts of interest, and issues of bias, regarding the pending agenda item(s), at the beginning of a public hearing or meeting.

4.7 Decorum.

Commission members shall avoid leaving their seats except during approved recesses of a public hearing/meeting. Members shall avoid conversation that is not plainly audible to all present in the hearing/meeting room.

ARTICLE V - HEARINGS/MEETINGS, GENERALLY

5.1 Regular Meetings.

Regular meetings of the Commission shall be held at 6:00 p.m. in the City Council room, Providence City offices, on the second and fourth Wednesday of each month; provided that such meetings may be held at any other convenient place or date if directed by the Chair, after public notice is given in compliance with the Utah Code, and upon findings that such other location would serve public convenience or necessity.

5.2 Study Meetings.

Study meetings of the Commission may be held as part of the regularly scheduled meetings or as are deemed appropriate by the Chair, or Administrative Director, provided public notice of the time and place of the meeting is provided in compliance with the Utah Code.

5.3 Special Meetings and Public Hearings:

Special meetings for any purpose may be held at the call of the Chair, the City Council, or the Administrative Director. Said meeting shall be called and scheduled by the Chair at the greatest convenience of the Commission. Notice of the time and place of any special hearing/meeting shall be given in conformance with the provisions of state statutes and local ordinances.

Call of a special meeting at a specified time and place and for specified purposes during a regular meeting of the Commission shall be notice thereof to members of the Commission in attendance at said regular meeting, but other members shall receive written, electronic, or telephonic notice of the special meeting.

Public Hearing(s) may be scheduled during a regular or special meeting. Noticing requirement shall be done in compliance with applicable City and/or State Codes.

5.4 Recess or Continuance.

Any regular or special hearing/meeting may be recessed or continued from day to day, or to the time of any previously announced regular or special hearing/meeting, and such recess or adjournment to a time and place certain shall not require additional public notice.

5.5 Cancellation.

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any hearing/meeting may be canceled by the Chair by giving notice to all members before noon on the day of such hearing/meeting. The City Office will notify the Chairman or acting Chair.

5.6 Quorum.

A quorum of the Commission shall consist of at least three members or alternate members. In all cases where there are only three members present, all members must cast a vote upon any action on an application or petition requiring action. When only three members are present, a positive vote must be unanimous.

5.7 Agenda, Order of Business.

The Secretary, under direction of the Chair and the Administrative Director, shall prepare an agenda for each Commission meeting. Order of the business shall be as specified by the Chair.

5.8 Length of Hearings/Meetings.

At 9:00 p.m. the Planning Commission will finish the item presently being considered, no additional items will be heard after that time unless there is a motion by a member of the Commission to extend the meeting. All items remaining to be heard will be forwarded to the next regular agenda for consideration.

5.9 Time Control.

The Chair may, at any time, institute measures to control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The chair may stop debate once he or she believes the issue has been adequately and fairly heard.

5.10 Electronic Meetings.

The Commission members may be allowed to attend any regular or special hearing/meeting by electronic connections as allowed by City and State Codes.

a. At least two (2) members of the Commission must be present at the anchor site (unless specifically noted the anchor site is the Providence City Office building, 15 South Main, Providence UT).

b. No more than (2) members of the Commission may attend by electronic connection.

c. A Commission member desiring to attend by electronic connection must notify the Chair and/or the Administrative Director by noon the day of the meeting to allow for arrangement to be made for the electronic meeting.

ARTICLE VI - PROCEDURES AT HEARING/MEETING

6.1 Representation at Hearing/Meeting.

At the hearing/meeting, any person may appear or be represented by authorized agents or attorneys. Such agents or attorneys shall present competent evidence of the extent of their authorization if requested by any member of the Commission.

6.2 Public Hearing Procedure.

The public hearing procedure shall be made available to the public and/or be displayed in the room.

a. The Chair, or such person as he may direct, describes the nature of the case and evidence available to the Commission, including a summary of staff reports (which shall include recommended findings of fact, conclusions of law and a recommended decision).

b. The applicant, petitioner or authorized agent outlines the nature of the request and presents supporting evidence including pictures, graphics, or other audio/visual material.

c. Persons neutral, or in opposition or support of the application or petition may provide testimony.

d. Rebuttal by the applicant, petitioner or authorized agent who spoke in favor.

e. Rebuttal by the City Staff or such person as the Chair may direct.

f. Closure of public comment and discussion by the Commission. NOTE: After closure of public comment, the Commission may ask questions of staff. If questions raised during the Commission's discussion requires an answer by an applicant or other persons present at the hearing, the hearing may be reopened for this additional information to be presented and an opportunity for rebuttal provided. Also, the Chair may open and close public comment without formal motions from the Planning Commission.

6.3 Conduct During Hearings/Meetings.

During the hearing/meeting, each side shall proceed without interruption by the other. All testimony, statements and pleadings shall be addressed to the Chair. There shall be no questioning or arguing between individuals in the audience.

Any member of the Commission, the Legal Counsel to the Commission, or the Commission staff, upon recognition by the Chair, may direct any questions to the applicant, witnesses, or any person speaking from the audience, to bring out pertinent facts. The Chair or the Commission members may call for pertinent facts from the staff or make appropriate comments pertinent to the case. No Commission member shall debate or argue with persons in the audience.

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive person(s) in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department. In the event of an emergency, the Chair may order removal of person(s) without a vote of the Commission.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions.

After conclusion of the public hearing on any application or petition, the Commission shall examine the evidence before it in relation to findings required.

With due consideration to the length of the agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to a vote of the majority of the Commission, one of the following alternatives:

a. To proceed immediately to determination and decision on conclusion of the hearing in a particular case; or

b. To defer determination and decision until later in the same meeting; or

c. To defer determination and decision until a specified special or regular meeting of the Commission within the time limits specified by state statute or local ordinances.

7.2 Findings.

If a majority of the Commission members present concurs that the evidence supports favorable findings upon an application or petition before it, or that such findings could be made if conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for a favorable finding are specified in the decision. Such safeguards and requirements shall be binding upon the applicant or petitioner and her/his successor and interests.

If a majority of the quorum of the Commission members present concurs that the evidence does not support a favorable action or recommendation by the Commission, then findings shall be specified in the decision outlining those problems or deficiencies in the application or petition which warrant such action.

If the findings of fact and conclusions of law recommended by staff do not accurately reflect the Commission's decision, the Commission may amend such findings and conclusions at the hearing/meeting or may recess the hearing/meeting to a date and time certain to allow for preparation of revised findings and conclusions by staff.

7.3 Form and Procedure of Decisions.

All such decisions of the Commission shall be made at a public ~~hearing/~~meeting by motion, made and seconded, and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the Commission and a statement of any conditions or safeguards to be attached to the action. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the Chair may conduct a roll call vote.

7.4 Notification.

Notice of the Commission decision shall be given to the applicant or petitioner and to other interested parties who have requested such notice, by the Secretary of the Commission as soon as reasonably possible after the decision is reached, but within ten (10) days. Such notice shall be given on a "Report of Action" form approved by the Commission and shall include a copy of the complete findings of fact and conclusions of law adopted by the Commission in reaching its decision.

7.5 Appeals. Appeals by applicant or affected party.

Appeals to administrative decisions are directed to the Appeal Authority.

Advisory recommendations of the Commission cannot be appealed as they will be heard by the City Council.

ARTICLE VIII - REQUEST TO WITHDRAW OR AMEND APPLICATIONS OR PETITIONS

8.1 Withdrawal.

Upon written request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

8.2 Amendment.

Applicants, petitioners, or their authorized agents may amend applications or petitions in any lawful manner on written request delivered to the Administrative Director or her/his or her agent not less than ten (10) days prior to the scheduled public hearing/meeting to assure that the amendment is properly evaluated and addressed in the staff report. Amendments received less than ten (10) days before the public hearing/meeting will not be evaluated and made part of the staff report. The staff shall orally report to the Commission at the public hearing/meeting the nature of any amendments received less than ten (10) days before the hearing/meeting. The Commission shall determine whether the nature of the amendment is such as to require referral for reexamination by Counsel or staff having made reports on the original application or petition. If such referral is found necessary, the Commission may proceed with the hearing/meeting or may continue it to a time and place specified, but shall not decide the case until the Commission has received sufficient information and analysis to make a finding that the amendment would not create a substantial difference in the effect of the application or petition.

8.3 Deferrals and Continuances.

On its own motion, or at the request of applicants, petitioners, or their authorized agents, the Commission may defer the hearing/meeting of cases or provide for later continuance of cases on which hearings/meetings have begun. Such deferrals or continuances shall be permitted only for good cause, stated in the motion, and, unless time and place is stated, shall require new public notice. An applicant shall be allowed to request one continuance for good cause shown. If additional deferrals or continuances are at their request, new fees shall be paid by applicants or petitioners.

ARTICLE IX - AMENDING OR WAIVING RULES

9.1 Amending Bylaws.

These Bylaws may be amended by a majority vote of the Commission except where such amendment would be contrary to requirements or limitations set by Utah Code or Providence City Code. An amendment may be proposed at any regular meeting of the Commission. Prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed changes. All amendments to the bylaws must have City Council approval before taking affect.

9.2 Waiving or Suspending Rules.

A rule of procedure may be suspended or waived at any hearing/meeting by unanimous vote of Commission members present unless such rule is set by Utah Code or by the Providence City Code.

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