

Information for Providence City Planning Commission 05/22/2019 Agenda Study Item No. 2

Item No. 2. 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.

- Gary Sonntag suggestions for intent and purpose.
- Proposed changes to:
 - Title 10 Chapter 4 Sections 1 and 6
 - Title 10 Chapter 1 Section 5 Amendments, Changes
 - Title 10 Chapter 6 Section 1 Use Chart
 - Title 11 Chapter 3 Section 2 Preliminary Plat B.4.i. Mixed Residential Housing Phasing

Gary Sonntag suggestions

Mixed Residential Housing Zone (MRH)

Purpose and Intent

- A. **Purpose and Intent.** Mixed Residential Housing (MRH) zone is an alternative to traditional residential subdivision layout. This zone will be development in accordance with the following objectives:
1. The intent of this ordinance is to provide a community of residential housing that is a reflection of the City's current demographic diversity and housing mix.
 2. The reflective pattern would be developed on a smaller scale, in a cluster with buffered borders and open space, allowing for a mix of housing on smaller lots capable of supporting a diverse demographic population similar to the city's overall make up.
 3. The MRH zone could be located in any zone within the city or annexation providing there is adequate acreage to develop the subdivision and allow a mix of 2 to 4 housing types. The MRH zone and resulting development could also be an extension of an already established zone of higher density housing or located to add character and promotion of open space in or near a commercial zone.
 4. Just as in the city, a variety of housing types would be appropriate such as: single family homes-detached, single family active adult homes, single family homes-attached: twin home, condominium, town-home. Apartments could work well in an MRH zone when located in or near existing apartments or downtown commercial community.
 5. An MRH development bordering existing neighborhoods, whether commercial or residential, would take steps to mitigate conflicts and assure smooth transitions with street access, bicycle and pedestrian routes, street lighting, signage and perimeter buffering (e.g. fences, walls, vegetation, added separation distance.
 6. Impact to services including water, sewer, streets, drainage, snow removal, protective support (fire, police), as well as natural resources: streams, rivers, wetland, flood plain, forests, ground water, soil conditions and related concerns, will either be acceptable or mitigated to overcome deficits.
 7. Private areas in the MRH zone including open space, perimeter buffers, recreation areas, streets, sidewalks, pathways, landscaping and related amenities, not otherwise located in public right of way, will be managed and maintained by an HOA.

CHAPTER 4

ESTABLISHMENT OF DISTRICTS

SECTION:

- 10-4-1: Zoning Districts Established
- 10-4-2: Boundaries of Districts
- 10-4-3: Planned District
- 10-4-4: Mixed Use District
- 10-4-5: Public District
- 10-4-6: Life Cycle Residential

10-4-1: **ZONING DISTRICTS ESTABLISHED:** The City is hereby divided into zoning districts. Portions of each district may also be designated as being within a hazard or redeveloping zone and thus be subject to additional regulations (see Sections 10-3-5, 10-5-1 and Chapter 14 of this Title). The regulations established herein are uniform for all classes of buildings within each district. The districts established herein shall be known as:

District	Abbreviation	Minimum Lot Size sq. ft.	Summary
Agricultural district	AGR	217,800 (5 acres)	Agricultural operations.
Single family estate district	SFE	43,560 (1 acre)*	Single family residential type uses. Home businesses may be allowed as a permitted use or a conditional use.
Single family large district	SFL	21,800*	
Single family traditional district	SFT	12,000*	
Single family residential density district	SFR	10,000	
Single family medium density district	SFM	8,000	
Single family high density district	SFH	6,000	
Single family mobile home district	SMH	5,000	
Multi-family residential density district	MFR	10,000	Multi-family residential type uses. Home businesses may be allowed as a permitted use or a conditional use.
Multi-family medium density district	MFM		
Multi-family high density district	MFH		
Mixed Residential Housing	MRH		See Section 6 below
Mixed Use District	MXD		See Section 4 below
Commercial neighborhood district	CND		Small scale, day-to-day convenience shopping and services for residents of the immediate neighborhood.
Commercial general district	CGD		Retail, personal service, entertainment, office and related commercial uses.
Commercial highway district	CHD		Retail uses (88%), minimal non-retail use allowed (12%)
Public district	PUB		See Section 5 below
Recreation District	REC		
*Lot Size Averaging may be used in these zones. See 10-8-2. A.			

10-4-2: BOUNDARIES OF DISTRICTS:

- 1 A. Established; Zoning Map: The boundaries of the zoning districts are hereby established as delineated on
2 the officially adopted map (or maps) entitled "Zoning Map of Providence City, Utah", or as hereafter
3 amended by due process. The Zoning Map and all boundaries, notations and other data shown thereon
4 shall be as much a part of this Title as if fully described and detailed herein. The Map shall be filed in the
5 office of the City and may be examined by the public and made available for City use.
- 6 B. Boundaries Not Established; Determination: District boundary lines that are not established by legal
7 definition shall be determined as follows:
- 8 1. Boundaries indicated as being approximately upon the center line of a street, alley, easement, block,
9 canal, waterway or other existing landmark shall be construed to follow such center line.
 - 10
 - 11 2. Boundaries indicated as following lot lines shall be construed as following such platted lot lines.
 - 12
 - 13 3. Boundaries indicated as following City limits shall be construed as following such legal City limit lines.
 - 14
 - 15 4. Boundaries indicated as being parallel to or extensions of features indicated on the Map shall be so
16 construed. Distances not specifically designated shall be determined by the scale of the Map.
 - 17
 - 18 5. Whenever any street, alley or other public way is vacated by official action of the City Council, or
19 whenever such area is franchised for building purposes, the zoning district line adjoining each side of
20 such street, alley or other public way shall be automatically extended to the center line of such vacated
21 street, alley or way and all area so involved shall then and henceforth be subject to all regulations of
22 the extended districts.
 - 23
 - 24 6. Any uncertainty regarding district boundaries not clarified by the five (5) preceding criteria shall be
25 referred to the Appeal Authority for resolution.
 - 26
- 27 C. Changes: Changes in the boundaries of the zoning districts shall be made only by due process as set forth
28 in Section 10-1-5 of this Title. (Zon.Ord., 5-8-1991)

29
30 **10-4-3: Planned District (P)**

31
32 **A. Purposes:**

- 33 1. To encourage and provide a means for effectuating desirable development through the use of
34 variations in site layout, mixed land uses, and/or varied dwelling or other buildings.
- 35
- 36 2. To preserve the amenities and compatibility of P Districts by adoption of a general development
37 plan, showing proper orientation, desirable design character, and compatible land uses.
- 38
- 39 3. To provide for the orderly pre-planning and long-term development for a variety of uses of large
40 tracts of land which are under unified ownership or development control, so as to ensure that the
41 entire tract will provide an environment of stable and desirable character.
- 42 4. To give the developer reasonable assurance that sectional development plans prepared in
43 accordance with an approved general development plan will be acceptable to the local jurisdiction.
44 Sectional development plans shall include subdivision plans and/or planned unit development
45 plans as provided for in this Chapter.
- 46
- 47 5. To enable the adoption of measures providing for development of the surrounding area in
48 character compatible with the Planned District.
- 49

- 50 **B. Standards and Requirements:** The following provisions shall apply in a P District, which District shall
51 also be subject to other provisions of the Zoning Ordinance, except that where conflict in regulations occurs,
Providence City Code Title 10 Zoning Chapter 4 Establishment of Districts
(Amended: Ordinance No. 011-2009, 12/08/2009; 2015-007-02/24/2015; 2018-005, 04/24/2018; 2019-001,
01/08/2019)
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the regulations specified in this Chapter, or on a development plan approved pursuant to this Chapter, shall apply.

1. P Districts may be established on parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Chapter. No P District shall include less than ten (10) acres of contiguous land.
2. No ordinance establishing a P District shall be adopted unless and until there is on file with the local jurisdiction written consent of every property owner within such District at the time of adoption of the Ordinance, agreeing:
 - a. That the owner will be bound by the conditions and regulations proposed and which will be effective within the District, and
 - b. To record such written agreement with the County Recorder
3. Before detailed studies of any P District development plans shall be undertaken by the planning staff or the planning commission, there shall be on file with the local jurisdiction the written request of all property owners within the proposed District that such detailed studies be made.
4. Standards for area, coverage, density, yard requirements, parking and screening for P District uses shall be governed by the standards of the residential, commercial, or industrial zoning districts most similar in nature and function to the proposed P District use(s), as determined by the Planning Commission, and as modified by the approved general development plan. Standards for public improvements shall be governed by applicable ordinances and laws. Exceptions to these standards by the Planning Commission and by the governing body are possible, when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.

C. Preliminary Development Plan Approval:

1. Procedure and Applications. Prior to the filing of a formal P District rezoning application, the applicant shall submit a preliminary development plan for an approval in principle thereof by the planning commission and the governing body.
 - a. The preliminary development plan and text shall be prepared and endorsed by a qualified urban planner, with other professional assistance as required, and shall include the following information presented in a general schematic fashion:
 - i. The topographic character of the land, and any major grading intended;
 - ii. Proposed land uses, population densities, and building intensities;
 - iii. Proposed circulation pattern indicating both public and private streets;
 - iv. Proposed parks, playgrounds, school sites, and other open spaces;
 - v. A market analysis of proposed uses, if required by the Planning Commission, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;
 - vi. Delineation of the units to be constructed in progression, if any; and Relation of the proposed development to future land use in surrounding area(s) and as shown on the master plan.

- D. Public Hearing – Optional:** A public hearing on the preliminary development plan may be held by the Planning Commission and governing body. Approval in principle of the preliminary development plan shall be limited to the general acceptability of the land uses proposed and their interrelationships, and shall

not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility, and such approval shall not be construed as or deemed to be in any form or sense a commitment to approve any subsequent formal rezoning application.

E. General Development Plan and Schedule Approval: Together with the application for rezoning classification, the applicant shall submit the following general development plan consisting of documents and supporting evidence, prepared and endorsed by a qualified professional team, as required by the Planning Commission.

1. A mylar map with ten (10) prints of a survey of the property, showing existing features of the property including specimen trees, structures, streets, easements, drainage channels, utility lines, and existing land uses;
2. A mylar map with ten (10) prints of a general development plan which shall be in reasonable conformance with the approved preliminary plan, showing as appropriate, all the information required on the preliminary development plan; the approximate location and proposed density of dwelling units; non-residential building uses and intensities; and land use considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of total number of acres in the proposed project and the per cent thereof designated for the various uses; the number of dwelling units proposed by type of dwelling unit of the P District; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for construction of each unit; and standards for height, open space, building intensity, population density, and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other ordinance regulations governing development;
4. Evidence that the applicant has sufficient control over the land to effectuate the proposed plan;
5. Engineering and other feasibility studies, as necessary; and if the development or plan is to be approved in stages, each stage of development shall be completed prior to proceeding to the next stage, or adequate performance guaranties be posted to insure completion of each approved stage.

G: Findings Required:

1. The Planning Commission, after public hearing, may recommend the establishment of a P District, and the governing body, after public hearings, may by ordinance establish a P District, provided that both find that the facts submitted with the application and presented at the hearings establish that:
 - a. The proposed P District or a given unit thereof, can be substantially completed within two (2) years of the establishment of the P District.
 - b. That each individual unit of development as well as the total development, can exist as an independent unit capable creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;
 - c. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P District;
 - d. That commercial development can be justified economically at the locations proposed to

- provide commercial facilities;
- e. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- f. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the general development plan, in accordance with adopted policy of the Planning Commission and the governing body;
- g. That the P District is in conformance with the Master Plan; and,
- h. That existing or proposed utility services are adequate for the population and use densities proposed.

H. Planning Commission and Governing Body's Action:

1. If, from the facts presented, the Planning Commission, or the governing body is unable to make the necessary findings, the application shall be denied.
2. In taking action, the Planning Commission may deny the general development plan and general development schedule as submitted, or may recommend approval of said plan and schedule to the governing body, subject to specified amendments.
3. Upon application for rezoning of an area to a P District and recommendation of such rezoning by the Planning Commission, the governing body shall hold a public hearing thereon as required by other amendments to the zoning ordinance.
4. Changes of use or density of an approved general development plan shall be considered the same as a change in the zoning map, and shall be made in accordance with the provisions for amendments of the zoning ordinance. If no development has occurred to effectuate a P District development within two (2) years after the District is created, the Planning Commission shall review the action and determine whether or not the continuation of a given P District is in the public interest. If the Planning Commission so recommends, the governing body may order the area reverted to the original district from which it was created, without a public hearing.
5. At the time of adoption of any ordinance establishing a P District, the governing body shall make appropriate arrangements with the applicant to insure the accomplishment, at the scheduled times, of the public improvements, public dedications, and grants of easement shown on the approved general development plan. The P District shall be given an appropriate name, number of letter to identify it; and the approved general development plan shall be adopted by reference and become a part of the zoning ordinance.

10-4-4: MIXED USE DISTRICT:

A. Purpose: The Mixed Use District is established to stimulate economic development by providing a unique planning environment that combines retail, commercial, office, and residential development in a pedestrian friendly manner. This district encourages creative development and site design. The MX District includes a mixture of uses with no one land use type being a constant dominate or prevailing use. However, residential development is required; maximum density 39 dwelling units per acre.

B. Procedures:

1. The Planning Commission shall be the land use authority for approval of all development proposals in the MX District. All exterior construction visible from adjacent properties or public streets must also be reviewed and approved by the Planning Commission.
2. Prior to the Planning Commission taking action, plans must be submitted in accordance with the zoning ordinance.
3. All submissions shall be made in conformance with the adopted application and agenda deadline schedule.

C. Uses-Allowed: Uses are listed in 10-6-1. Any uses not listed on a table in that section are not permitted.

Any development in the MX District must include retail and residential uses; and may include office and/or commercial.

D. **Development Standards:** The following provisions shall apply in a MX District, which District shall also be subject to other provisions of the Zoning Ordinance, except that where conflict in regulations occurs, the regulation specified in this Chapter, or on a development plan approved pursuant to this Chapter, shall apply.

1. Open Space: Usable open space shall be provided within the mixed use development with the amount and type of open space depending upon size, scale, and nature of the development as determined by the Planning Commission. Approved open space may include but is not limited to: commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, and greenbelts. Open space shall be maintained by owners or the homeowners association. The design shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.
2. Standards for area, coverage, density, yard requirements, parking and screening for MX District uses shall be governed by the standards of the residential or commercial zoning districts most similar in nature and function to the proposed MX District use(s), as determined by the Planning Commission, and as modified by the approved general development plan. Standards for public improvements shall be governed by applicable ordinances and laws. Exceptions to these standards by the Planning Commission and by the governing body are possible, when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.
3. Horizontal Design. Mixed use projects can utilize horizontal design where commercial, office, and residential uses are designed as a single project, yet constructed in separate and distinct building footprints.
4. Vertical Design. Vertical design mixed use uses design strategies where commercial, office, and residential uses are designed as a single project and constructed within the same building footprint. Vertical mixed use promotes pedestrian oriented commercial and retail uses on the main level and office and/or residential uses on the upper floors.
 - a. Mixed use projects utilizing vertical mixed use are eligible for a residential density bonus of up to 30% (39 units per acre) provided other applicable standards are met.
5. Maximum building height within the MX District shall be 45'. Building height is defined in Providence City Code 10-1-4.

E. **Uses:** The variety of uses allowed in a MX District are intended to create a mix of retail, commercial (including but not limited to: entertainment, office, personal services), and residential dwelling land use types that can be developed in a compact design that encourages compatibility of uses. Of the uses included in the development, no one use can be less than 20% of the entire development.

F. **Architectural Design and Materials:** The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Proposed developments shall be designed with a common theme that reflects the heritage and community of Providence and traditional small town streetscapes. The use of theme in a proposed development shall be reviewed and approved by the Planning Commission. Requirements applicable to all buildings are stated below:

1. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular or pedestrian traffic and adjacent properties. Façade shifts shall be encouraged on structures with a width greater than 50 feet.
2. Basic exterior construction materials shall be limited to no more than three types of materials per

- building and all buildings within the development shall possess a similar architectural theme. Building styles shall be compatible with existing buildings in the MX District.
3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.
 4. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Screen materials shall be compatible with those of the building.
 5. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the MX District.
 6. The primary entrance to a building shall be located facing the public street. Entrances at a building corner that faces the street may be used to meet this requirement.

G. **Buffers, Fences, and Walls:** The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.

1. Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission may, at its own option, require special treatment of such areas.
2. Buffer treatment may be required whenever a change occurs between residential and non-residential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.
3. Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.
4. Service areas shall be properly screened. Outdoor lighting shall be designed to prevent exposure of light source to the view of residents. Facilities that require late night customers and activities shall be located away from residential areas to reasonable prevent the disruption of privacy.

H. **Parking Areas:** Parking areas shall be considered as structures since they present a three dimensional appearance when occupied.

1. Parking lots shall be located in the central portions of the development and not along streets so they can service a variety of buildings. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission on the basis of the following factors:
 - a. Type of land use and structure.
 - b. Building height and configuration.
 - c. Relationship to other buildings both horizontally and vertically.
 - d. Natural land features such as slopes and vegetation.
 - e. Physical features such as rail lines, canals, and controlled ingress and egress.
 - f. Visibility from vehicular approaches and distant highways.
 - g. Parking locations are strongly encouraged on the side and to the rear of any proposed structures, with minimum parking between the front of the building and the street.
 - h. Cooperation among neighboring land owners and tenants to share parking for the public and/or employees is encouraged. The availability of shared parking may be used as a justification for the approval of development design and configuration proposals that

- would otherwise not be approved.
2. Parking shall not occur adjacent to any public street except when:
 - a. It has been established that such a location is needed or justified by other site or building entrance orientation.
 - b. The use is restricted to visitors and/or key employees.
 - c. Parking is 80% screened by fencing, walls, and/or landscaping from the highway or street by either depressing the paved areas or using elevated landscape berms.
 - d. A minimum of 10 feet of landscaped screening consisting of mixed evergreen and deciduous trees shall surround the periphery of paved areas adjacent to buildings or property lines. The number of trees for this area shall be determined by a standard of 1 tree per every 200 square feet of landscaping required,
 3. Parking requirements will be considered as maximum parking requirements. Residential units will require at least one and a half spaces per unit. Non residential uses may consider the parking available on public streets as meeting the development requirements.
- I. **Signage:** Proper design and placement of signs and their lighting is critical and shall be compatible with structures and uses. Permitted signs within the MX District shall be in compliance with this code, except that off-premise signs or billboards shall not be permitted. Typical retail signage is designed upon a pedestrian scale located 8 – 12 feet above the sidewalk and placed on the store fronts.
 - J. **Landscaping:** Landscaping shall comply with landscaping requirements in commercial Districts except as approved by the Planning Commission in the process of reviewing a MX District Development.
 - K. **Service and Loading Areas:** Loading and refuse collections areas shall not be permitted between buildings and streets, and must be screened from view of public and private streets. Streets shall not be used directly for loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Loading and refuse collection areas shall be properly screened meeting standards stated herein.
 - L. **General Maintenance:** An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, and parking lots (including surfacing and striping, signs, or other structures). The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair.

10-4-5: Public District. This zone provides for a wide range of public and recreational areas and activities, including: public buildings, parks, and open space.

- A. Purpose. The purpose and objectives of this zone are as follows:
 1. To allow for public buildings and associated uses.
 2. To enable land to be used for public open space or recreational purposes. Allowing a range of recreational settings and activities and compatible land uses; and to protect and enhance the natural environment for recreational purposes.
- B Structures and facilities. The following structures and facilities are permitted in the public district:
 1. Public buildings and amenities.
 2. Buildings and areas for storage of equipment and materials.
 3. Restrooms (permanent and temporary).
 4. Playground structures.
 5. Athletic fields and amenities including: fences, batting cages, water activity areas, tennis courts, volley ball areas, athletic field and court lights, parking lots and lights, flags and lights, ballpark

- advertising banners, regulatory signs.
- 6. Natural amenities: grass, plants, trees, etc.
- 7. Cell towers may be allowed by conditional use.

C Permitted uses. The following uses are permitted in the public district:

- 1. Public meetings, City sponsored gatherings and events such as: city celebrations, concerts in the park, movies in the park, etc.
- 2. Social gatherings (indoor and outdoor). Some gatherings may require a Special Event application and permit (see Title 7, Chapter 7, Section 9 of this Code)
- 3. Athletic events: competitive and organized recreational play and practice. Some events (including but not limited to: fun runs, marathons, bike races, walks) may require a Special Event application and permit (see Title 7, Chapter 7, Section 9 of this Code)
- 4. Kiosk and tent vendors associated with permitted events.
- 5. Food vending by contract with the City.
- 6. Rental of some City owned facilities.
- 7. General, unorganized play and recreational use.

10-4-6: ~~Life Cycle Residential Zone~~ **Mixed Residential Housing Zone (MRH)**

- 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 a community of residential housing that is a reflection of the City's current demographic diversity and housing mix. Just as in the city, a variety of housing types would be appropriate such as: single family homes-detached, single family active adult homes, single family homes-attached: twin home, condominium, town-home. Apartments could work well in an MRH zone when located in or near existing apartments or downtown commercial community.**
- 2. **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.**
- 3. **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.**
- 4. **Maintain a residential character compatible with surrounding traditional single-family neighborhoods adjacent land uses. An MRH development bordering existing neighborhoods, whether commercial or residential, would take steps to mitigate conflicts and assure smooth transitions with street access, bicycle and pedestrian routes, street lighting, signage and perimeter buffering (e.g. fences, walls, vegetation, added separation distance. MHR developments will provide open space equal to or greater than 25% of the total project acreage.**

5. This chapter provides enabling authority and standards for the review, and approval of applications for ~~Life Cycle Residential (LCR)~~ **Mixed Residential Housing (MRH)** 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~~ **MRH** zone shall have the definitions found in Providence City Code 10-1-4.
- D. **Zone Location.** The ~~LCR~~ **MRH** is intended to be located in many areas throughout Providence. ~~The MRH zone could be located in any zone within the city or annexation providing there is adequate acreage to develop the subdivision and allow a mix of 2 to 4 housing types. The MRH zone and resulting development could also be an extension of an already established zone of higher density housing or located to add character and promotion of open space in or near a commercial zone. An LCR MRH is a rezone.~~
- E. **Permitted/Conditional Uses**
- A. The following uses are permitted in an ~~LCR~~ **MHR**.
1. Single-family detached residential housing
 2. Single-family duplex housing
 3. Single-family attached residential housing
 4. Residential Care facilities for 8 persons or less
 5. Apartments
- B. Providence City may **permit and** conditionally permit uses in the ~~LCR MHR~~ **outside of** **in addition to** those listed above. Such **permitted and** conditional uses are ~~outlined~~ **listed** 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	5,000 sq ft
• Duplex	7,500 sq ft
Minimum Dwelling Unit Size (total, not per floor)	
• Single Family Attached	800 sq ft per dwelling unit
• Apartments	750 sq ft per dwelling unit
Minimum Lot Width	

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.

• 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 below Footnote 3 and Item F.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

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- A. **Diversity of Housing Types.** 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. MRH developments must provide open space equal to or greater than twenty-five percent (25%) of the total acreage of the development.
- B. **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.
- C. **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,

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. This also applies to single-family attached, apartment for the front/rear plane measurement discussed in Item F.3.

1 with the exception of one side of single-family attached which may be needed for alley garage access.
2 Buildings whose front plane faces the front plane of another building shall have a minimum of 20'
3 separation between the buildings' front planes.
4

5 D. All other development standards, shall be complied with as outlined in the Providence City Subdivision
6 ordinance and engineering design standards.
7

8 G. **Development Standards.** In addition to development standards contained herein, all projects developed
9 under the LCR zone shall be developed and landscaped in accordance with the Providence City Multi-Family
10 Design Standards.
11

12 H. **Phasing.** ~~As part of the application for a rezone to an LCR, developers shall be required to submit a proposed~~
13 ~~concept/phasing plan for the project. Said phasing plan shall tentatively outline what types and numbers of~~
14 ~~various housing types shall be constructed in each phase. The final phasing plan shall be incorporated into a~~
15 ~~Master Development Agreement, which shall be prepared and developed by the City at the time an LCR~~
16 ~~project is given preliminary plat approval and shall be recorded against the property at that time. The phasing~~
17 ~~of an LCR MRH project shall follow Providence City Code 11-3-2-B-4, with the exception of 11-3-2-B-4-D, which~~
18 ~~requires each phase to be a stand-alone phase. However, no more than two phases of an LCR project may be~~
19 ~~constructed before at least twenty-five percent (25%) of the single-family detached must be presented for~~
20 ~~final plat approval.~~
21
22

10-1-5: **AMENDMENTS, CHANGES:**

A. Zoning Title: Changes and amendments to this Zoning Title shall be done in accordance with State law¹.

B. Zoning Change: Any change of zoning shall be by a vote of the City Council with at least three (3) Council members voting in favor of said change. Such action shall be taken only after a recommendation concerning such request for zoning change is received from the Planning and Zoning Commission or after the time for response has elapsed, after public notification, and after a public hearing is held in accordance with State law. (Zon. Ord., 5-8-1991)

1. **Application for Rezone.** A complete application must include the following:

- a. Payment of the application fee established by resolution.
- b. Written statement of the purpose for the rezone.
- c. Combined legal description of the area(s) proposed for rezone.
- d. Map showing the area(s) proposed for rezone, including the general location of all non-developable sensitive areas, all potentially developable sensitive areas, existing infrastructure (including but not limited to: roads, water mains, sewer mains, storm water facilities, parks, etc.), and any proposed infrastructure shown in the City's general plan and associated maps.
- e. Names and addresses for affected entities, as defined by UCA 10-9a-103.
- f. Names and addresses for adjacent property owner(s) as defined by Providence City Code 10-1-6:B.2.

¹ U.C.A. ' ' 10-9-402 and 10-9-403.

CHAPTER 6

USE REGULATIONS

SECTION:

10-6-1: Use Chart

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

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

P = permitted use

C = conditional use permit required

X = special review required

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

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

= not permitted (absence of symbol)

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

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

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

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

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

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

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

^^Must conform to Title 5 Chapter 1 of this Code, Animal Regulation and Control.

^^^Nondepository financial institutions are businesses that conduct transactions of cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the State of Utah pursuant to the check cashing and deferred deposit lending registration act. Nondepository financial institutions shall be limited by the population of all residents in Providence City. The total population figures shall be based on the US Census Bureau's annual estimates. Only one nonfinancial institution shall be allowed for a population of 0 – 7,000. and 1 per 7,000 thereafter.

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

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

CHAPTER 3

PLAT PROCEDURES AND REQUIREMENTS

SECTION:

- 11-3-0: Dependent Subdivisions (Ordinance Modification 002-00, 01/25/00)
- 11-3-1: Sketch (Concept) Plan
- 11-3-2: Preliminary Plat
- 11-3-3: Final Plat
- 11-3-4: Repealed
- 11-3-5: Building Lots and Building Permits
- 11-3-6: All Provisions, Timelines, Expiration Dates, Etc.
- 11-3-7: Building Lots and Building Permits
- 11-3-8: Lot Consolidation/Lot Line Adjustment in a Recorded Subdivision

11-3-0: **DEPENDENT SUBDIVISIONS:** A subdivision or phase that is dependent upon another subdivision and/or phase for access or public works improvements shall not receive approval, conditional or otherwise, for the final plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are competed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved. (Ordinance Modification 002-00, 01/25/00)

- A. Exception: If the Land Use Authority for Subdivisions determines for good cause that any phase of plan/plat approval for the dependent subdivision would be inadequate to protect the public health, safety, and welfare, the dependent subdivision shall not receive approval, conditional or otherwise, for any phase of plan/plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are competed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved.

11-3-1: **CONCEPT PLAN:** A concept plan shall be submitted to the city executive staff (which may include the administrative services director, public works director, city engineer, public works secretary, zoning personnel, mayor and council member) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

- A. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied; professional fees for review may be billed.
 - 1. A complete application must include information indicating the total acreage (total acreage includes all property within the parcel(s) and all phases whether current or future) of the proposed development.
 - 2. In addition to lot and street layout, a concept plan shall show all non-developable sensitive areas and all potentially developable sensitive areas within the boundaries of the development and within one hundred feet (100') of the development.
 - 3. The following roads do not require curb, gutter, and sidewalk: Grandview Drive and Foothill Drive in the Grand View Hills Subdivision; Canyon Road east of 400 East. 400 East from Canyon Road south to the City's south boundary line does not require curb, gutter, and sidewalk on the west side; curb, gutter, and sidewalk are required on the east side.
 - 4. See the Downtown Street Cross-Sections C-1A in the Providence City Corporation

Department of Public Works Standard Construction Drawings for profiles on all other streets.

B. Expiration:

1. Concept Plan Application. A concept plan application shall expire if it is determined by the City's land use authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions prescribed in City ordinances and/or listed on the city executive staff review comments; or
2. Approved Concept Plan. An approved concept plan shall expire if a complete preliminary plat application has not been submitted to the City by the developer and/or its agent within one (1) year after city executive staff approves the concept plan.
3. An expired plan is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-2: **PRELIMINARY PLAT:** A preliminary plat application will not be accepted by the City without the City's written approval of the concept plan. The following procedure shall be followed in submittal and review of the preliminary plat:

A. Preparation: The preliminary plat shall be prepared in accordance with all requirements of the City and shall include all proposed phases.

B. Contents:

1. Drawing Requirements: The title block of the preliminary plat shall include the following:
 - a. The proposed name of the development.
 - b. The section, township and range of the development.
 - c. The names, addresses, and contact information of the owners, developer(s), if other than the owners, and surveyors or and designers of the development.
 - d. Scale of drawing and north arrow.
2. Existing Conditions: The preliminary plat shall also show:
 - a. The legal description basis of bearing, and total acreage (total acreage includes all property within the parcel(s) and all phases whether current or future) of the proposed development, certified by a licensed land surveyor.
 - b. Location, street number and name of existing streets within one hundred feet (100') of the development and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open spaces, permanent buildings and structures, and corporate lines within and adjacent to the tract.
 - c. The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the development boundaries.
 - d. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size, grades, manholes and accurate location.
 - e. Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; and a letter, from the affected users indicating the plans are acceptable, must be submitted to the City.
 - f. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels of land. (Subd. Ord., 1-24-1990)
 - g. By means of an overlay method or directly on the plat, vertical contour intervals of not more than two feet (2') or one foot (1') on predominantly level land.
 - h. A vicinity map shall show how the development is situated in its surrounding neighborhoods extending a minimum of two (2) blocks or more outward from the

boundaries of the development. The vicinity map shall include all major, collector, standard and feeder streets within the area, both existing streets and those proposed on the Master Plan. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)

3. Proposed Conditions: The preliminary plat shall also show;
 - a. The layout of streets showing location, widths and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys and easements.
 - b. The location for culinary water improvements, waste water improvements, storm drainage and street lights for all lots proposed within the development.
 - c. The layout, numbers, hazard setback, and typical dimensions of lots and square footage.
 - d. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the development.
 - e. Written statement by the design engineer verifying that all lots have an adequate buildable envelope with regards to hazardous slope, building, water, zoning setbacks, etc.
 - f. Easements for water, sewer, drainage, utility lines and other utilities.
 - g. Typical street cross-sections and preliminary street grades if required.
 - h. Copies of any agreements with adjacent property owners relevant to the proposed development.
 - i. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
 - j. A professionally prepared plat having been prepared on a minimum twenty inch by thirty inch (20" x 30") or maximum twenty-four inch by thirty-six inch (24" x 36") approved reproducible drafting medium.
 - k. A signature block along the right-hand margin of the preliminary plat, providing for the following certifications or approvals:
 - (1) Prior to City review, an affidavit or certificate of clear title to the effect that the applicant is the owner of, or that he is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status, a copy of said written authorization from the owner shall be submitted with the preliminary plat. A title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon. A statement from the property owner disclosing any options or unrecorded contacts/agreements associated with the property.
4. Phasing. The development shall be phased to provide public infrastructure, facilities, and services in a timely and orderly manner and provide the City the ability to protect and promote public health, safety, and welfare.
 - a. When developing a large tract of land, developers may choose to construct the subdivision in phases rather than develop the entire property at once. However, in no case should a phase contain less than 6 lots; and no less than two acres of land area.
 - b. Phases shall be planned to ensure the efficient and consecutive construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development.
 - c. Each proposed phase shall provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with development. In cases where construction of a proportionate fair share

improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement may be required.

- d. All phases shall be required to be stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including but not limited to: the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation, recreation and/or public services impacts. Landscaping and parking improvement shall be provided within each phase as required.
- e. Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.
- f. Phasing Plans shall include the following information:
 - i. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers) and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan shall also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easement, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps shall be drawn at the same scale.
 - ii. A narrative description or table which describes each phase and its associated improvements, in addition, the narrative or table shall demonstrate that each phase would comprise a "stand-alone" development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements.
- g. Choosing to phase the subdivision does not relieve developer of the requirement to present the entire subdivision in its phases, for final approval by the Planning Commission as required by Section 3 of this Title and Chapter.
- h. Remainder parcel. In no case should a remainder parcel contain less area than the area required for 6 lots.
- i. **Mixed Residential Housing Phasing.** As part of the application for a rezone to an MRH, developers shall be required to submit a proposed concept/phasing plan for the project.
 - i. Said phasing plan shall tentatively outline what types and numbers of various housing types shall be constructed in each phase.
 - ii. 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 MRH project is given preliminary plat approval and shall be recorded against the property at that time.
 - iii. The phasing of an MRH 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-alone phase. However, no more than two phases of an MRH project may be constructed before at least twenty-five percent (25%) of the single-family detached must be presented for final plat approval.

copy of the preliminary plat shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.

- D. Staff Review: Upon review, the city executive staff will provide written comments, conclusions and recommendations to the Land Use Authority. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)
- E. Approval: No preliminary plat shall be approved by the Planning Commission, the City Council, or any other designated Land Use Authority unless it complies with or can be shown that a final plat will be likely to comply with all the provisions set forth in the Providence City Ordinances. No preliminary or final plat shall be approved if a commitment-of-service letter has not been issued for the plat pursuant to Section 8-1-21.
 - 1. A preliminary plat is not considered approved until all conditions have been satisfied and the plat has been signed by the City Engineer, Land Use Authority, and the Developer.
- F. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied, the application fee may be refunded; professional fees for review may be billed. To be considered complete, an application must contain the following:
 - 1. a completed Providence City Application Form;
 - 2. payment of the application fee;
 - 3. the proposed preliminary plat and all required copies;
 - 4. a title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon;
 - 5. a copy of the City's written approval of the concept plan.
- G. Expiration:
 - 1. Preliminary Plat Application. A preliminary plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in city executive staff review comments; or
 - 2. Approved Preliminary Plat. An approved preliminary plat shall expire if a complete final plat application has not been submitted to the City by the developer and/or its agent within one (1) year after approval of the preliminary plat.
 - 3. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.
- 11-3-3: **FINAL PLAT:** A final plat application cannot be submitted to the City prior to approval of the preliminary plat. The following information and a complete set of construction drawings, including the storm water pollution prevention plan and the engineer's cost estimates shall be submitted for review:
 - A. Preparation: The final plat shall be prepared in accordance with all the requirements of the City. The final plat shall be prepared by a land surveyor, licensed in the State. The top of the plat shall be either north or east, whichever accommodates the drawing best.
 - B. Description And Delineation:
 - 1. The final plat shall show:
 - a. The name of the development as approved by the Land Use Authority.
 - b. Accurate angular and lineal dimensions for all lines, angles and curves used to describe

boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.

- c. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
- d. The street address for each lot. Each street address shall be assigned by the City. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even.
- e. True angles and distances to the nearest official US, State, County, or City monuments which shall be accurately described in the plat and shown by the appropriate symbols. All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the final plat posed to an accuracy of not less than one part in five thousand (5,000).
- f. Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
- g. Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
- h. The dedication to the City of all improvements which shall include, but shall not be limited to, streets, storm water system, water works, sewer works, etc., included in the proposed development.
- i. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
- j. A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical service, telephone service, cable television service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the developer(s).
- k. All hazard setback(s)
- l. A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
- m. A statement that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete.
- n. Boundary descriptions of the development.
- o. Standard forms for the following:
 - (1) A registered land surveyor's certificate of survey as applicable under State law.
 - (2) The owner's signature of dedication.
 - (3) A notary public's acknowledgment.
 - (4) The City Engineer's certificate of approval.
 - (5) The City's authority for the culinary water and the sanitary sewer system's signature
 - (6) The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
 - (7) The Land Use Authority signature of approval.
 - (8) The City's signature of approval by the Mayor.
 - (9) The City Attorney's certificate of approval.
 - (10) A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company, that they are in agreement with placing all of their utilities underground within the right-of-way as shown on the plans and are willing to provide the needed service for the development. Also included, if available, in said statements descriptions of any restrictions that will be imposed by the utility companies, any fees that will be assessed by the utility companies to install the utilities and any time tables that the utility companies might use to install their respective utilities.
 - (11) The County Recorder's stamp of approval according to requirements prior to final plat approval.

2. The final plat shall also:

- a. Be drawn to a scale of not less than one inch equaling one hundred feet (1" = 100') and shall indicate the base heading of true north.
 - b. Be prepared on a minimum twenty inch by thirty inch (20"x30")maximum twenty-four inch by thirty-six inch (24" x 36") paper.
 - c. Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. (Subd. Ord., 1-24-1990)
 - d. Final approved plat for recording shall be prepared on Mylar.
- C. Development Agreement: The developer shall enter into and sign an agreement with the City, which shall indicate a timetable for completion of the final improvements as listed in the preliminary and final plat. This agreement will be submitted to the City Council for approval. (Ord., 4-9-1996)
- D. Submittal: Four (4) copies (20"x30" minimum, 24" x 36" maximum) and one (1) 11" x 17" copy of the final plat and construction drawings shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.
- E. Upon review, the city executive staff shall provide written comments, conclusions, and recommendations to the Land Use Authority.
- F. Approval: The final plat shall be approved by the Land Use Authority. The construction drawings shall be approved by the City staff. The development agreement shall be approved by the City Council. Prior to submitting the final plat for recording, the final plat shall be signed by the developer(s) and utility companies or a letter submitted with the final plat from the utility companies. All security bonds must be in place and the development agreement shall be signed by the developer(s). The City does not consider the final plat to be approved until the construction drawings are signed, the development agreement has been signed and all signatures are on the final plat. At this point, the developer(s) shall submit an electronic copy of the approved final plat and approved construction drawings.
- G. Expiration:
 - 1. Final Plat Application. A final plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in city executive staff review comments.
 - 2. Approved Final Plat. An approved final plat shall be void if it is not recorded within one (1) year of approval of the Development Agreement by the City Council.
 - 3. Approved Final Plat with Phasing. If the final plats are recorded in phases, subsequent final plats must be recorded within five (5) years of the recording of the previous plat. If a development fails to meet this requirement, new concept plan and preliminary plats must be submitted and approved before subsequent final plats can be submitted or approved.
 - 4. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-4:REPEALED

11-3-5: **DOWNTOWN AREA DEVELOPMENT – FIVE (5) LOTS:** A development located in the Downtown Area, as defined in 10-1-4 of this Code, consisting of five (5) lots or less; shall be subject to the requirements listed in this Chapter.

- A. Design Requirements:
 - 1. Inner Block Development Prohibited. Lots must have 95 feet of frontage on a city street that existed prior to September 1, 2006.
 - 2. Right-of-way Improvements.
 - a. Widening or rebuilding of the adjacent city street may be required. Areas disturbed

by the extension of infrastructure, such as, but not limited to, water and/or sewer service lines, must be repaired in accordance with the Department of Public Works Standards and Specifications Manual.

- b. Sidewalk. Sidewalk required along the frontage of the development
- c. Curb & gutter, swales. Refer to the Downtown Area Street Cross Section Booklet

11-3-6: ALL PROVISIONS, TIMELINES, EXPIRATION DATES, ETC. All provisions, timelines, expiration dates, etc. listed in this Chapter apply to the developer, their successors, or assigns.

11-3-7: BUILDING LOTS AND BUILDING PERMITS: Building lots in the approved development may be sold after the final plat has been recorded. The lots, however, shall have recorded restrictions placed upon them stating that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete. (Ord. 97-OM016, 8-12-1997)

11-3-8: LOT CONSOLIDATION/LOT LINE ADJUSTMENT IN A RECORDED SUBDIVISION: Lot consolidation/lot line adjustment in a recorded subdivision plat is considered a minor revision of the subdivision.

- A. A petition to have a plat amended shall be submitted to the city executive staff for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.
 - 1. Petition Requirements: In addition to the petition requirements listed in Utah State Code, a petition for lot consolidation must contain a concept plan, drawn to a scale of not less than one inch equaling one hundred feet (1"=100'), showing all existing structures and their distance from the property lines on all lots involved in the consolidation.
- B. The Planning Commission is the land use authority for altering or amending a subdivision plat.
- C. The Planning Commission, if required by state code, shall hold a public hearing within 45 days after the day on which the petition is filed.
- D. General Requirements:
 - 1. All conditions applicable to the original subdivision remain in full force and effect.
 - 2. Any dedicated street, sidewalk, drainage feature, utility easement, or other characteristic found in the original subdivision remains in full force.
- E. Geometric Requirements:
 - 1. When combining two lots which share a common boundary, the common boundary in plan view must be a minimum of fifteen feet.
 - 2. When combining two or more lots which do not share a common boundary such a boundary must be created for the consolidated lot by the use of abutting connector parcel(s).
 - a. The connector parcel(s) must be a minimum width of fifteen feet in plan view at its narrowest point.
- F. Final Plat for Recording:
 - 1. Upon approval of the Planning Commission, the petitioner shall prepare an amended final plat for recording. The final plat shall include standard forms for the following:
 - a. A registered land surveyor's certificate of survey as applicable under State law.
 - b. The owner's signature of dedication.
 - c. A notary public's acknowledgment.
 - d. The City Engineer's certificate of approval.
 - e. The City's authority for the culinary water and the sanitary sewer system's signature
 - f. The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
 - g. The Land Use Authority signature of approval.
 - h. The City's signature of approval by the Mayor.
 - i. The City Attorney's certificate of approval.
 - j. A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company.
 - k. The County Recorder's stamp of approval according to requirements prior to final plat

approval.

2. Expiration: An approved amended final plat shall be void if it is not recorded within one year from the date the Planning Commission granted approval.