

**Providence City Planning Commission Agenda**  
**Providence City Office Building, 164 North Gateway Drive, Providence UT 84332**  
**October 23, 2019                      6:00 p.m.**  
**Anyone interested is invited to attend.**

**Call to Order:** Gary Sonntag, Chair

**Roll Call of Commission Members:**

**Pledge of Allegiance:**

**Approval of the Minutes:**

**Item No. 1.** The Planning Commission will consider approval of the minutes for October 9, 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 21 minutes. Persons wishing to address the Commission during Public Comments should sign on the public comment sign-in sheet located at the entry to the meeting room.

**Public Hearing(s):** Remarks during the hearing are limited to 5 minutes per person. The total time allotted to hearing comment is 50 minutes. Persons wishing to address the Commission during public hearing should sign on the sign-in sheet for the public hearing located at the entry to the meeting room. You may also email comments to the City Recorder, [sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov) by 2:00 PM the day of the meeting. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

**Public Hearing(s):** None

**Action Item(s):**

**Action Item Note:** Should the Planning Commission not be able to make a decision or take exception to an Action Item(s), then that item will be tabled and revert back to a study category. The applicant will have 15 minutes to introduce and make a brief presentation.

**Item No 1. Final Plat – Jensen Farm Subdivision:** The Providence Planning Commission will consider for approval a final plat for the Jensen Farm Subdivision, a 5-lot residential subdivision in a single-family traditional district, located in the general area of 196 W 100 N, Providence UT.

**Action Item No. 2. Proposed Code Amendment:** The Providence Planning Commission will consider for recommendation to the City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an annexation petition.

**Action Item No. 3. Proposed Meeting Day Change:** The Providence Planning Commission will consider changing the regular meeting day to the second or fourth Tuesday of the month.

**Study Items(s):**

**Item No. 1. Proposed Rezone:** Danny Macfarlane, agent for DLMAC LLC, is requesting a zone change for Parcel No. 02-162-0015; a 1.47-acre parcel located at 220 N Spring Creek Parkway, Providence UT. The property is currently zoned Commercial General District (CGD). The applicant is requesting Multi-Family High (MFH).

**Item No. 2. PCC 10-14-1 & 2 Special Developments:** Proposed amendments make changes in Section 1 Cluster and Inner Block Development by clarifying hearing notice requirements and expanding the area where inner block development can occur. Proposed amendments make changes in Section 2 Planned Unit Development by adding requirements for a storm water system, allowing home businesses, clarifying public and private right-of-ways.

**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 S Bankhead on October 22, 2019

  
Skarlet Bankhead  
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting. Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 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.

1 **Providence City Planning Commission Minutes**  
2 **Providence City Office Building,**  
3 **164 North Gateway Drive,**  
4 **Providence UT 84332**  
5 **October 9, 2019            6:00 p.m.**  
6

7 **Call to Order:** Gary Sonntag, Chair

8 **Roll Call of Commission Members:**

9 Present: Rowan Cecil, Joshua Paulsen (voting alternate), Bob Perry, Gary Sonntag

10 Excused: Laura Banda, Ruth Ann Holloway  
11

12 **Pledge of Allegiance:** Bob Perry  
13

14 **Approval of the Minutes:**

15 **Item No. 1.** The Planning Commission will consider approval of the minutes for September 25, 2019.

16 **Motion to approve the minutes of September 25:** — R Cecil, second — J Paulsen

17 **Vote:**

18 **Yea:** R Cecil, B Perry, J Paulsen

19 **Nay:**

20 **Abstained:** G Sonntag

21 **Excused:** R Holloway, L Banda

22 **Corrections:**

23 Line 368: Bob Perry, Vice Chair  
24

25 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues  
26 within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3  
27 minutes per person. The total time allotted to public comment is 21 minutes. Persons wishing to address  
28 the Commission during Public Comments should sign on the public comment sign-in sheet located at the  
29 entry to the meeting room.

- 30 • No public comments  
31

32 **Action Item(s):**

33 **Action Item Note:** Should the Planning Commission not be able to make a decision or take exception to  
34 an Action Item(s), then that item will be tabled and revert back to a study category. The applicant will  
35 have 15 minutes to introduce and make a brief presentation.  
36

37 **Note:** The commission decided to rearrange the agenda as follows:

38 **Action Item No. 7. Proposed Amended Final Plat:** The Providence Planning Commission will consider for  
39 approval of the Final Plat of Providence Gateway Condominiums Phases C & D Amended; located in the  
40 general area of 471 W 15 S, Providence UT.

41 **Motion to approve action item No. 7 Amended Final Plat for phase C & D of Providence Gateway**  
42 **Condominiums:** — J Paulsen, second — R Cecil

43 **Vote:**

44 **Yea:** R Cecil, B Perry, G Sonntag, J Paulsen

45 **Nay:**

46 **Abstained:**

47 **Excused:** R Holloway, L Banda

- 48 • Bryce Goodin of Visionary Homes explained that they would like to change the footprints on the  
49 plat to accommodate a greater variety of units. None of the buildings will be larger than before.  
50 Some will be smaller. The number of units is the same.

- S Bankhead said that the landscaping and the site work has been approved already with the original plats. Other than the footprints, there is nothing else changing except the color scheme.

**Action Item No. 8. Proposed Final Plat:** The Providence Planning Commission will consider for approval of the Final Plat of Providence Gateway Condominiums Phase F; located in the general area of 470 W 15 S, Providence UT.

**Motion to approve the final plat of Providence Gateway Condominiums Phase F: — R Cecil, second — B Perry**

**Vote:**

**Yea:** R Cecil, J Paulsen, G Sonntag, B Perry

**Nay:**

**Abstained:**

**Excused:** R Holloway, L Banda

**Discussion:**

- S Bankhead said that staff did not have any problems with this final plat. The infrastructure has already been installed, and the staff recommends that this phase be approved.
- J Paulsen asked about the private road, 15 South, that says it has a "variable width." Does our code allow private roads to determine their own width?
- S Bankhead said that we give private roads a name for emergency purposes, and we make sure that they meet all the criteria for emergency vehicles.

**Action Item No. 6. Proposed Amended Final Plat:** The Providence Planning Commission will consider for approval Providence Hollow Subdivision Amended Plat of Lots 20 & 21 by adjusting the joint lot line. The applicant is Scott R Watterson. The adjustment is located at 574 N. 520 E, Providence UT.

**Motion to approve the Providence Hollow Subdivision amended plat of lots 20 & 21 by adjusting the joint lot line: — J Paulsen, second — R Cecil**

**Vote:**

**Yea:** R Cecil, B Perry, J Paulsen, G Sonntag

**Nay:**

**Abstained:**

**Excused:** R Holloway, L Banda

**Discussion:**

- S Bankhead said that the amendment meets all zoning codes and fits with the general plan. The owners have planned for the access. Staff recommends that this amendment be approved.

**Public Hearing(s):** Remarks during the hearing are limited to 5 minutes per person. The total time allotted to hearing comment is 50 minutes. Persons wishing to address the Commission during public hearing should sign on the sign-in sheet for the public hearing located at the entry to the meeting room. You may also email comments to the City Recorder, [sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov) by 2:00 PM the day of the meeting. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

**6:10 PM:** Prior to making a recommendation on a proposed rezone, the Planning Commission is holding a public hearing. The proposed rezone was requested by Ralph Call for Pioneer Builders Company Inc. for Parcel No. 02-098-0010, generally known as 32 East Center, Providence UT. The property is currently zone Commercial General District (CGD); the applicant is requesting Multi-Family Medium (MFM).

- Ralph Daniels of Providence asked how many apartments we are talking about. He was concerned about the traffic by the elementary school.
- Jeanell Sealy of Providence asked for more details about what is being proposed.

**Action Item No. 1. Proposed Rezone:** The Planning Commission will consider for recommendation a request by Ralph Call for Pioneer Builders Company Inc. for Parcel No. 02-098-0010, generally known as 32 East Center, Providence UT. The property is currently zone Commercial General District (CGD); the applicant is requesting Multi-Family Medium (MFM).

**Motion to recommend for approval the rezoning of [a part of] parcel No. 02-098-0010: — B Perry, second — J Paulsen**

**Vote:**

**Yea: K Alder, R Cecil, J Paulsen, B Perry, G Sonntag**

**Nay:**

**Abstained:**

**Excused: R Holloway, L Banda**

- Kip Gilley of Pioneer Builders Company explained that the building in question is east of the Old Rock Church. They are requesting Multi Family Medium so that they can have a night manager live in the basement.
- Kathleen Alder arrived at 6:25 PM
- G Sonntag said that the area that they want to rezone would allow for 4 units.
- K Gilley said that they are only planning on putting three units into the building. The basement is only a half basement.
- G Sonntag asked about parking. K Gilley said that this building will have use of the parking lot. They have also added two more stalls in addition to what is shown on the current Cache County Parcel Viewer image.
- R Cecil asked about breaking up the parcel. K Gilley said that the reason that they are only rezoning part of the parcel is that they don't have an intention to put another 4-plex in the back of the parcel. All they want is to have an extended lease in the current building.
- G Sonntag said that the rest would remain commercial.
- K Alder asked if they are rezoning the whole parcel. S Bankhead said that they are only rezoning the square footage that they requested. They don't have to split the parcel in order to rezone part of it.
- R Cecil said that he is concerned about the increased traffic if the applicant tears down the building and builds a fourplex.
- G Sonntag said that he feels that this rezone is a good approach to foster good use of the property.
- S Bankhead read from the staff report. She said that the total number of units that would be allowed for the area proposed for rezone would be 4 units. Staff recommends that this be recommended to the city council for approval. S Bankhead explained that the Planning Commission is a recommending body in this case. The City Council will make the final decision.
- S Bankhead said that we could have changed the code to allow residential use in our commercial zones or for an employee to live within a commercial zone. However, this would have opened our commercial zones to residential treatment facilities. We are not against residential treatment facilities, but we don't want them to use our limited commercial space. They can locate in residential zones. Staff recommended that the applicant seek multi-family zoning so that we could preserve the integrity of our commercial zone.
- J Paulsen said that at first he was reluctant to recommend this change because of the multi-family zoning, but after discussing it over several meetings, he feels like it makes sense. It is a marginal difference in traffic and occupancy, and encourages the bed and breakfast to thrive.
- G Sonntag asked about whether the commission can use the word "approve" in their motions on items that are a recommendation to the city council.
- S Bankhead said that there are some things, such as final plats, for which the Planning Commission has final approving authority. On other things, it has recommending authority. Staff

151 knows the difference, and the commission knows the difference, but the general public might  
152 not be able to follow along [unless we specify].

- 153 • G Sonntag asked the staff to include something on the agenda to help us understand when  
154 things are to be approved by the commission and when they are only recommendations.

155  
156 **6:15 PM:** Prior to making a recommendation on the proposed code amendments to Providence City  
157 Code Title 10 Zoning Regulations-Chapter 1-Section 5, by adding requirements for a rezone application,  
158 the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an  
159 opportunity for anyone interested to comment on the proposal before action is taken.

- 160 • S Bankhead explained that there is certain information that we require an applicant to submit as  
161 part of their rezone application. One important subject is sensitive areas. As technology has  
162 improved, so has our ability to identify sensitive areas. We would like to make sure that the  
163 developer is aware of sensitive areas prior to the rezone. We don't want to argue with them  
164 after the rezone. We also don't want to be caught in a situation where we rezone a piece of  
165 property but it has a negative impact due to sensitive areas. In order to identify sensitive areas  
166 and give us mitigation strategies for that area, sometimes we need geotechnical reports. This is  
167 a significant cost. If it is only a matter of policy, the developer can argue about providing that.  
168 However, if we add it to the code, there is less that they can do to object.
- 169 • S Bankhead read from the proposed changes.
- 170 • S Bankhead brought up the proposed language from the Planning Commission in 10-1-5 B(1)G.  
171 We really need to base our zone changes on what is in our code rather than on a drawing. After  
172 the rezone takes place, the applicant can change from their drawing if they want to.
- 173 • G Sonntag asked what would happen if the applicant did not provide the information the  
174 Commission is encouraging them to provide in B(1)G. Will the Commission press them for that  
175 information? S Bankhead said that would be a policy decision on the part of the Planning  
176 Commission.
- 177 • S Bankhead said that the idea in B(1)G has merit. It is useful to be able to visualize things. She  
178 just wants to make sure that the Commission doesn't think that this has very much authority.  
179 We can't hold the applicant to their drawing, but we can hold them to what is in the zoning  
180 ordinance.
- 181 • K Alder said that B(1)G does not suggest that the applicant provide an engineering drawing. It  
182 could be hand drawn on a piece of paper.
- 183 • R Cecil said that if the applicant didn't provide what we wanted, we could delay the item until  
184 the next meeting.

185  
186 **Action Item No. 2. Proposed Code Amendment:** The Planning Commission will consider for  
187 recommendation amendments to Providence City Code Title 10 Zoning Regulations-Chapter 1-Section 5,  
188 by adding requirements for a rezone application.

189 **Motion to recommend to the city council an amendment to the Providence City Code Title 10 Zoning**  
190 **Regulations Chapter 1 Section 5: — R Cecil, second — K Alder**

191 **Vote:**

192 **Yea: K Alder, R Cecil, J Paulsen, B Perry, G Sonntag**

193 **Nay:**

194 **Abstained:**

195 **Excused: R Holloway, L Banda**

196 **Discussion:**

- 197 • J Paulsen said that most of our zones are strong enough to establish density. He has an issue,  
198 however, with the LCR zone. Letter B(1)G gets us part of the way towards fixing the LCR problem  
199 with variable density, but we still have more work to do.

**6:20 PM:** Prior to making a recommendation on the proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an annexation petition, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken.

- No public comments

**Action Item No. 3. Proposed Code Amendment:** The Providence Planning Commission will consider for recommendation to the City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an annexation petition.

**Motion to table action item No 3. and make it an action item at the next meeting:** — R Cecil, second — J Paulsen

**Vote:**

**Yea:** K Alder, R Cecil, J Paulsen, B Perry, G Sonntag

**Nay:**

**Excused:** R Holloway, L Banda

**Abstained:**

- G Sonntag explained the proposed changes. Changes to the first paragraph specify that if someone proposes an annexation with a zone that is not shown on the Future Rezone of Existing Districts map, it should come to the Planning Commission for consideration.
- K Alder asked if people who come in for an annexation request usually have an idea of what they will do with it. S Bankhead said that they do. Most annexations nowadays are requested by developers.
- S Bankhead said that while it has been our policy to have the Planning Commission review a request that does not match with the Future Rezone map, it hasn't been specified in our code.
- S Bankhead said that we can add transportation to the list in 10-3-6 C(1)C.
- K Alder asked if we can put language similar to what was put in the rezone application requirements, that applicants are encouraged to provide information about the type of development that they plan to do.
- S Bankhead said that with annexation requests, we can require more than we can require for rezones. We can require new roads to be built, etc. Adding the comment to encourage them to provide information is a very appropriate thing to do with annexations.
- R Holloway arrived at 7:10 PM
- J Paulsen asked if we could add controls about LCR annexations. We could require as part of the annexation agreement that they specify a certain density. S Bankhead said that she thinks that we could.
- J Paulsen asked if we could enforce the annexation agreement if it specified less density than the zone allowed. S Bankhead said that we can enforce it.
- J Paulsen said that he would like the citizens to be able to know more about an annexation before it happens.
- S Bankhead asked that we continue this item so that we can discuss the language with the city attorney.
- 10-3-6. C(1)C: change utilities to services.
- K Alder asked about the feasibility studies mentioned in 10-3-6 C(1)C. When she did the Macey's property, it took 6 years for the Army Corps of Engineers to get back to them [about wetlands].

Sometimes, the developer can't get all of the information in time. There should be some flexibility.

- S Bankhead said that it would be reasonable to expect someone to delineate wetlands as part of the feasibility study. It would not be reasonable to require the mitigations strategies to be a part of the feasibility study.
- G Sonntag noted that K Alder will now be a non-voting alternate due to the arrival of R Holloway.

**6:30 PM:** Prior to making a recommendation on the proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 6-Section 1, by adding accessory apartment unit and amending accessory dwelling unit as permitted in the residential zone, and amending bed and breakfast as conditional in multi-family zones.

- Ralph Daniels of Providence said that at one time, accessory dwelling units were allowed in the city, and then the ordinance was repealed. Now the city wants to allow accessory dwelling units again, and add accessory apartments as well. How will we maintain the integrity of single family residential zones?

**Action Item No. 4. Proposed Code Amendment:** The Providence Planning Commission will consider for recommendation to the City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 6-Section 1, by adding accessory apartment unit and amending accessory dwelling unit as permitted in the residential zone, and amending bed and breakfast as conditional in multi-family zones.

**Motion to approve action item No. 4 by amending Providence City Code Title 10 Zoning Regulations Chapter 6 Section 1 by adding accessory apartment unit and amending accessory dwelling unit as permitted in the residential zone, and amending bed and breakfast as conditional in multi-family**

**zones: — J Paulsen, second — R Holloway**

**Yea: R Cecil, R Holloway, J Paulsen, B Perry, G Sonntag**

**Nay:**

**Abstained:**

**Excused:**

**Non-Voting: K Alder**

**Discussion:**

- G Sonntag asked for some history about accessory dwelling units in the city.
- S Bankhead said that at some time in the 1990s or the 1980s, Providence City allowed someone to convert a part of their home into an apartment. At the time the city did that, they called it an accessory dwelling unit. The code said that one unit had to be owner occupied. People were afraid that there would be a lot of them. They thought that there would be many duplexes in single family homes. However, it was difficult to convert a home to have a separate unit due to the building codes, etc. We didn't have a lot of them. Around 2005, we had a building boom. People were looking to the future and wanting to set up their basement so that they could rent them out. This caused the council to be concerned that they were opening the door to duplexes. The council decided not to allow any more accessory dwelling units.
- S Bankhead said that the ordinance was very successful when we did it before. There was only one unit that we had complaints about while they were allowed, and it was more of a conflict between neighbors rather than anything to do with the zoning. The big sticking point of the ordinance was that the unit had to be owner occupied. You had to have the owner or a family member that qualified live in one of the units.
- S Bankhead said that in the last year, the current council has been rethinking accessory dwelling units/apartments in light of housing costs, etc. Requests from homeowners have also increased

in the last few years to put in accessory apartments. Some homeowners are getting older and want someone else to live in the home with them. We also have had people who want to purchase a house, but need to share the house payments with a renter.

- S Bankhead said that the current council recently passed an Accessory Dwelling Unit (Detached) ordinance. If the commission would like to consider allowing the apartment (attached), we need to put it in the use chart. Both the accessory apartment and accessory dwelling unit ordinance require a property owner or a qualified representative to live in one of the units.
- R Daniels said that accessory dwelling unit and accessory apartment unit have the same definition according to the internet.
- G Sonntag said that the city has its own definitions. An Accessory Dwelling Unit is detached, while an Accessory Apartment is within the primary home.
- S Bankhead said that the reason that Accessory Dwelling Unit is marked as “permitted” in the use chart is because the city council passed an ordinance (Title 10 Chapter 13) allowing it to be permitted. The Accessory Apartment row is blank on the chart because they are currently not allowed.
- J Paulsen asked if different parts of the code trump each other. Currently, there is incongruence between this chart and other parts of the code. S Bankhead said that the newer code generally trumps the older code. In this case, the chapter that allows Accessory Dwelling Units to be permitted would trump the use chart.
- J Paulsen noted that this chart is missing the LCR zone. S Bankhead said that we need to update that.
- S Bankhead explained that even if the Commission does not want to allow accessory apartments, we need to at least change the title so that we don’t have two chapters with the same title. Accessory Apartments has a blank row after it because it is currently not allowed in any zone.

**6:35 PM:** Prior to making a recommendation on the proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 12 accessory apartment units to allow for accessory apartment units.

- No public comments

**Action Item No. 5. Proposed Code Amendment:** The Providence Planning Commission will consider for recommendation to the City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 12 accessory apartment units to allow for accessory apartment units.

**Motion to approve action Item No 5. to recommend to the city council Title 10 Chapter 12 to allow for accessory apartment units: — J Paulsen, second — R Cecil**

**Yea:** R Cecil, R Holloway, J Paulsen, B Perry, G Sonntag

**Nay:**

**Abstained:**

**Excused:**

**Non-Voting:** K Alder

**Discussion:**

- J Paulsen asked if we are defining in which zones the apartment units will be allowed. He is in favor of sending the chapter to the City Council so that residents can react to it, but he does not want to decide yet where the apartments will be allowed.
- S Bankhead said that unless it is already written into the code [that the commission is approving], then the zones in which they will be allowed are not yet defined.

#### **Study Items(s):**

**Item No. 1. PCC 10-8-1, 2, & 3 Set Backs:** Proposed amendments make changes to the setback requirements.

- G Sonntag said that according to the minutes of last meeting, it seemed like city staff wanted across-the-board setbacks in all zones of 10 ft on the side and rear, and 20 ft on the front.
- G Sonntag felt that this approach lacks proportionality to different lot sizes. He said that a smaller lot with the same setbacks as a large lot doesn't make sense. With smaller lots, people need smaller setbacks in order to fit their house. With larger lots, they want more space around them.
- J Paulsen asked if the city staff has discussed setbacks further in regards to the Planning Commission's thoughts.
- S Bankhead said that it was not discussed in executive staff meeting today.
- S Bankhead said that we are not seeing many people buy larger lots because they want more space. We are actually having more trouble with people fitting their homes on the large lots than on the small lots. People are buying larger lots because they want larger homes. They are also wanting a detached garage, a pool, etc.
- S Bankhead said that many people ask why they can put a large detached building 5 ft from a property line, but they can't place their house there. She felt that the large detached building does just as much damage to a neighbor.
- J Paulsen felt that occupied units are different from unoccupied units. He said that if we are allowing accessory dwelling units near the back of the lot, it is essentially like we are subdividing the lot. That is not the vision he wants for Providence, at least not in all zones. That is why he would like separate setbacks for each zone.
- G Sonntag agreed that there should be a respectable buffer. He asked why people want their accessory dwelling unit so far from their house.
- S Bankhead said that she personally has a problem with a 10 ft rear yard setback. However, she respects the other members of the executive staff, and their arguments had merit. One reason people have wanted to increase the distance between the accessory dwelling unit and the home is to make the space more usable between the accessory dwelling unit and the home.
- J Paulsen said that there are many issues that can take place when an occupied unit is too close to a property line, such as noise issues, etc.
- G Sonntag felt that this bears on the discussion about different lot sizes. A larger lot should have a larger rear setback. Some lots just wouldn't work for an accessory dwelling unit.
- S Bankhead said that this question is also about the primary dwelling unit. Many people want to utilize their property for a lot of house and less yard. 10,000 square foot homes are not uncommon in Providence.
- S Bankhead said that staff would like to see a prioritization of the Commission's input. If we understood the Commission's priorities, we could write something that incorporated those.
- R Holloway had a concern about small sheds that are allowed to be right up against the property line. If a home were built with a 10 ft rear setback, and then someone also put sheds in there, it would be pretty tight. She also said that on the big lots, people build very large garages. They are tall buildings. How much do we want that setback to be?
- K Alder said that the concept is the same for a small lot or a large lot. People want privacy. If we do a small setback for a small lot, we could be taking away that privacy.
- R Holloway agreed. She said that space is one of the things that people like about Providence. They like how we have laid out the city.
- G Sonntag said that maintaining privacy and open space, and the issue of proportionality, is what the commission is focused on. They are concerned with how much of a lot is covered with buildings, and how close buildings are to the neighbor's fence line.
- K Alder said that the 10 ft setback gives a tool to the city to monitor the setbacks. She felt that it preserves open space.

- S Bankhead asked if G Sonntag expressed the priorities of the Commission in regards to crafting a new ordinance.
- K Alder said no. J Paulsen said that he agreed with G Sonntag's comment, but felt that we should start by addressing the issue of setbacks for occupied structures. Then we should look at zones, and how they can be used to preserve the character and open space of the city.
- B Perry agreed that things should be proportional. Setbacks should be smaller on a smaller lot.
- R Cecil said that he has a 3900 sq ft house in an SFR zone (10,000 sq ft lot size). He has a 25 ft setback in the front and 10 ft on the sides and a large setback in the rear. He feels that building a home on these lots is feasible.
- G Sonntag said that we will send this ordinance back to staff to have them draft an ordinance.
- R Holloway asked about the setbacks for outbuildings.
- S Bankhead said that it is 5 ft unless they are a very small building that doesn't require a building permit and has no permanent foundation or utilities. Those only need to be far enough that they don't drip onto the neighbor's property. There is no limit on the size of an outbuilding except that it can't take up more than 25% of the yard that they are putting it into. The height limit is 35 ft.

**Item No. 6. PCC 10-13 Accessory Dwelling Units:** The Commission will review the current code.

- The commission decided to take this item off of the agenda in the future.

#### **Reports:**

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

Skarlet Bankhead, Administrative Services Director:

- B Perry asked about the Cache Summit.
- S Bankhead said that it will be at the county event center. The city will pay for it. We will do a group registration.
- S Bankhead asked who would be participating in the Oktoberkraut parade. B Perry, J Paulsen, and K Alder will come.
- S Bankhead said that the city council had successful interviews for the city manager position. We had several panels that interviewed the candidates. We brought in 4 applicants.
- The City Council created a position that will allow us to vote our shares on boards, etc., at water company meetings. Brent Fresz is currently a board member of Blacksmith Fork Irrigation Company. To be on their board, you have to be a shareholder, or an officer or designated representative [of a shareholder]. When Brent Fresz's city council term ends, he needs this position in order to continue on the board. This volunteer position (Secondary Water Stock Designated Representative) will represent us to all the water companies.
- The Council discussed the General Plan chapters 7, 8, and 9. Their changes are mostly clarifications. For example, they added language to the effect that all plans should be reviewed and updated at regular intervals. They will discuss chapters 1, 2 and 3 at their next meeting. Their goal is to get through all of the chapters in the next two meetings so that they can adopt the General Plan by their final meeting in December.
- K Alder suggested having a reception to present the plan to the citizens. S Bankhead said that she thinks that is a great idea.
- S Bankhead said that once the city manager is hired, she would like to do more outreach, such as setting up more citizen and stakeholder committees.
- J Paulsen reported on what Max Pierce, City Engineer, discussed at City Council about the sewer system. Sump pumps are a large cost to the city. It also costs a lot to find [sewer infiltration] and fix it.

- S Bankhead said that there are some areas of the sewer system that we send cameras to every year. We hire a firm to do 1/3 of the city per year. We found 12 leaky points. We are already working to fix them. We only found two sump pumps. We are also considering a larger effort to reach out to people with sump pumps and educate them about ways that they can keep their basement dry without infiltrating our sewer.
- R Holloway asked if we have any residences that have septic systems. S Bankhead said that we do. We don't require homes to be on the sewer if all levels of their house would have to be pumped to the sewer. In such a case, the city doesn't want to accept the responsibility of a potential backup to a private home. There are certain water source protection zones in which septic systems cannot be located.

**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 — B Perry

Meeting adjourned at approximately 8:49 PM

Minutes prepared by Jesse Bardsley

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Gary Sonntag, Chair

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Skarlet Bankhead, City Recorder

**PROVIDENCE CITY  
Final Plat Analysis**

|                                                              |                                                                                                                  |                                                                        |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Item Type:</b> Final Plat                                 | <b>Applicant:</b><br>Big Dutch (Jim Macfarlane)<br>540 W Golf Course RD, Suite R1<br>Providence UT 94332         | <b>Owner:</b><br>Don Jensen<br>3303 S 1000 W<br>Syracuse UT 84075-8961 |
| <b>Prepared by:</b> Skarlet                                  | <b>General Plan:</b> SFT                                                                                         | <b>Zone:</b> SFT                                                       |
| <b>Parcel ID:</b> 02-093-0028<br><b>Address:</b> 196 W 100 N | <b>Acres:</b> 2.03<br><b>Density per acre:</b><br><b>PCC 10-8-1:</b> 3.75<br><b>Gross:</b> 2.46 <b>Net:</b> 2.46 | <b>Number of Properties:</b> 1<br><b>Proposed Lots:</b> 5              |

**Background Information:**

The general plan principles discussed in the review area taken from the Providence City Master Plan 2000 as Revised. Current and anticipated development and infrastructure placement in the immediate surrounding area were also considered.

- Concept Plan was received by the City on July 11, 2019.
- Concept plan reviewed with Executive Staff on July 17, 2019.
- Preliminary plat application received by the City on August 9, 2019 and included:
  - Application, County Recorder plat map, title insurance, preliminary plat signed by the design engineer
- Corrected preliminary plat date stamped 08/23/2019
- The Planning Commission approved the preliminary plat on 08/28/2019
- The final plat application was received on 08/30/2019

**RECOMMENDATION:**

1. Approval of a final plat is an administrative decision. The Planning Commission is the Land Use Authority for subdivision approvals.
2. The executive staff recommends **that the Planning Commission approve the final plat for Jensen Farm Subdivision based on the Findings of Fact, Conclusions of Law, and Conditions presented on the final plat analysis report.**

**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.

**City Code:**

- 10-8-1: Area Regulations: SFT Min lot area sq. ft. 12,000; Min lot width (measured at setback line) 95; Setbacks: side yard-interior 10', side yard-street 20', front/rear combined 50' neither less than 20'; Max units/ac excluding ROW-infrastructure 3.7
- 11-3-3: Final 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)

**CONCLUSIONS OF LAW:**

Residential Development – General Plan Principles

- The proposed final plat density is in harmony with the zone and neighboring developments.
- The proposed final plat notes: *All lots have a buildable envelope with regards to hazardous slopes and zoning setback. No lots have slopes greater than 30% over a horizontal distance of 50 Feet.*
- The proposed final plat notes: *All expenses involving the necessary improvements or extension 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).*

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.
- This development fronts County Road 238 along 200 W and 100 N. The applicant is following the County's process for ingress/egress and the installation of utilities in a County right-of-way.

City Code 10-8-1 Area Regulations.

- The proposed final plat indicates all lots meet or exceed the minimum lot size of 12,000 square feet. The density is less than the maximum allowed.
- The proposed final plat has a note that states: "Unless the owner of Lot 2 begins construction of an approved house plan that incorporates the existing structures within 18 months of the recordation of this plat, said structures will be required to be demolished."

City Code 11-3-3: Final Plat.

- The proposed final plat contains a note that states: "The individual owners of Lots 2, 3, 4, & 5 will be obligated prior to receiving right of occupancy to install the quantity of storm water storage listed in the storm water storage table on their respective lot."

| Storm Water Storage Table |                  |
|---------------------------|------------------|
| Lot #                     | Required Storage |

|   |         |
|---|---------|
| 2 | 393 CFS |
| 3 | 412 CFS |
| 4 | 504 CFS |
| 5 | 336 CFS |

- The proposed final plat meets the requirements of PCC 11-3-3 with conditions listed below:

**CONDITIONS:**

1. The final plat must be stamped and signed by the Surveyor.
2. The construction drawings need to be approved and signed by the City Engineer prior to recording the final plat.
3. The development agreement must be approved by City Council and signed prior to recording the final plat.
4. Bonding needs to be in place prior to recording the final plat.
5. Water dedication needs to take place prior to recording the final plat.
6. The applicant must obtain approval from Cache County for access on to CR238.
7. The applicant shall continue to meet all applicable City, state and federal laws, codes, rules.
8. Approval by the city of any application submittal or paperwork does not alleviate the owners 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.

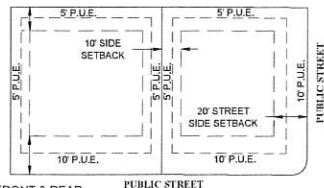


VICINITY MAP:  
NTS

- NOTES:**
- #5 REBAR & CAP TO BE SET AT ALL REAR LOT CORNERS NAIL WASHER TO BE SET IN THE TOP OF THE CURB AT THE EXTENSION OF THE SIDE LOT LINES
  - 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)
  - ALL LOTS HAVE A BUILDABLE ENVELOPE WITH REGARDS TO HAZARDOUS SLOPES AND ZONING SETBACKS. NO LOTS HAVE SLOPES GREATER THAN 30% OVER A HORIZONTAL DISTANCE OF 50 FEET
  - UNLESS THE OWNER OF LOT 2 BEGINS CONSTRUCTION OF AN APPROVED HOUSE PLAN THAT INCORPORATES THE EXISTING STRUCTURES WITHIN 18 MONTHS OF THE RECORDATION OF THIS PLAT, SAID STRUCTURES WILL BE REQUIRED TO BE DEMOLISHED.
  - THE INDIVIDUAL OWNERS OF LOTS 2, 3, 4, & 5 WILL BE OBLIGATED PRIOR TO RECEIVING RIGHT OF OCCUPANCY TO INSTALL THE QUANTITY OF STORM WATER STORAGE LISTED IN THE STORM WATER STORAGE TABLE ON THEIR RESPECTIVE LOT.

| STORM WATER STORAGE TABLE |                  |
|---------------------------|------------------|
| LOT #                     | REQUIRED STORAGE |
| 2                         | 393 CFS          |
| 3                         | 412 CFS          |
| 4                         | 504 CFS          |
| 5                         | 336 CFS          |

50' FRONT & REAR  
COMBINED SETBACK  
WITH 20' MIN. ON FRONT  
OR REAR SETBACK



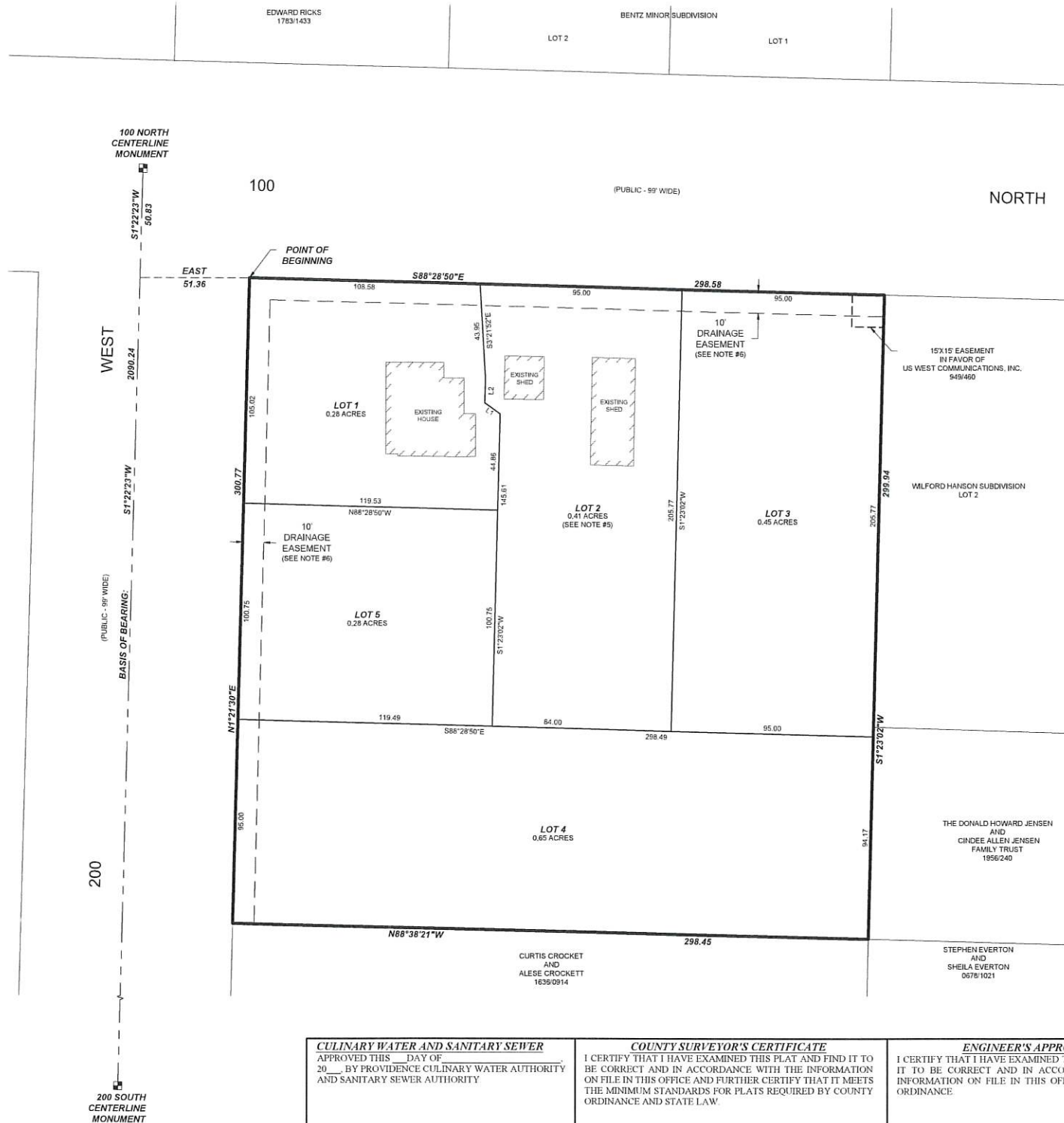
50' FRONT & REAR  
COMBINED SETBACK  
WITH 20' MIN. ON FRONT  
OR REAR SETBACK

PUE & SETBACK DETAIL  
(TYPICAL SEE DRAWING FOR EXCEPTIONS)  
NTS

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE #     | BEARING     | DISTANCE |
| L1         | S54°45'24"E | 8.90     |
| L2         | S1°32'07"W  | 11.42    |

## FINAL PLAT OF JENSEN FARM SUBDIVISION

A PORTION OF BLOCK 15, PLAT "A", PROVIDENCE TOWNSITE SURVEY  
E1/2 OF SECTION 10, T11N, R1E, SLB&M  
PROVIDENCE CITY, UTAH



**CULINARY WATER AND SANITARY SEWER**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY PROVIDENCE CULINARY WATER AUTHORITY AND SANITARY SEWER AUTHORITY

CULINARY WATER AND SANITARY SEWER AUTHORITY

**COUNTY SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND FURTHER CERTIFY THAT IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

COUNTY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

**ENGINEER'S APPROVAL**  
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**ATTORNEY APPROVAL**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

**ROCKY MOUNTAIN POWER**  
1 PURSUANT TO UTAH CODE ANN § 53-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN

2 PURSUANT TO UTAH CODE ANN § 17-27A-603(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:  
(1) A RECORDED EASEMENT OR RIGHT OF WAY  
(2) THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS  
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND FACILITIES OR  
(4) ANY OTHER PROVISION OF LAW.

### SURVEYOR'S CERTIFICATE

I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DENNIS P. CARLISLE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 172675

DATE \_\_\_\_\_

### BOUNDARY DESCRIPTION

All of Lot 4, the N1/2 of Lot 3, and the N1/2 of Lot 6, Block 15, Plat "A", PROVIDENCE TOWNSITE SURVEY, located in the E1/2 of Section 10, Township 11 North, Range 1 East, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at the northwest corner of Lot 4, Block 15, Plat "A", PROVIDENCE TOWNSITE SURVEY, located S1°22'23"W along the 200 West Street monument line 50.83 feet and East S1°36' feet from a centerline monument at the intersection of 100 North and 200 West, thence S88°28'50"E along the north line of said Block 298.58 feet to the northwest corner of Lot 2, WILFORD HANSON Subdivision, according to the Official Plat thereof on file in the Office of the Cache County Recorder, thence S1°23'02"W along said Plat and extension thereof 299.94 feet to the southeast corner of the N1/2 of Lot 3, thence N88°38'21"W along the south line of said N1/2 of said lot, and along the extension of a fence line 298.45 feet to the west line of said Block, thence N1°21'30"E along said west line 300.77 feet to the point of beginning.  
Contains 2.06+/- acres

### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, AND STREETS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS

### JENSEN FARM SUBDIVISION

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS, WATER, SEWER, STORM DRAIN, ETC AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

\_\_\_\_\_  
(SIGNATURE)  
BIG DUTCH, LLC

BY \_\_\_\_\_  
(PRINTED NAME)

ITS \_\_\_\_\_

### LIMITED LIABILITY ACKNOWLEDGMENT

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_, WHO AFTER BEING DULY SWORN, DID ACKNOWLEDGE TO ME THAT HE/SHE IS THE \_\_\_\_\_ OF BIG DUTCH, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC (SIGNATURE)  
RESIDING IN \_\_\_\_\_ COUNTY

MY COMMISSION No. \_\_\_\_\_ PRINTED FULL NAME OF NOTARY \_\_\_\_\_

### MAYOR APPROVAL AND ACCEPTANCE

PRESENTED TO THE PROVIDENCE CITY MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED

PROVIDENCE CITY MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

PROVIDENCE CITY RECORDER \_\_\_\_\_ DATE \_\_\_\_\_

### PLANNING COMMISSION APPROVAL

PRESENTED TO THE PROVIDENCE CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL

PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

## FINAL PLAT OF JENSEN FARM SUBDIVISION

A PORTION OF BLOCK 15, PLAT "A", PROVIDENCE TOWNSITE SURVEY  
E1/2 OF SECTION 10, T11N, R1E, SLB&M  
PROVIDENCE CITY, UTAH

RECORDED #  
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF:

DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

\$ \_\_\_\_\_  
FEE \_\_\_\_\_  
CACHE COUNTY RECORDER

THE UTILITY EASEMENTS SHOWN ON THIS PLAT HAVE BEEN REVIEWED AND ARE APPROVED

DOMINION ENERGY\* \_\_\_\_\_ DATE \_\_\_\_\_ ROCKY MOUNTAIN POWER \_\_\_\_\_ DATE \_\_\_\_\_  
COMCAST CABLE \_\_\_\_\_ DATE \_\_\_\_\_ CENTURYLINK COMMUNICATIONS \_\_\_\_\_ DATE \_\_\_\_\_

\*DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFORMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THIS PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

**PROVIDENCE CITY**  
**Executive Staff Report**  
**Planning Commission Meeting Date: 10/09/2019**

**Request:** Amend Providence City Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an annexation petition.

**Item Type:** Code Amendment

**Applicant:** Providence City

**Prepared by:** S Bankhead

**Staff Report Summary of Key Issues:**

1. City staff feels certain information is necessary to review and process a petition to annex property, including but not limited to: the affected entities, adjacent property owners, extension of utilities, transportation corridors, and sensitive (hazard) areas as defined in Providence City Code 10-5 Sensitive Areas.
2. City staff would like to standardize the information required with a petition to annex property.
3. City staff has prepared the attached code amendment that lists the information required with a petition to annex.

**FINDINGS OF FACT:**

1. Providence City Code (**PCC**) **10-1-5:A.** states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. **UCA § 10-9a-102 Purposes -- General land use authority.**  
*(1) The purposes of this chapter are to:*  
*(a) provide for the health, safety, and welfare; (b) promote the prosperity; (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses; (d) protect the tax base; (e) secure economy in governmental expenditures; (f) foster the state's agricultural and other industries; (g) protect both urban and nonurban development; (h) protect and ensure access to sunlight for solar energy devices; (i) provide fundamental fairness in land use regulation; (j) facilitate orderly growth and allow growth in a variety of housing types; and (k) protect property values.*
3. **UCA § 10-9a-501(2)** . . . a legislative body may enact a land use regulation only by ordinance.
4. **UCA § 10-9a-502** Requires the planning commission provide notice and hold a public hearing on a proposed land use regulation; review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and forward to the legislative body all objections filed.
5. **UCA 10-9a-503(1)** Only a legislative body may amend: . . . (c) any other provision of a land use regulation.
6. **UCA § 10-2-403(1)** Annexation petition – requirements – notice required before filing states: . . . “the process to annex and unincorporated are to a municipality is initiated by a petition . . .”
7. **UCA § 10-2-403(3)** list petition requirements.
8. **PCC 10-3-6.** Provides requirements for annexation.
9. The City's **Annexation Policy Plan** states: It is not the intent of Providence City to acquire more land than the City can reasonably service. Providence City has considered the surrounding unincorporated areas and has planned to annex those areas where the City can provide municipal services as demand occurs. In determining whether or not to grant the annexation petition, the City will use the following specific criteria and matters relevant to these criteria to guide the decision. 1. Public Services (Utility), 2. Public Services (Emergency, Law Enforcement, Fire, Environmental, etc.), 3. Transportation Services, 4. Tax Base and/or Economic Benefit, 5. Control of Development in the Area, 6. Sensitive Ares, Natural Hazards, and Geotechnical Information, 7. Recreation, Parks, Trails, 8. Education System.

**CONCLUSIONS OF LAW:**

1. The proposed code amendment is consistent with the purposes listed in UCA § 10-9a-102.

2. The proposed code amendment is consistent with the intent, specific criteria, and matters relevant to these criteria listed in the City's Annexation Policy Plan.
3. The Planning Commission reviewed and made recommendations to the draft code amendment. The attached draft includes the Planning Commission's recommendations.

**CONDITIONS:**

1. That the proposed code amendment continue to be processed in accordance with State and City codes and regulations.

**RECOMMENDATION:**

That the Providence City Planning Commission make a recommendation to the Providence City Council, that they adopt the attached code amendment to Providence City Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding requirements for a petition to annex property.

10-3-6: **ANNEXATION:**

- A. Classification: New area annexed to the City shall be annexed into the City as **an agricultural zone**, ~~unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended~~ or as an already defined zone per the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the City of Providence, Utah;" any other zoning proposal shall be submitted to the Planning Commission for consideration and recommendation to the City Council, ~~unless otherwise approved by the City Council as provided in Utah Code Annotated as may be amended~~. Any annexation shall be accomplished in accordance with State law. Notification must be delivered to each landowner involved or to any person owning land adjacent to the land involved by the petitioner. (Zon. Ord., 5-8-1991; 1998 Code) (Ordinance Modification 003-02 03/26/02) (Ordinance Modification 014-2003 11/25/03)
- B. Application; Fee: Formal application for annexation will require the payment of an application fee which will be applied to administrative costs including but not limited to publication fees, staff review fees, postage, etc. Professional fees such as legal and engineering fees incurred by the City will be billed, as billed by the professional firm, to the contact sponsor. The application fee will be set by a resolution of the City Council. (Ordinance Modification 003-02)
- C. Petition: The annexing parties must provide an annexation petition and plat in accordance with State law.
1. In addition to the petition and plat, the applicant shall provide the following information:
    - a. A list, including the mailing address, of each affected entity as defined in Utah Code 10-2-401.
    - b. A list, including the mailing address, of each adjacent property owner. As defined in Providence City Code 10-1-6:B.2.
    - c. Feasibility Study ~~showing how~~ addressing the following:
      - i. All utilities/services, including but not limited to: transportation/streets, water, sewer, storm drain, gas, power, and communication services will be provided to this area.
      - ii. ~~Address~~ Any sensitive areas including, but not limited to those listed in Providence City Code Title 10 Chapter 5 and the Disaster Mitigation Plan Bear River Region Utah.
    - d. A development plan that shows:
      - 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;
      - 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 general plan.
- D. Repealed (Ordinance Modification 003-02)



**PROVIDENCE CITY**  
**Staff Report**  
**Planning Commission**  
**Meeting Date: 10/23/2019**

**Request:** Proposed rezone of Parcel 02-162-0015, Lot 2 of the Willow Place Subdivision containing 1.47 acres, generally known as 220 North Spring Creek Parkway.

|                                 |                                                |                                |                  |
|---------------------------------|------------------------------------------------|--------------------------------|------------------|
| <b>Item Type:</b> Rezone        | <b>Applicant:</b> DLMAC                        | <b>Agent:</b> Danny Macfarlane |                  |
| <b>Prepared by:</b> S Bankhead  | <b>General Plan:</b> CGD                       | <b>Zone:</b>                   |                  |
|                                 |                                                | <b>Current</b>                 | <b>Requested</b> |
|                                 |                                                | CGD                            | MFH              |
| <b>Parcel ID #:</b> 02-162-0015 | <b>Address:</b> 220 North Spring Creek Parkway | <b>Acres:</b> 1.47             |                  |

**Staff Report Summary of Key Issues:**

1. This property is adjacent to The Homes on Parkway on the north (zoned MFH), Alma Leonhardt Park on the east, and Ignite Business Park (zoned CGD) on the south (see Illustration A).

**Background Information:**

1. The application for rezone was received by the City Office on October 4, 2019.
2. Executive Staff (ES) reviewed the request.

**RECOMMENDATION:**

1. ES is neutral on this request. Given the surrounding area, this parcel would fit in either zone.
2. Prior to making a recommendation to city council, the Planning Commission must hold a public hearing.

**FINDINGS OF FACT:**

1. ES used the Providence City Master Plan 2000 as revised, and examined current and anticipated development in the immediately surrounding area, to review the application. General Plan Sheet 5-B Future Re-Zone of Existing Districts does not presently call for the zone for this area to change to Multi-Family High (MFH). The proposed Future Re-Zoning of Existing Districts & Annexed Area Map does not show a zone change for this parcel (see Illustration B).
2. Providence City Master Plan 2000 Revised 8 December 2009 lists Principles Governing the Master Plan 2000, including but not limited to the following:
  - Develop mixed-use neighborhoods (retail, commercial, and a full range of housing opportunities).
  - Strengthen the economic base of the community by encouraging the growth of a quality commercial area.
  - Focus prime development opportunities on strong retail facilities that generate sales taxes. (Res 09-035, 12/08//2009)

**CONCLUSIONS OF LAW:**

1. The General Plan does not anticipate this property zone changing from CGD.
2. The General Plan should be amended in order to make a favorable recommendation on this rezone request.

**CONDITIONS:**

1. The applicant shall meet all applicable City, state and federal laws, codes, rules.

Illustration A – Current Zoning

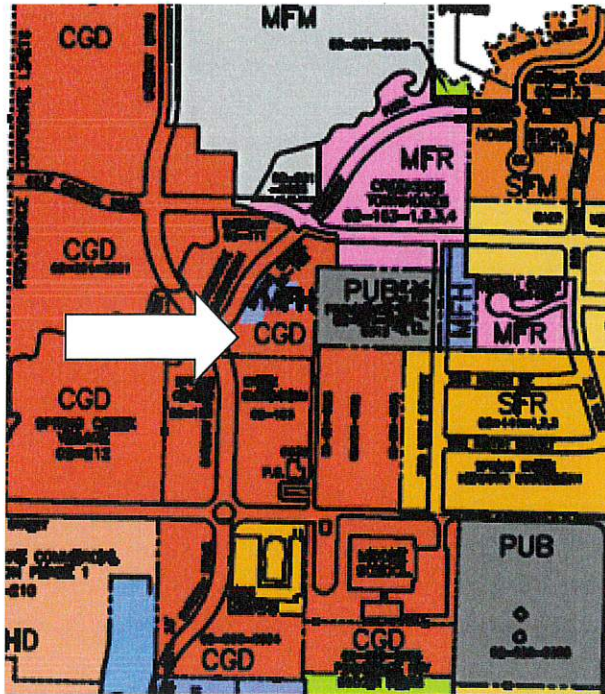
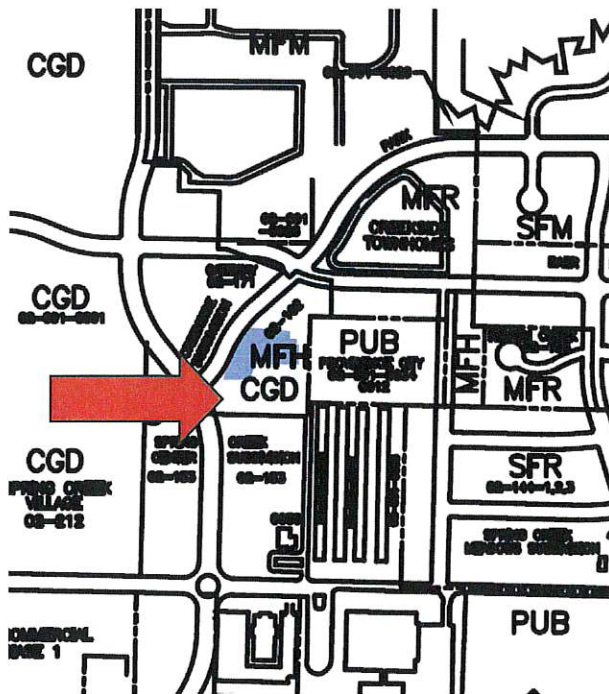


Illustration B – Proposed Future Zoning Map



A PART OF THE NORTHWEST QUARTER  
OF SECTION 10, T.11N., R.1E., S.L.B.&M.  
PROVIDENCE CITY, CACHE COUNTY, UTAH

T.

SIDE BUSINESS PARK

2-162-0021; LOT 2 02-162-0022; LOT 3 02-162-0023

4 NOV 2004 FILING NO. 877952

1. 2004-1892 SITE PAGE 02-091

SPRING CREEK

SPRING CREEK  
N 19°37'00" E 106.15'

N 56°00'39" E 109.82'

N 88°29'02" E 46.12'  
N 69°36'49" E 52.57'

N 62°49'39" E 66.86'

N 32°23'12" E 69.24'

S 78°46'05" E 78.36'  
S 49°16'58" E 4  
N 69°30'25" E 61

N 31°25'28" E 2.66'

N 46°59'52" E 70.04'

N 90°00'00" E 273.46'

N 35°21'45" E 38.01'  
S 86°11'09" E 22.55'  
N 83°38'28" E 100.46'

LOT 3  
0023  
Alpine Partners  
One LLC

N 47°23'29" E 36.40'

N 36°52'42" W 74.31'

N 3°19'42" W 40.50'

N 70°11'44" E 112.44'

N 21°20'17" E 81.34'

N 33°49'23" E 34.61'

N 18°00'41" W 45.60'

S 22°04'35" E 45.88'

S 77°58'15" E 37.77'

S 04°43" E 30.18'

N 0°09'34" E 299.00'

N 89°25'40" W 54.12'

S 21°17'10" W 44.10'

N 89°51'45" W 54.12'

N 89°25'40" W 54.12'

S 21°17'10" W 44.10'

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N 89°51'45" W 54.12'

N 89°25'40" W 54.12'

S 21°17'10" W 44.10'

SPRING

CREEK SUBDIVISION  
PHASE I

| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | S 00°00'00" E | 30.85'   |
| L2         | S 90°00'00" E | 25.58'   |
| L3         | S 00°00'00" E | 23.81'   |
| L4         | N 89°56'00" E | 9.04'    |
| L5         | S 00°00'00" E | 73.86'   |
| L6         | S 89°58'57" W | 175.38'  |
| L7         | S 19°12'34" W | 69.92'   |
| L8         | N 89°58'47" W | 104.71'  |

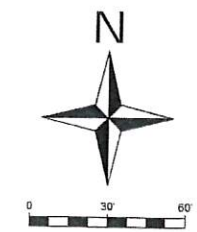
WILLOW PLACE SUBD AMENDED  
LOT 1 02-162-0013 LOT 2 02-162-0015  
FILED 25 FEB 2019 FILING NO. 1213617  
MAP NO. 2019-3217 SITE PAGE 02-091

CREEK SIDE SUBD.  
FILED 20 OCT 1998 FILING  
MAP NO. 1998-1217 SITE PAGE

AMENDED PLAT  
FILED 3 APRIL 2001 FILING  
MAP NO. 2001-1433 SITE PAGE

SC. C  
10, B

SCA



C-101

**PROVIDENCE CITY**  
**Executive Staff Report**  
**Planning Commission Meeting Date: 10/23/2019**

**Request:** Amend Providence City Code Title 10 Zoning Regulations-Chapter 14-Section 1 and 2, Cluster and Inner Block and Planned Unit Developments respectively.

**Item Type:** Code Amendment

**Applicant:** Providence City

**Prepared by:** S Bankhead

**Staff Report Summary of Key Issues:**

1. City staff received a request for inner block development and a request for private roads in a subdivision.
2. In Section 1, city staff is suggesting amendments to the notice requirements, to comply with state code, and at the request of city council, expanding the area where inner block development can be used.
3. City code currently requires all private streets be built to city standards, except in the LCR zone where private streets can be narrower than the standard cross-section. A developer has requested the city allow narrower private streets in development other than LCR. City staff feels a standard subdivision should build streets in compliance with the standard cross-section. If private streets are allowed to vary from the standard cross-section, it should be done in a planned unit development.
4. City staff has prepared the attached code amendment.

**FINDINGS OF FACT:**

1. Providence City Code (**PCC**) **10-1-5:A**. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. **UCA § 10-9a-102 Purposes -- General land use authority.**  
*(1) The purposes of this chapter are to:*  
*(a) provide for the health, safety, and welfare; (b) promote the prosperity; (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses; (d) protect the tax base; (e) secure economy in governmental expenditures; (f) foster the state's agricultural and other industries; (g) protect both urban and nonurban development; (h) protect and ensure access to sunlight for solar energy devices; (i) provide fundamental fairness in land use regulation; (j) facilitate orderly growth and allow growth in a variety of housing types; and (k) protect property values.*
3. **UCA § 10-9a-501(2)** . . . a legislative body may enact a land use regulation only by ordinance.
4. **UCA § 10-9a-502** Requires the planning commission provide notice and hold a public hearing on a proposed land use regulation; review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and forward to the legislative body all objections filed.
5. **UCA 10-9a-503(1)** Only a legislative body may amend: . . . (c) any other provision of a land use regulation.
6. The current general plan, Master Plan 2000, lists the following principles:

**Residential Development – General Plan Principles**

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

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

**CONCLUSIONS OF LAW:**

1. The proposed code amendment is consistent with the purposes listed in UCA § 10-9a-102.
2. The proposed code amendment is consistent with the intent, specific criteria, and matters relevant to these criteria listed in the City's General Plan.

**CONDITIONS:**

1. That the proposed code amendment continue to be processed in accordance with State and City codes and regulations.

**RECOMMENDATION:**

That the Providence City Planning Commission schedule a public hearing to receive comment on the proposed amendment.

## CHAPTER 14

### SPECIAL DEVELOPMENTS

#### SECTION:

10-14-1: Cluster and Inner Block Development

10-14-2: Planned Unit Development

#### 10-14-1: CLUSTER AND INNER BLOCK DEVELOPMENT:

- A. Land Use: Cluster and inner block developments provide more intensive use of land in further developing existing areas. Requests for cluster or inner block development proposals shall be forwarded to the Land Use Authority for a special review process described herein.
- B. Special Review Procedure:
1. Plan Submission: Applicants shall supply suitable plans and information concerning the location, function and characteristics of any use proposed to the City.
  2. Hearing; Fee: **If a public hearing is required**, the City may collect a fee upon development request for the purpose of covering the costs of advertising and/or mailing of notice. Such notice, ~~shall state that a public hearing will be held before Land Use Authority and specify the date, time and place. The notice of said public hearing shall be posted on the property at least twenty four (24) hours prior to the scheduled hearing; a copy of said notice shall also be provided to a locally published newspaper. Notification to the newspaper is required; publication in the newspaper is not required~~ **will be published in accordance with state code.**
  3. ~~Recommendation to City Council;~~ Approval: The Land Use Authority may, ~~at the public hearing, or at the next regularly scheduled Land Use Authority meeting (if not held the same day)~~ approve, conditionally approve or reject the request. If approved conditionally, the written response or report shall be required to contain conditions, limitations or amendments to the development plan to assure that the development is integrated into its surroundings and serves the public interest to the greatest extent possible. A copy of such response or report shall be furnished to the applicant without delay and additional copies shall be made available at the City office for other interested persons.
    - a. Development that includes a subdivision of property shall be required to meet the subdivision requirements. Concept plan approval may be combined with a special request. Approval of a special request does not vest the development or guarantee subdivision approval.
  4. Endorsement of Approval: All approved site plans for development, including modifications and conditions, shall be endorsed by the Land Use Authority Chairperson as approval of the Land Use Authority.
- C. General Criteria And Conditions:
1. Findings: No special review application shall be approved by the Land Use Authority unless the Land Use Authority finds that the application:

- a. complies with all requirements imposed by this Title, the Subdivision Title<sup>1</sup>, any other applicable City ordinance or regulation;
    - b. is consistent with the objectives and purposes of this Zoning Title;
    - c. is designed to be compatible with surrounding land uses; and
    - d. is designed to be compatible with the physical features of the site upon which the proposed development will be placed.
  - 2. Modifications: In considering an application for a cluster or inner block development, the Land Use Authority may impose modifications or conditions concerning the following development features to the extent that such modifications or conditions are necessary to ensure compliance with criteria in the preceding subsection C.1 of this Section:
    - a. Size and location of site;
    - b. Street and road capacities in the area;
    - c. Ingress and egress to adjoining public streets;
    - d. Location and amount of off-street parking;
    - e. Internal vehicular circulation system;
    - f. Fencing, screening and landscape separation;
    - g. Building mass and location;
    - h. Usable open space;
    - i. Signs and lighting;
    - j. Noise, vibration, air pollution and other environmental influences;
    - k. Setback, yard and area requirements; and
    - l. Others as deemed appropriate by the Land Use Authority.
  - 3. Site Plan Amendments: No approved development may be modified, structurally enlarged or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to original approval of the development.
  - 4. Number of Dwelling Units: No increase in the number of dwelling units beyond that specified for the zoning district in which the site is located shall be allowed. (Zon. Ord., 5-8-1991)
- D. ~~Inner Block Development Prohibited: In areas where a city block, defined as an area of land with public streets on four sides, and with street lengths of approximately 660 feet, and located in the downtown area, exists as of September 1, 2006, inner block development is prohibited. In this area, dwelling structures approved after August 31, 2006 must have 95 feet of frontage on a city street that existed prior to September 1, 2006.~~

#### 10-14-2 PLANNED UNIT DEVELOPMENT;

(Ordinance Modification 013-99 08/24/99)

- A. Intent:  
The intent of this chapter is:
  - 1. Provide regulations that shall further the objectives of the general plan relating to

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<sup>1</sup> See Title 11 of this Code.

- residential developments.
2. Achieve a balance between open space and buildings, harmony between new development and the surrounding area, and an overall project atmosphere that concurs with goals for a more attractive city.
  3. Ensure superior maintenance, and longer life expectancy of structures and environs.
  4. Require the developer to demonstrate by the plans submitted for approval that the objectives and goals of the general plan have been fostered. If these requirements cannot be met, approval of the planned unit development with its inherent density increases will not be given.

B. Procedure:

1. Comply with 11-3-1
2. Comply with 11-3-2
3. Comply with 11-3-3
4. Comply with 11-4-4 through 11-4-11
5. Comply with 11-5-5 through 11-5-9  
And include 11-5-11 through 11-5-15
6. A developer shall provide a written statement that describes the impact the development will have on natural features of the area. Include any measures taken to mitigate negative conditions that occur as a result of the project.
7. Provide a development agreement between the developer and the City, approved by the City attorney that includes the following:
  - a. The developer shall construct and complete the project in accordance with the approved plans and in accordance with City ordinances.
  - b. The terms of the contract shall be binding upon all successors of the PUD.
  - c. A landscaping plan shall be provided to the city and approved before occupancy permits are issued. The landscaping shall be completed as part of the project.
  - d. A perpetual, irrevocable home owner's association shall be established prior to any occupancy permits issued. The owner/developer shall constitute a pseudo home owner association until sufficient occupants are available to establish an association according to CCR. The home owner's association shall be responsible for the following:
    - i. Maintenance of all water works in the PUD.
    - ii. The fire line shall be the responsibility of the City.
    - iii. A separate agreement will be generated with the city for ROW, easements and a method of payment for repairs.
    - iv. Maintenance of sewer lines, clearing, repair and controlling the sewer out fall from the PUD in accordance with section 8-2-12 of the City code.
    - v. Maintenance of grounds, plant trees, shrubs in accordance with the landscaping plan.
    - vi. Maintenance of streets, parking lots, sidewalks, play grounds and other items described in the CCR.
    - vii. Collection and payment of City utility billings and other billings as designated by the CCR.

8. Declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the owners, renters, or occupants within the planned unit development.
  9. Other documents that the Land Use Authority deems necessary to carry out the intent of this title.
  10. Fees are charged in accordance with a fee schedule set by the City Council.
- C. Project Density  
The permitted densities allowed in a planned unit development for each zone shall not exceed the 110% of density allowed in the use chart for the zone in which the PUD will be built.
- D. Permitted Uses:
1. Residential Living **and home businesses as shown on the Use Chart in Chapter 6 of this Title.**
  2. Commercial ~~Neighborhood~~ will be allowed in areas that will be of benefit to the PUD and the community as a whole. Both service and commercial centers will be considered.
  3. Recreation Facilities.
- E. Standards and Requirements:  
The following standards, requirements and conditions shall apply to all planned unit developments:
1. Design Team: The project must be prepared by a Design Team composed of a civil engineer, an architect, a landscape architect and an attorney, all of whom must be licensed to practice in the State of Utah.
  2. Sewer, Water and Utilities: All dwelling units **and commercial buildings** will be served by the public sewer and a city water supply. All utilities will be placed underground.
  3. Project Management: One project manager designated by the owners will provide full supervision and control of the PUD during development and construction.
  4. Landscaping: All areas not covered by buildings, parking, streets or drives shall be planted with plant materials as approved by the planning commission in a final landscape plan. A permanent sprinkler system shall be installed with back flow protection for all planted landscaping.
  5. Minimum Land Area: The minimum land area for a PUD shall be two (2) acres. (OM 007-2003 08/12/03)
  6. Location and Setbacks for Dwellings and Structures: All structures on a public street shall have a 30 ft. setback. On private roadways the setbacks will be a minimum of 20 ft.
  7. Open Space: Not less than 35% of the area of the PUD shall be retained in permanent open space, parks and playgrounds. Land used for streets, parking and driveways will not be used in the computation of open space, park or playground.
  8. Maximum Height: The maximum height of buildings within a PUD shall be 35 feet. Measured from an average grade to the highest point of the building.
  9. Minimum Parking: Two parking spaces for every dwelling unit shall be provided. One additional space for every three units shall be provided for guest parking. **Commercial businesses will follow the parking requirements in PCC 10-8-5 and PCC 10-8-6.**
  10. Surfacing: All parking spaces, parking areas and driveways shall be hard surfaced and properly drained with no drainage running across public or private sidewalks or

roadways.

11. Installation of Public Improvements: Developer shall install all public improvements on site and off site as identified by the Land Use Authority. Additional requirements may be imposed in order to implement the intent of this section.

F. Definitions

1. Dwelling Unit (DU) as defined in 10-1-4.
2. ~~A residential town house (RT) – A building that contains more than two dwelling units and where the owner purchases real property that the DU is on but all exterior property is common area, and is governed by CCR.~~
3. ~~A residential condominium (RC) – A building that contains two (2) or more dwelling units where the owner purchases ownership of one (1) or more units in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.~~ Dwelling, Single-Family Attached (SFA) as defined on 10-1-4. The common areas and facilities of the property are maintained by an association.
4. Approved - Approved by the City.
5. Dwelling, Single-Family Dwelling Detached (SFD) – A single dwelling unit on a subdivided lot as defined in 10-1-4. All lots are governed by CCR.
6. ~~Twin Home – Two dwelling units which share a common wall. Possibly on a subdivided lot or has all exterior property as a common area and managed by an association or governed by CCR.~~
7. CCR - Covenants, Conditions and Restrictions.

G. Water Systems

1. There shall be ~~three~~ four water systems installed in a PUD, a fire line system, a culinary system, ~~and an outside irrigation system,~~ and storm water system. A PUD may contain any or all of the following: - RT, RC, SFD or Twin Homes SFA, SFD, commercial and service centers, recreation facilities.
  - a. Fire line System
    - i. This system may take advantage of the water lines in the public way as long as the layout of the PUD permits all points of the ~~town homes/condominiums~~ buildings within approved distance to a hydrant.
    - ii. A system shall be installed to provide fire protection for the building in a PUD. No point of a building shall be farther than 250 ft away from a fire hydrant. This system cannot be metered and back flow protected and cannot have services connected to it.
    - iii. The City will be provided a right of way to access fire hydrants for flushing and repairs.
    - iv. Repairs on fire hydrants not in the public right of way shall be billed to the association.
    - v. Fire hydrants will not be used by either the association or individuals for any purpose.
    - vi. Fire hydrants shall be flushed by the Providence City Public Works.
  - b. Culinary System

- i. The culinary water system shall be serviced by one master meter. Exception; if a public road divides an approved PUD then, two master meters shall be used.
  - ii. All meters shall be set in the Public Way.
  - iii. All service lines shall be protected by an approved back flow prevention assembly on the service side of the meter.
  - iv. All DU shall be individually protected by an approved back flow prevention assembly.
  - v. All water lines shall be located, maintained, repaired and governed by approved CCR's from the service side of the meter to the shutoff valve in the DU.
  - vi. Individual dwelling units shall have the following minimum items:
    - 1. Supply shutoff both inside and outside.
    - 2. Pressure reducer.
    - 3. Back flow prevention assembly.
    - 4. Expansion tank.
    - 5. Supply lines will not pass through, over or under another dwelling unit.
- c. Sprinkler System for Outside Irrigation
  - i. Sprinkler system shall be approved by the city.
  - ii. Each system shall be serviced by a separate meter.
  - iii. Each system shall be serviced by an approved back flow prevention assembly designed for sprinkler systems.
  - iv. Each back flow protection unit shall be registered with the City and have a certified test submitted to the City annually prior to the start of the irrigation season.
  - v. Each sprinkler system shall be designed by an approved agency and sized in accordance with the adopted plumbing code.
  - vi. Sprinkler systems that have the option of being connected to a non-potable water supply are illegal except as approved.
- d. Storm water system.
  - i. Storm water systems shall meet the requirements listed in 7-8-1, 8-4-5 and 11-4-8.
  - ii. The homeowners association shall be responsible for repair and maintenance of all privately owned storm water infrastructure.

#### H. Water Impact Fees & Billing Services

- 1. The water impact fees have been established by Providence City through extensive analysis of the impact of each dwelling unit on the system. The methodology is accountable to the off-site infrastructure, supply and storage requirements. The impact fees are established on the basis that there is one connection per dwelling unit. The standard basic connection is a (one) 1 inch line. An impact fee on this basis will be imposed on each dwelling unit within the PUD. If any structure, other than a DU, such as a club house, business or pool that requires a higher demand than a 1" inch supply, the impact fee for that structure will be imposed according to the fee schedule, published in the City Office.

- a. All impact fees will be levied upon issuance of a building permit in accordance with an established fee schedule. Water impact fees are established for:
      - i. Dedicated Fire Lines.
      - ii. Meter for Sprinkler.
      - iii. Meters for Dwelling Units.
  - 2. Monthly Billing for Water Service:
    - a. Each DU will be assessed a base rate as established by the current rate schedule. The Homeowners Association will receive the billing and be responsible for payment.
    - b. Any structure other than a DU will also be billed to the Association. Fees will be based on current established rates.
    - c. Overage charges will be based on current established rates and will be billed to the Association.
    - d. Fees for the sprinkler system will be billed to the Association.
- I. Sewer System
  - 1. A sewer system will be installed to service a PUD. A PUD may contain any or all of the following: ~~RT, RC, SFD or twin homes~~ **SFA, SFD, commercial and service centers, recreation facilities.**
  - 2. No PUD shall be approved without connecting to the Providence City Public Sewer System. All units must be connected to the system.
  - 3. In addition to the Providence City sewer ordinance, this section will provide specific requirements:
    - a. Each DU shall be served with a building sewer which will not be less than four (4) inches in diameter.
    - b. A DU drain/sewer shall go directly to the common area and will not pass through, under or over any other DU or building.
    - c. A DU sewer shall be serviced by a common sewer. The common sewer may service more than one DU, however, the common sewer will be sized according to the presently adopted plumbing code.
    - d. A DU clean out shall be provided as per the adopted plumbing code. Clean outs for the common sewer shall also be according to the plumbing code with the addition of a clean out at the property line, with a brass cap. There will also be a clean out at the farthest upstream end of the pipe. This clean out shall be in the commons area and shall also have a brass cap. Additional clean outs may be required based on length and bends as per the plumbing code.
    - e. Each DU will be provided with a back water valve as per the plumbing code.
- J. Sewer Impact Fees & Billing Service
  - 1. The sewer impact fees have been established by Providence City through extensive analysis of the impact of each dwelling unit on the system. The methodology is accountable to the off-site infrastructure and future up sizing of sewer lines to accommodate new growth. The impact fees are established on the basis that there is one connection per dwelling unit. The

standard out fall line per DU is a four (4) inch line. An impact fee as established by the City for a DU will be assessed on each DU. If any structure other than a DU requires a larger service, as determined by the water line size input to that structure, an impact fee for that structure will be imposed according to the size of the supply line and according to the schedule published in the City office.

2. All impact fees will be levied upon issuance of a building permit in accordance with an established fee schedule.
3. Monthly billing for sewer services.
  - a. Each DU will be assessed a base fee established by the current rate schedule. The Homeowners Association will receive the billing and be responsible for payment.
  - b. Any service to another structure other than a DU will be billed to that Association, and based on the current established rate.
  - c. Any pretreatment fees will be billed to the Association.

K. Storm Water Impact Fees & Billing Services

1. The establishment of storm water impact fees will follow the requirements of the Utah Code Annotated.
2. Monthly billing for storm water services.
  - a. Storm water fees will be billed fees established by the current rate schedule. The homeowners association will receive the billing and be responsible for payment.

L. Right-of-Way (ROW): Public and Private

1. Public ROW. All public ROW will be designed and constructed in accordance with Providence City Department of Public Works Standards and Specifications for public ROW.
2. Private ROW. Private ROW may be allowed in a PUD subject to the following requirements:
  - a. All private ROW must meet public safety and fire code requirements.
  - b. PUD must provide for pedestrian traffic, either in connection with the ROW or in another suitable location within the PUD.
  - c. PUD must plan for storm water generated by the ROW.

M. Road & Park Impact Fees

1. The road and park impact fees have been established by Providence City through extensive analysis of the impact of each dwelling unit on the system.
2. All impact fees will be levied upon issuance of a building permit in accordance with an established fee schedule.

N. Land Use Authority Action

1. Findings: Before approval of the Preliminary Plat, the Land Use Authority must make the following findings:
  - a. That the development provide an attractive living environment.
  - b. That the proposed development creates no detriment to adjacent properties nor to the general area in which it is to be located.
  - c. That the PUD shall provide more effective use of the land with more usable open

- space than a conventional development.
    - d. That increased densities allowed in an area shall be compensated by better site design and increased amenities and recreational facilities.
    - e. That the development shall not create a hazard to any part of our community.
    - f. That the PUD is in compliance with all ordinances and the intent of this chapter
  - 2. Approval:

Upon presentation of the Preliminary Plat and documents, the Land Use Authority will approve them as submitted, approve them with conditions, or refer them back to the developer for one or more of the following reasons:

    - a. The Land Use Authority determines the project to be inconsistent with the intent of the section.
    - b. The Land Use Authority requires that certain specific changes be made within the plans.
    - c. The plans or documents are not complete or are poorly prepared.
    - d. Fees have not been paid by the developer.
  - 3. Imposition of Conditions;
    - a. The Land Use Authority may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this section.
    - b. The Land Use Authority may disapprove a PUD that is found to be deficient in meeting the intent of these provisions.
  - 4. Time Limit of Approval: Any failure to submit a Final Development Plat within one year of the approval of the Preliminary Plat will terminate all proceedings and render the Preliminary Plat null and void.
- O. Failure to Comply with Regulations: In case of failure or neglect to comply with any and all conditions as established by law and the supporting documents of the PUD, the City will refuse to issue additional building permits, stop construction until violations or noncompliance conditions have been eliminated.