

Providence City Planning Commission Agenda
Providence City Office Building, 164 North Gateway Drive, Providence UT 84332
September 9, 2020 6:00 p.m.

Members of the Planning Commission may be attending this meeting electronically.

This meeting will live stream on Providence City's YouTube Channel.

Persons wishing to comment on agenda items may email their comments to providencecityutah@gmail.com or text comments to 435-752-9441.

Call to Order: Kathleen Alder, 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 August 26, 2020.

Public Comments: Persons wishing to express their views on issues within the Commission's jurisdiction may email their comments to providencecityutah@gmail.com or text comments to 435-752-9441. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

Administrative Action Item(s): None

Study Items(s):

Item No. 1. The Planning Commission will review an application submitted by Visionary Homes for a proposed rezone of Parcel 02-096-0054, located in the general area of 50 North Gateway Dr. The property is currently zoned Commercial General District (CGD); the applicant is requesting Multi-family Medium (MFM).

Item No. 2. The Planning Commission will review the Planning Commission Bylaws for possible changes, including but not limited to Section 3.2 by allowing the chair to serve consecutive terms.

Item No. 3. The Planning Commission will review setback and safety conflicts when retrofitting existing homes.

Legislative – Action Item(s): None

Agenda posted by S Bankhead on September 4, 2020



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.

Public meetings will be held electronically in accordance with Utah Code Ann. §§ 52-4-207 et. seq., Open and Public Meetings Act. The Providence City Office Building, 164 N. Gateway Dr. is the anchor location; unless otherwise determined by the Chair, in accordance with UCA 52-4-207(4), an electronic meeting will be held without an anchor location.

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, Providence UT 84332**
4 **August 26, 2020 6:00 p.m.**

5
6 **Members of the Planning Commission may be attending this meeting electronically.**
7 **This meeting was live streamed on Providence City's YouTube Channel.**
8

9 **Call to Order:** Kathleen Alder, Chair

10 **Roll Call of Commission Members:** Kathleen Alder, Chair

11 Attendance: Kathleen Alder, Rowan Cecil, Joe Chambers (voting alternate; video call), Bob Perry

12 **Pledge of Allegiance:** Rowan Cecil
13

14 **Public Hearing(s):**

15 **Hearing No. 1. 6:00 PM: Rezone:** Prior to making a recommendation on the proposed zone change for Parcel No.s
16 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General District (CGD) to Mixed Use District (MXD),
17 located in the general area of 265 N Gateway Dr. and 565 W 100 N, containing approximately 7.89 acres, the Planning
18 Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone
19 interested to comment on the proposal before action is taken.

- 20 • R Snow read an emailed comment from Amy Anderson, Solid Waste Route Manager for Logan City
21 Environmental Department. They do not have any objections to the proposed zone change, but would like
22 to be notified if/when the development process begins.
23

24 **Hearing No. 2. 6:10 PM: Rezone:** Prior to making a recommendation on the proposed zone change for the southeast
25 portion of Parcel No. 2-101-0001 from Single-Family Large (SFL) to Single-Family Traditional (SFT), located in the
26 general area of 80 N Sherwood Dr. (800 E), containing approximately 6.10 acres, the Planning Commission is holding
27 a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment
28 on the proposal before action is taken.

- 29 • Danny McFarlane of Civil Solutions Group presented the request. The reason for the request is that this
30 portion of the parcel is fairly narrow, and it would be difficult to put a city street through there and still
31 have properly sized lots. There are other lots that are the size of single family traditional lots adjacent to
32 this property.
33 • Stephen Bienz of 800 East said that he is not against ¼ acre lots but would be against multi-family.
34 • Mark Reeder of Landmark Companies said that he has developed ½ acre lots in the past. They become weed
35 patches because people can't water a lot that large. It would be good to reduce the frontage of these lots.
36

37 **Legislative – Action Item(s):**

38 **Item No. 1. 6:00 PM: Rezone:** The Planning Commission will consider a recommendation to the City Council for the
39 proposed zone change for Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General
40 District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr. and 565 W 100 N,
41 containing approximately 7.89 acres

42 **Motion to recommend to the City Council to rezone Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from**
43 **Commercial General District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr.**
44 **and 565 W 100 N, containing approximately 7.89 acres — R Cecil, second — B Perry**

45 **Vote:**

46 **Yea:** K Alder, R Cecil, B Perry

47 **Nay:**

48 **Abstained:** J Chambers

49 **Excused:** L Banda, M Fortune
50

51 **Item No. 2. 6:10 PM: Rezone:** The Planning Commission will consider a recommendation to the City Council for the
52 proposed zone change for the southeast portion of Parcel No. 2-101-0001 from Single-Family Large (SFL) to Single-
53 Family Traditional (SFT), located in the general area of 80 N Sherwood Dr. (800 E), containing approximately 6.10
54 acres

55 **Motion that the Planning Commission consider a recommendation to the City Council for the proposed zone**

change for the southeast portion of Parcel No. 2-101-0001 from Single Family Large to Single Family Traditional:

— B Perry, second — R Cecil

Vote:

Yea: K Alder, R Cecil, B Perry

Nay:

Abstained: J Chambers

Excused: L Banda, M Fortune

Comments:

- Aaron Walker (Fire Inspector)'s concerns were discussed. Any development here will need a turnaround, and fire hydrants will need to be installed.

Approval of the Minutes:

Item No. 1. The Planning Commission will consider approval of the minutes for June 10, 2020.

Motion to approve the minutes of June 10, 2020: — R Cecil, second — B Perry

Vote:

Yea: K Alder, R Cecil, B Perry

Nay:

Abstained: J Chambers

Excused: L Banda, M Fortune

Public Comments: Persons wishing to express their views on issues within the Commission's jurisdiction may email their comments to providencecityutah@gmail.com or text comments to 435-752-9441. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

- No public comments

Administrative Action Item(s):

Item No. 1. The Planning Commission will consider approval of a condominium plat for Arbor Fields Commercial Condominiums, an expandable condominium project located in the general area of 1670 S HWY 165 (approximately 230 S SR165), Providence UT. (Amended 08/25/2020)

- K Alder read from the staff report included in the agenda packet.
- Mark Reeder spoke about the plans for the building.
- The meaning of the term "expandable condominium" was discussed. The position of the restrooms was discussed.

Motion that the Planning Commission approve a condominium plat for Arbor Fields Commercial Condominiums, an expandable condominium project located in the general area of 1670 S HWY 165: — B Perry, second — R Cecil

Vote:

Yea: K Alder, R Cecil, J Chambers, B Perry

Nay:

Abstained:

Excused: L Banda, M Fortune

Study Items(s): None

Election of Chair and Vice Chair: Pursuant to Article 3.2 of the Providence City Planning Commission Bylaws, the Commission will elect a Chair and Vice Chair.

Motion that Kathleen Alder continue on as chair: — B Perry, second — R Cecil

Vote:

Yea: K Alder, R Cecil, J Chambers, B Perry

Nay:

Abstained:

Excused: L Banda, M Fortune

Motion to make Michael Fortune the Vice Chair of the Planning Commission: — R Cecil, second — B Perry

Vote:

Yea: K Alder, R Cecil, J Chambers, B Perry

Nay:

Abstained:

Excused: L Banda, M Fortune

Discussion continued:

- The status of ongoing projects was discussed, including Ballard Springs, Kay Homan Subdivision, and Shoreline Estates.
- The use of Zoom at future meetings was discussed.

Motion to suspend the last sentence of paragraph 3.2 of the bylaws that is on page 67 of the amended packet: — J Chambers, second — R Cecil

- It was clarified that a rule suspension must be done by unanimous vote of all commission members present as per Section 9.2 of the bylaws.

Vote:

Yea: K Alder, R Cecil, J Chambers, B Perry

Nay:

Abstained:

Excused: L Banda, M Fortune

- K Alder would like that section [3.2] of the bylaws to be on the agenda for the next meeting for consideration of changing it.

Motion to close the meeting: — R Cecil, second — B Perry

Meeting adjourned at approximately 7:10 PM

Minutes prepared by Jesse Bardsley

Kathleen Alder, Chair

Skarlet Bankhead, City Recorder



REZONE ANALYSIS

Request: That the zone for Parcel No. 02-096-0054 be changed from Commercial General District (CGD) to Multi-Family (MFM)

Item Type: Rezone	Applicant: Visionary Homes	Agent: Ben Steele	
Prepared by: S Bankhead Date: 08/21/2020	General Plan: Commercial General District (CGD)	Zone:	
		Current	Requested
		CGD	MFM
Parcel ID #: 02-096-0054	Address: Not assigned General area of 10 N Gateway DR	Acres: 3.21	

Background Information:

1. The complete application and required support documentation were received on August 19, 2020.

Summary of Key Issues:

1. The applicant submitted the following statement of request:

Visionary Homes believes that everyone deserves the opportunity to be a homebuyer and own their own home. After all a home is more than land, concrete, sticks and bricks – its family security, where lifelong memories are made with loved-ones. Our expertise is creating and building an environment where these moments can happen.

Housing is in somewhat demand statewide - the Cache Valley being no exception - especially housing that is built with the first home buyer in mind. The purpose of this rezone from Commercial General District to Multi-family Medium is to provide housing to this much needed clientele - those that desire to live in a semi-urban townhome development. Providence Gateway Townhome and Condominium project to the south is well under way with the clubhouse, pool, basketball court and playground in construction together with the first two condominium buildings.

We desire to continue building a relationship of trust with city staff and officials and the public at large in working together to develop this 3.2 acres of ground. We contemplate the highest and best use for this property would be residential housing with high to medium density zoning.

We propose a 12 units per acres maximum density which the MFM zoning would grant. Part of this proposed request for rezone could be conditioned on a substantial open space dedication. Our current conceptual layout calls for a mini quad park space of approximately $\frac{3}{4}$ of an acre to be open to residents of the 3.2 acres as well as residents to the south. With the 12 units to the acre density these townhomes would still have sufficient space for 27 of the 38 units to have a minimum of 20' driveway envelopes added to the 2 car garages. This would present an overall less dense feel to the Providence Gateway project generally and increase value for all residents alike and provide much needed housing to current and new residents of Providence City.

Providence City General Plan 2020

- **Vision:**

Guide and manage growth in a way that preserves natural scenery while also providing more opportunities to live, work, shop, and recreate in Providence.

- **Key Initiatives:**

1. Preserve the 'sense of place' by identifying characteristics that define Providence as a unique place.
2. Make decisions regarding storm water and exterior water use guided by green infrastructure and low impact development best management practices.
3. Consider life-cycle costs in mind when making decisions for design standards (such as road widths) and new capital improvement projects.
4. Ensure that transportation and recreation facilities accommodate a variety of transportation modes (biking, walking, driving) to provide people multi-modal transportation options as a lifestyle and recreation choice.
5. Consider long-term economic development impacts when making land use, transportation, and other planning decisions.
6. Encourage housing options to meet the needs of residents of all ages, income level and family size, regardless of their stage of life.

FINDINGS OF FACT:

1. Utah Code (UCA) 10-9a-505: The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of Utah Code Title 10 Chapter 9a.

2. UCA 10-9a-302(1)(b)(ii): The planning commission shall review and make a recommendation to the legislative body for amendments to existing land use regulations.
3. UCA 10-9a-302(2): Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.
4. Providence City Code (PCC) 10-4-1 established the City's zoning districts.
5. The Providence City General Plan 2020 and current and anticipated development in the immediately surrounding area, were considered in the review of the application.
6. PCC 10-1-5:B. lists the requirements for an application for rezone.
7. PCC 10-5 defines and lists the regulations for sensitive areas.
8. PCC 10-6-1 lists the uses designated in each zone.
9. PCC 10-8-1 lists the area regulations designated in each zone.

CONCLUSIONS:

1. Providence City has divided the city into zoning districts.
2. The Planning Commission will hold a public hearing prior to making a recommendation on this request to amend an existing land use regulation.
3. The City's zoning districts include the CGD and the MFM districts.
4. The General Plan vision and key initiatives are listed above the Findings of Facts in this report.
5. This property is currently zoned CGD (see Illustration A). The General Plan Map Future Re-Zoning of Existing Districts & Annexed Area does not anticipate this property zone changing from CGD (see Illustration B. In this illustration, white represents no change).

Illustration A – Current Zoning

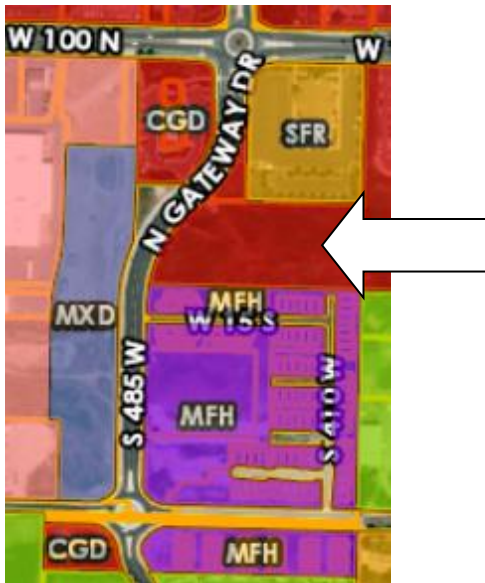
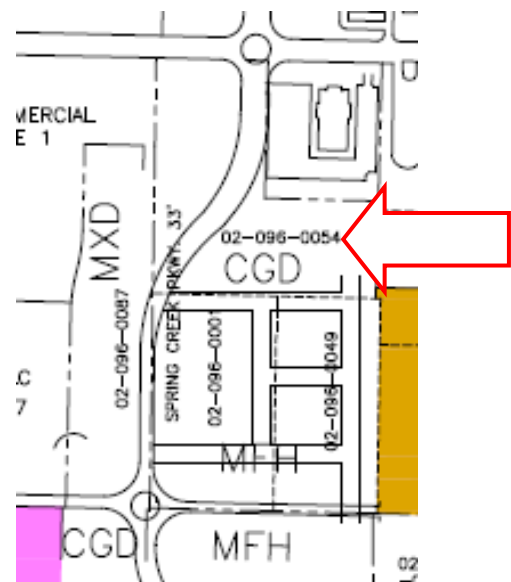


Illustration B – Future Zoning



6. *PCC 10-5-2:A. lists the following areas as potentially developable:
 - a. steep slopes where the rise or fall of the land is between 20% and 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - b. floodplains as defined in PCC 10-16-3
 - c. crucial wildlife habitat areas as identified by the State Division of Wildlife Resources
 - d. geological hazard area earthquake fault lines or area prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS)
 - e. wildfire hazard areas of the city designated as having moderate to extreme potential for wildfire
7. *PCC 10-5-2:B.2.&3. The lands within potentially developable sensitive areas



may be developed and built upon, subject to the requirements of this section and other applicable city, state, and federal requirements; and may be considered for development density at the discretion of the Providence City Planning Commission based on recommendations from professional(s) with expertise in the field being discussed.

*The Cache County GIS Parcel Survey does not confirm sensitive areas exist, it only lists areas that may require further analysis. It indicates this parcel has moderate to high liquefaction potential.

CONDITIONS:

1. The applicant shall meet all applicable City, state and federal laws, codes, rules. Approval by the City of any application or paperwork submitted does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.



PROVIDENCE CITY
APPLICATION FOR A REZONE OF PROPERTY

FOR OFFICE USE ONLY

Date _____
Payment Form _____
Amount _____
Receipt # _____
Clerk _____

Please Note: City Staff will NOT accept the application and fee payment if they are incomplete. Incomplete applications will NOT be processed or scheduled for review by the City. Application fees do not include professional firm fees, which will be billed separately.

Date August 18, 2020

Initial BS Name Ben Steele

SUBMITTAL REQUIREMENTS

- \$100 application fee
- Cache County Recorder's parcel map(s) of areas proposed for rezone
- Names/addresses of affected entities, as defined by UCA 10-9a-103
- Names/addresses of adjacent property owner(s)
- Property owner's consent for the rezone to be pursued¹
- An 11"x17" map showing the area(s) proposed for rezone
- Combined legal description of the area(s) proposed for rezone
- A written statement of the purpose for the rezone request
- An electronic copy of **ALL** submittals (flash drive or emailed is acceptable)

Staff Check

Applicant Information (all information **MUST** be provided)

Name Visionary Homes
Address 50 East 2500 North, Suite 101, North Logan, Utah 84341
Phone (208) 559-4016 Email bsteale@visionaryhomes.com

Party Responsible for Payment (if different than applicant)- the individual/firm to whom any and all professional services invoices (attorney/engineer/etc.) will be sent and who will be responsible for payment of such invoices.

Name (same as above)
Address _____
Phone _____ Email _____

Property Information (Information must be provided for ALL parcels requesting rezoning. Attach additional sheets if necessary)

Parcel 1

Owner of record Providence Professional Center LLC, c/o Morris Poole
Owner address 55 Bristol Road, Logan, Utah 84341
Owner phone (435) 512-4980 Owner email mnplogan@gmail.com
Parcel address 50-60 North Gateway Drive
Parcel Tax I.D. 02-096-0054
Current zoning Commercial General District (CGD) Requested zoning Multi-family Medium (MFM)

¹ Not required if owner of record is the same as the applicant. If more than one parcel is proposed for rezone, the application must include written consent from the owners of ALL parcels proposed for rezone.

Parcel 2

Owner of record _____
Owner address _____
Owner phone _____ Owner email _____
Parcel address _____
Parcel Tax I.D. _____
Current zoning _____ Requested zoning _____

Written Statement of Request (attach additional sheets if necessary)

Visionary Homes believes that everyone deserves the opportunity to be a homebuyer and own their own home. After all a home is more than land, concrete, sticks and bricks – its family security, where lifelong memories are made with loved-ones. Our expertise is creating and building an environment where these moments can happen.

Housing is in somewhat demand statewide - the Cache Valley being no exception - especially housing that is built with the first home buyer in mind. The purpose of this rezone from Commercial General District to Multi-family Medium is to provide housing to this much needed clientele - those that desire to live in a semi-urban townhome development. Providence Gateway Townhome and Condominium project to the south is well under way with the clubhouse, pool, basketball court and playground in construction together with the first two condominium buildings.

We desire to continue building a relationship of trust with city staff and officials and the public at large in working together to develop this 3.2 acres of ground. We contemplate the highest and best use for this property would be residential housing with high to medium density zoning.

We propose a 12 units per acres maximum density which the MFM zoning would grant. Part of this proposed request for rezone could be conditioned on a substantial open space dedication. Our current conceptual layout calls for a mini quad park space of approximately $\frac{3}{4}$ of an acre to be open to residents of the 3.2 acres as well as residents to the south. With the 12 units to the acre density these townhomes would still have sufficient space for 27 of the 38 units to have a minimum of 20' driveway envelopes added to the 2 car garages. This would present an overall less dense feel to the Providence Gateway project generally and increase value for all residents alike and provide much needed housing to current and new residents of Providence City.

Property owner and contractor shall have responsibility to determine grades, and final placement and elevations of footings/foundations. Property owner and contractor shall be responsible for compliance with all state, national and local building codes and ordinances. Initial BS Name Ben Steele

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. Initial BS

By signing this document, you agree that Providence City will bill you for any and all professional firm fees as they arise throughout the approval process. This is in addition to application fees. All subdivisions require engineering review throughout the approval process, such as but not limited to reviews of development agreements, construction drawings, preliminary and final plats, and inspections. These services are billed by our city engineer at an hourly rate. Some subdivision applications may also require legal review. Other applications, such as but not limited to conditional uses, may also require engineering and/or legal review at the City's discretion. You agree to reimburse the City for all such costs, whether or not you were forewarned about such costs, and that the City cannot predict all situations in which professional services may be required in order to process your application. Initial BS

I declare under penalty of perjury that I am making this application of my own free will and choice and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Owner of record
Signature of Applicant [Signature]

Ben Steele, Project Manager
Printed Name

8/18/20
Date

I approve of this rezoning application.
[Signature] 8/19/2020

164 N. Gateway Dr * Providence UT 84332

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

The following is a general summary of which body reviews each land use application in Providence City. Public hearings may be required by the Planning Commission and City Council, as shown below. This matrix does not include zoning clearance/permits for new single-home construction or for business licenses, both of which are reviewed and approved by city staff.

Application	Executive Staff	Land Use Authority	Planning Commission	Public Hearing	City Council	Public Hearing	Appeal Authority	Filing Fee ²
Code Amendment	✓	---	✓	✓ ³	✓	---	---	\$100
Annexation	✓	---	---	---	✓	✓	---	\$150
Rezone	✓	---	✓	✓	✓	---	---	\$100
Conditional Use	✓	✓	---	---	---	---	---	\$100
Subdivision	✓	---	---	---	---	---	---	\$300
Concept Plan	---	---	---	---	---	---	---	---
Preliminary Subdivision Plat	✓	---	✓	---	---	---	---	\$400
Final/Amended Subdivision Plat ⁴	✓	---	✓	---	✓ ⁵	---	---	\$600
Site Plan	✓	✓	---	---	---	---	---	\$50
Lot Consolidation ⁶	✓	---	✓	---	---	---	---	\$50
Exception to Title ⁷	✓	---	✓	---	✓	---	---	\$100
General Plan Amendment	✓	---	✓	✓	✓	---	---	\$100
Right-of-Way Vacation	✓	---	✓	---	✓	✓	---	\$100
Variance/ Appeal	---	---	---	---	---	---	✓	\$100

² Filing Fees do **not** include professional firm review fees. Those will be billed to the applicant separately.

³ Public Hearing required at Planning Commission only when the proposed code amendment is related to land use.

⁴ Construction drawings are reviewed/approved by the City Engineer and Public Works Director.

⁵ The City Council does not review the final plat itself, but rather reviews and approves the development agreement associated with the final plat.

⁶ Lot consolidations are only required to have City approval when they are in a platted/recorded subdivision.

⁷ Developers may ask for an exception from the requirements of the Providence City Subdivision Code (Title 11) through this process. All other variance/exception requests shall be handled by the Appeal Authority.

SCALE: 1"=30' (24"x36" PLOT)



civilsolutionsgroup inc.

CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

PROVIDENCE GATEWAY
200 SOUTH GATEWAY DR.
PROVIDENCE, UTAH 84332

[illegible]

PROJECT #:	746-1701
PROJECT MANAGER:	M. TAYLOR
DRAWN BY:	I. MORTENSEN
ISSUED:	08.18.20

EXHIBIT

1 OF 1

02-096-0054



LEGAL DESCRIPTIONS

BEGINNING AT A POINT ON THE EASTERLY LINE OF LOT 9, BLOCK 27, PLAT "A", PROVIDENCE FARM SURVEY AT THE EXTENSION OF A BOUNDARY LINE AGREEMENT RECORDED IN DEED BOOK 1733 PAGE 435 OF THE OFFICIAL RECORDS OF CACHE COUNTY LOCATED S1°22'23"W ALONG THE 200 WEST MONUMENT LINE 672.95 FEET AND WEST 1,347.96 FEET FROM A CENTERLINE MONUMENT AT THE INTERSECTION OF 100 NORTH AND 200 WEST; THENCE S88°31'38"W 608.65 FEET TO THE EAST OF GATEWAY DRIVE; THENCE ALONG THE ARC OF A 376.59 FOOT RADIUS CURVE TO THE RIGHT 1631.47 FEET THROUGH A CENTRAL ANGLE OF 42°31'02" (CHORD: N31°12'59"E 273.09 FEET) TO THE SOUTH END OF THE PROVIDENCE PROFESSIONAL CENTER SUBDIVISION; THENCE N51°21'15"E 13.22 FEET; THENCE ALONG THE ARC OF A 340 FOOT RADIUS CURVE TO THE RIGHT 1631.47 FEET THROUGH A CENTRAL ANGLE OF 4°53'19" (CHORD: N48°00'06"E 29.00 FEET); THENCE ALONG THE SOUTHERLY LINE OF SAID SUBDIVISION FOLLOWING TWO (2) CURVES AND DISTANCES: S41°59'54"E 17.90 FEET; THENCE S88°30'41"E 430.76 FEET; THENCE S1°42'53"W 252.47 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3.21+/- ACRES



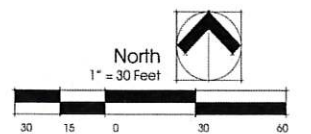
RECEIVED
AUG 19 2020
By: *[Signature]*



Site Summary

Providence Gateway North, Providence, Utah . Visionary Homes

Site:	3.2 Acres
Units:	38
Alley-loaded town homes 19 Street-loaded town homes 19	
Density:	12 Units / Acre
Parking	93 stalls / 2.4 stalls per unit
Garages 76 Surface stalls 17 Plus 27 park-able driveways	



18 AUGUST 2020
Concept Plan

PROVIDENCE GATEWAY

Providence, Utah
Visionary Homes . 50 East 2500 North . North Logan, Utah



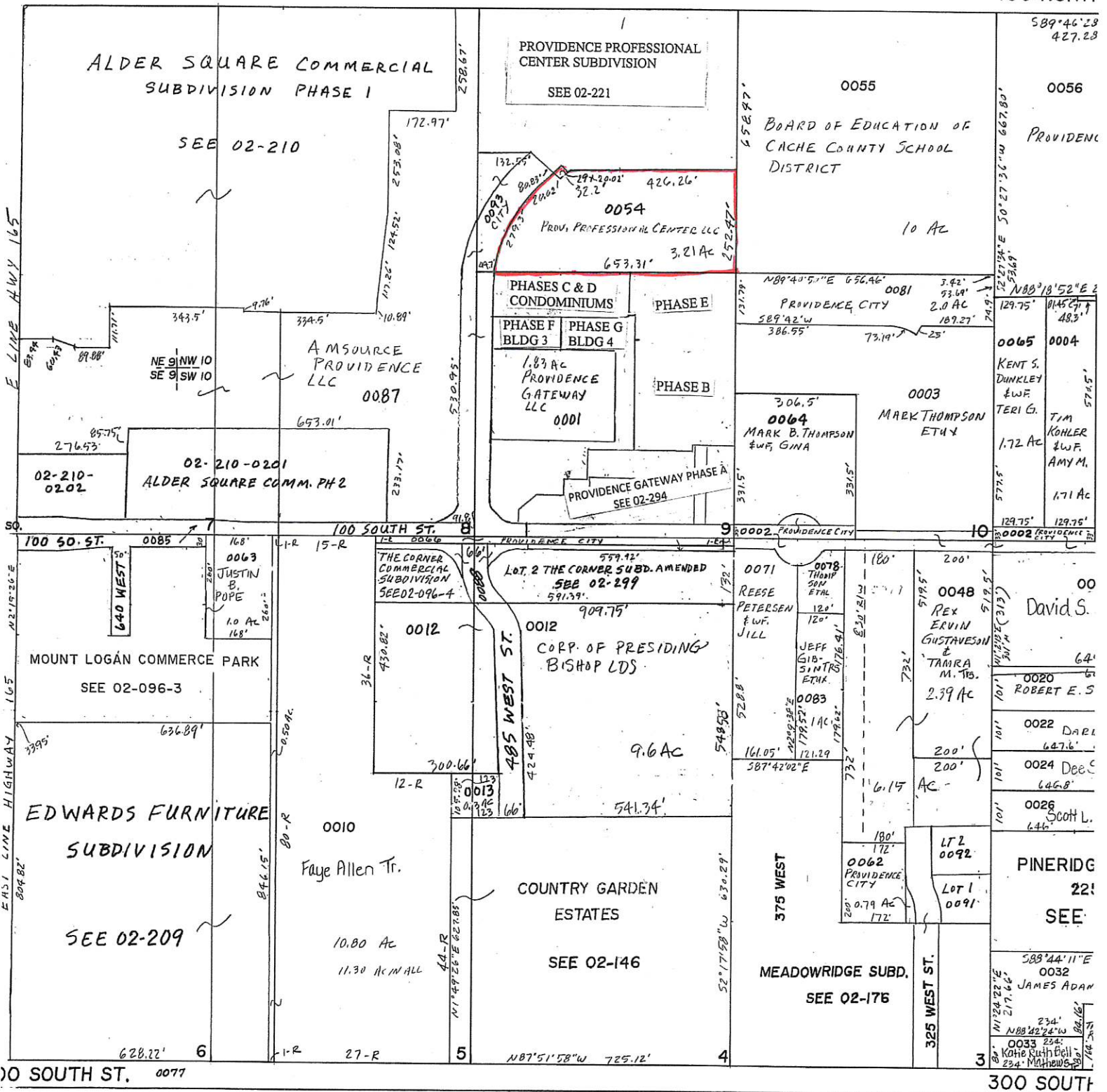
R. MICHAEL KELLY CONSULTANTS

Land Planning | Landscape Architecture

P.O. Box 469 Millville, Utah 84326 | (435)770-7312 | rmkellyconsultants@comcast.net

T.U. 0

100 NORTH





August 20, 2020

Providence City
164 North, Gateway Dr.
Providence, Ut 84332

RE: review for proposed rezone, Visionary - (02-096-0054) property located at approximately 50-60 North, Gateway Drive, Providence UT.

The above-named application for re-zone has been submitted to the Logan Fire Department for a fire and life safety review. This review was made in the interest of the fire safety provisions and regulations as adopted by the State of Utah and in accordance with the International Fire Code. This review is not considered comprehensive nor regarded as sanctioning any code deficiencies not identified. The ultimate responsibility for compliance with the applicable codes, standards and ordinances rests with the owner.

This project is being deferred to Providence City for a decision on approval with the following comments.

The following comments document the review process:

Access

(IFC 503.1.1) Fire Apparatus Access shall extend to within 150 feet of all portions of the facility as measured by an approved route around the exterior of the building.

- Access appears adequate as submitted but will need to be reviewed and approved on a future submittal if approved.

Fire Hydrant Locations and number of Hydrants

(IFC 507.5.1) Fire Hydrants shall be located within 400 feet of the building as measured by an approved route around the exterior of the building. Exception allows for the distance to be increased to 600 feet for R-3 occupancies.

- Fire Hydrants will be required and will need to be installed to meet the requirements of 2018 IFC and Providence City code.
- The location and placement of proposed hydrants will need identified on a future submittal and will require review and approval prior to Installation

Fire Water Flow

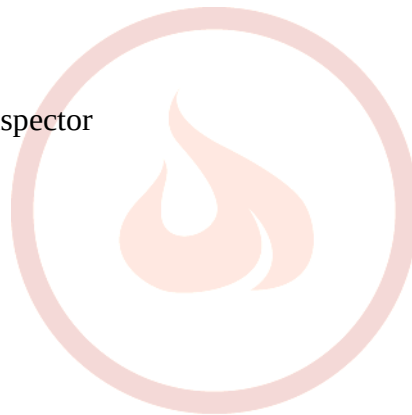
(IFC 507.1) An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, building or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.3) Fire flow requirements for buildings or portions of building and facilities shall be determine by an approved method.

- The amount of water required for fire flow will be determined by the size and type of construction of the proposed structures, and will need identified on future submittals if approved.

Please contact me with any questions or concerns.

Respectfully,

Aaron Walker
Deputy Fire Marshal/Fire Inspector
Logan Fire Department
435-716-9516



FIRE DEPARTMENT

PROVIDENCE CITY UTAH
Planning Commission Bylaws
Dated: August 2019

ARTICLE I - GENERAL PROVISIONS

1.1 Applicable State Statutes and Local Ordinances and Rules.

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

- a. State statutes applying generally to public boards, members and officials, including but not limited to: Title 10, Chapter 3, Part 13 of the Utah Code dealing with disclosure requirements and Title 52, Chapter 4 of the Utah Code dealing with open and public meetings.
- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to: Title 10, Chapter 9a, Municipal Land Use Development and Management Act.
- c. The Zoning Regulations of Providence City as set forth in Title 10 of the Providence City Code.
- d. The Subdivision Regulations of Providence City as set forth in Title 11 of the Providence City Code.
- e. Boards and Commissions, Planning Commission as set forth in Title 2 Chapter 1 of the Providence City Code.
- f. The bylaws of the Providence City Planning Commission as set forth herein. NOTE: These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Planning Commission waive or suspend (see Section 10.2 herein) or otherwise deviate from these bylaws during the course of a hearing/meeting, such deviation shall not be grounds for invalidating a hearing/meeting held during such hearing/meeting or any decisions made at such hearing/meeting.
- g. If these bylaws conflict with Federal, State, or City codes and/or ordinances, the federal, state, or city codes and/or ordinances shall prevail.

1.2 Requirement of Familiarity with State Statutes and Local Ordinances and Bylaws affecting the Commission.

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

1.3 Bylaws of Planning Commission (Commission) to be Available in the Providence City Office.

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

1.4 Location of the Providence City Office.

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

ARTICLE II - MEMBERS

2.1 Number of Members, Appointment, Compensation, Etc.

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

There will be five voting members on the Commission and two non-voting alternates on the Commission. Alternates will be assigned by the Chair to temporarily fill a seat of a voting member of the Commission who is absent. All Commission members including alternates are expected to be present at all Commission hearings/meetings and participate in the discussions.

The Chair and Vice Chair are voting members on the Planning Commission, voting on all items.

2.2 Causes for Removal from Commission.

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

- a. Failure to maintain reasonable familiarity with state statutes and local ordinances and bylaws affecting the Commission, or failure to be governed thereby, as required by Section 1.2, above.
- b. Failure to disclose conflict of interest for purposes of disqualification when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Commission, which the City Council deems to be in violation of the provisions of the Utah Code.
- c. Providence City Code 2-1-1B. "Members may be removed with or without cause upon recommendation of the Mayor and a majority vote of the City Council."

2.3 Resignations, Generally, and by Absence.

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

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the documented notice to and consent of the Chair and/or Director of Administrative Services, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair may then recommend removal of the member to the Mayor.

2.4 Vacation of Office.

When a member's term of service is complete, dies, resigns, or is removed (including resignation by absence), the Mayor shall promptly indicate to the City Council that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or

moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chair shall cause any necessary investigation to be made and shall present the facts to the Mayor who may declare to the City Council the office vacant and appoint a replacement.

2.5 Expiration of Term.

The terms of office for all members of the Planning Commission shall be three (3) years and until their successors are appointed and qualified except where appointment to a shorter term is necessary to provide for staggered terms among Commission members. Standing members may be appointed to serve an additional term when recommended by the Mayor and voted upon by the City Council and acknowledged by the standing Commission member.

2.6 Orientation and Training.

Newly appointed commission members will commence orientation and training through reading and study of:

- 1) Handbook for Planning Commissions and Land Use Authorities published by the Utah League of Cities and Towns;
- 2) Providence City Code Title 2 Chapter 1 (8/9/16) Planning Commission;
- 3) Bylaws of the Planning Commission;
- 4) Conflict of Interest Statement;
- 5) Meeting schedule for year;
- 6) Map showing City boundaries and zoning;
- 7) Current General Plan; and
- 8) Providence City Zoning Code Title 10 Chapters 1-16.
- 9) All other related City codes, mapping, information and documents.

The orientation will be completed within 60 calendar days and reported to the Commission Chair. The Director of Administrative Services will notify Planning Commission members of training opportunities.

Commissioners are encouraged to:

- 1) study other areas of Providence City government (e.g. subdivision code(s)); and
- 2) other publications on planning and zoning to include attending training(s).

See the Providence City Personnel Policy Section 8. Training and Travel for reimbursement policies.

Newly appointed Planning Commission members will initially be appointed alternates to the commission. It is advised that within ninety (90) days of the appointment date alternates attend relevant training scheduled by Providence City consisting of Land Use 101 or equivalent. Current commission members shall continue annual training while a member of the commission. The Commission Chair will select a Training Chair to keep record of members' training. (Resolution 003-2020, 01/15/2020)

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Planning Commission Duties, Generally

The planning commission shall make recommendation to the legislative body for:

- a. a general plan and amendments to the general plan.
- b. land use regulations.
- c. appropriate delegation of power to at least one designated land use authority to hear and act on a land use application.
- d. appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a

decision to the land use authority.

e. application processes that:

- 1) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested.
- 2) shall protect the right of each:
 - i. application and third party to require formal consideration of any application by a land use authority.
 - ii. applicant adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority.
 - iii. participant to be heard in each public hearing on a contested application.

See UCA 10-9a-302

The planning commission is the land use authority for all subdivisions.

See Providence City Code (PPC)2-4-1.

3.2 Until Successors Take Office.

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

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

If the Chair or Vice Chair resigns or no longer becomes a member of the Commission, the vacancy shall be filled by vote of the Commission, recommended in a special election held at the next regular meeting of the Commission, to complete the term prior to regular succession of office in July. The Commission's decision will be a recommendation to the Mayor and City Council.

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

- a. If present and able, the Chair shall preside at all hearings/meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting only. In accordance with these bylaws and other applicable rules, the presiding officer shall decide all points of procedure and order, unless otherwise directed by vote of a majority of the Commission members in attendance.
- b. The Chair shall maintain order and decorum. These bylaws and when necessary, in deciding points of order, Roberts Rules of Order, newly revised, may be used by the Chair as a point of reference. The Chair may ask disorderly or disruptive persons to leave the room and City property; however, as needed, removal of disorderly or disruptive person(s) will be in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department.

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

The Chair shall have further duties and responsibilities as indicated below. The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during her/his

absence or in case of his/her inability to perform necessary Commission functions in a timely manner. The Vice Chair shall perform all duties so delegated. In case of absence or incapacity of the Chair, on approval by a majority of the Commission, the Vice Chair shall perform, temporarily, any or all duties of the Chair whether or not delegated.

3.6 Managerial Responsibilities.

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

3.7 Assignment of Commission Members to make Observations.

The Chair may designate members of the Commission to make specific studies and reports or personal observation, of property and land uses, when necessary for proper consideration of agenda items. No more than two Commission members should gather on any such assignment at the same location and time; otherwise, open meeting rules will apply.

3.8 Director of Administrative Services.

The Director of Administrative Services shall assist the Planning Commission unless otherwise delegated.

3.9 Duties of Directory of Administrative Services.

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

3.10 Appointment of Secretary.

The Secretary to the Commission shall be assigned by the Director of Administrative Services from the City's staff.

3.11 Duties of Secretary.

Subject to applicable City Codes and the direction of the Director of Administrative Services, the Secretary shall in general attend to all correspondence of the Commission; attend all hearings/meetings of the Commission (except when excused and with temporary services arranged); and generally, perform or supervise all clerical work of the Commission.

Under the direction of the City Recorder and/or Director of Administrative Services, send out or cause to be published all required notices, agendas, compile all required records; maintain the necessary schedules, minutes, files, and indexes and related tasks.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS, STAFF

4.1 Representation of Applicants or Petitioners.

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

4.2 Conflict of Interest.

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

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

Commission members may be disqualified from voting whenever any applicant, or their agent, has sought to influence the vote, of the Commission member, on their application or petition, other than in the public hearing/meeting, through communication directly with a Commission member about issues in the application without the knowledge of the other Commission members.

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

Commission members may seek information from:

- 1) other Commission members;
- 2) counseling with the Commission;
- 3) staff serving the Commission; or
- 4) the staff of other departments or agencies advising the Commission.

No member shall express any bias, prejudice, or individual opinion on proper judgment of the application prior to its meeting and determination. Violation of this bylaw shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

4.5 Commission Members Not to Vote Unless Present at Meeting.

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

The Commission members may be allowed to attend any Planning Commission meeting by electronic connections as allowed by City and State Codes.

- a. At least 3 commission members, forming a quorum, must be present at the scheduled meeting, located at the anchor site, 164 Gateway Dr., Providence, Utah 84332.
- b. No more than (2) members of the Commission may attend by electronic connection.
- c. A commission member desiring to attend by electronic connection must notify the Chair or Directory of Administrative Services at least one business day prior to the meeting, to allow for arrangements to be made for the electronic connection and related set up.

4.6 Inquiry Regarding Conflicts of Interest and Bias.

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

4.7 Decorum.

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

ARTICLE V - MEETINGS, GENERALLY.

It will be the objective of the Planning Commission Chair and Commission Members to conduct a Commission meeting that is orderly and respectful. It is in the best interest of the City to afford those who wish to address the Commission an opportunity to do so as much as reasonably possible. The meeting agenda will generally follow a format as follows:

- Call to Order
- Roll Call of Commission Members
- Pledge
- Minutes of previous meeting
- Public Comment
- Public Hearing (as scheduled)
- Action Items (Commission approval or recommendation to City Council)
- Study Items (specific items preceding formal Commission approval)
- Staff Report (information on City business and projects not otherwise dealt with by the Commission)
- Special meetings for any purpose may be held at the call of the Chair, the Mayor, the City Council, or the Director of Administrative Services. Notice of the date, time and place of any special hearing/meeting shall be given in conformance with the provisions of state statutes and local ordinances.
- Public Hearing(s) may be scheduled during a regular or special meeting. Noticing requirement shall be done in compliance with Utah Code.

5.1 Recess or Continuance.

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

5.2 Cancellation.

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting (regular, special or hearing) may be canceled by the Chair or Director of Administrative Services by giving notice to all Commission members and the Mayor, before noon on the day of such meeting.

5.3 Quorum.

A quorum of the Commission shall consist of at least three voting members or alternate members. In all situations where there are only three members present, all members must cast a vote upon any action for an application or petition requiring action, otherwise it will be tabled for incomplete voting. When only three members are present, a positive or negative vote must be determined; otherwise, it will be tabled for lack of a majority vote.

5.4 Agenda, Order of Business.

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

5.5 Length of Meetings.

The Commission meeting will begin at 6:00 p.m. and end at 9:00pm, unless scheduled otherwise. At 9:00 pm the Planning Commission will finish the item presently being considered, within 10 minutes; no additional items will be heard after that time unless there is a motion by a member of the Commission and a majority vote to extend the meeting. All items remaining to be heard will be forwarded to the next regular meeting agenda for continued consideration.

ARTICLE VI - PROCEDURES AT MEETINGS (regular, hearing, special, study)

Regular Meeting. Meetings that are pre-set on the calendar covering an entire year, where the Planning Commission meets to discuss and act on both administrative and legislative matters pertaining to the use of land and related issues.

Hearing Meeting. Meeting set aside to receive and hear verbal input on the position of citizens regarding specific topics/applications affecting the City. A hearing may be scheduled during a regular Commission meeting.

Special Meeting. A meeting that is not in the sequence of regular meetings. Typically, called for in order to address issues or actions times that were not completed at a regular meeting or for urgent matters needing attention.

Study Meeting. Time set aside for the Planning Commission, other City officials, staff and citizens to come together to collaborate, offer up ideas, conduct research and/or discuss important issues that need more in-depth study before they are brought forward for finalization and approval. Study may be scheduled during a regular Commission meeting.

The Chair will have the discretion, on any Agenda Item, to carry over the review, to include postponing a vote, to another Commission meeting (regular or special) in order to hear additional information or testimony on an application.

Beyond the time allotted for each segment of the Agenda, the Commission has the latitude to discuss amongst themselves important issues and matters that may reflect on public comment, public hearings, action item applications or any other matter that relates to land use issue or the duties of the planning commission.

Any member of the Commission or staff upon recognition by the Chair, may direct any questions or comments to those speaking at the podium, applicants, witnesses, or any person speaking from the

audience, to bring out pertinent facts.

6.1 Representation at Meeting.

The Commission meeting will be open to the public to attend Planning Commission meetings in the Providence City Hall building in the Council room. An overflow room will be made ready as needed and available, for the public attending to view and hear the proceedings of the Planning Commission meeting electronically projected on an overhead screen or TV.

The meeting will follow the Agenda and will be conducted by the Chair of the Planning Commission.

At the meeting any person or applicant may appear before the Commission, following the order and manner set forth by the Commission. Those who desire to speak to the Commission are asked to make it known by filling in the "Sign-In Sheet", for Public Comment and scheduled Public Hearings respectively. Those who will be speaking may do so impromptu or use a prepared text. A spokesperson is encouraged representing a larger group with a similar disposition. Only those appearing on the sign-in sheets will be called forward to speak. The sign-in sheets limit the number of persons who will be allowed to speak. The sign-in sheets will be closed when the meeting is called-to-order by the Chair. A person may only be listed once on each sign-in sheet.

Those asking for the Commission's action on a specific land use or related matter should have previously filed an application or petition for review and placement on the meeting agenda "Action Items". Further, the application or petition will require the person or applicant to be present in the meeting that represents the application or petition. Should the person or applicant be absent, they may be represented by an authorized substitute (e.g. individual, agent or attorney). As requested by the Commission such substitutes may be required to present competent proof that they are authorized to represent the matter on the agenda.

6.2 Public Comment.

The Chair will open the Public Comment. This time during the meeting, is allotted for citizens (or interested persons), who have not otherwise submitted a specific application or arrived for a hearing, to appear before the Planning Commission to express their views or concerns on issues that may affect the City.

It will be necessary for those persons wanting to address the Commission to fill in the Sign-In Sheet provided and located at the entry to the Council room. The Chair will call forward those persons wanting to speak in order as they appear on the Sign-In Sheet for Public Comment. Upon hearing their name called said person will raise their hand and come forward to the podium. Once at the podium they will have 3 minutes to talk to the Commission. They will be expected to sit down when they have finished or when 3 minutes has lapsed, whichever is sooner. It will be the intent of the Commission to listen to what is being said. Should the person have a question, the Commission may attempt to answer it if reasonably practical and can be responded to if the 3 minutes has not lapsed. The speaker has the option if they feel it is important, to submit their narrative and questions in writing, with contact information, to the Commission Secretary. The narrative and questions will be responded to if necessary, practical and possible within the next 7 business days. Said person may contact the Commission Secretary if necessary and desired, for comment. Said narrative and questions may be copied to the Commission if necessary.

The duration of the public comment segment will be 21 minutes (allowing for 7 speakers), unless there

are no more speakers signed-in.

Should there be any time remaining, the Chair will ask the audience if there is anyone who would like speak, keeping their comments to 3 minutes, if so, they will be invited to the podium.

The Chair will close the Public Comment. At the conclusion of the citizen comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the property administrative department(s); or take no action.

6.3 Public Hearing.

A public hearing will be held in this meeting when it has been determined, by application, decision of the City Council or Planning Commission or as dictated by Utah code or Providence Code, that a public hearing be held. The purpose of the public hearing is to allow persons to express their thoughts, concerns and questions about a specific matter, currently being reviewed by the City.

The Chair will open the Public Hearing. The Chair will describe the nature of what the hearing is being held for. This time during the meeting is allotted for citizens (or interested persons), who have arrived for the specific reason to hear and possibly appear before the Planning Commission to express their views or concerns on subject of the hearing. Persons neutral, or in opposition or support of the matter, application or petition under review may provide testimony or comment during the hearing.

It will be necessary for those persons wanting to address the Commission during the hearing to fill in the Public Hearing Sign-In Sheet provided and located at the entry to the Council room. The Chair will call forward those persons wanting to speak in order as they appear on the Sign-In Sheet for the Public Hearing. Upon hearing their name call said person will raise their hand and come forward to the podium. Once at the podium they will have 5 minutes to talk to the Commission. They will be expected to sit down when they have finished or when 5 minutes has lapsed, whichever is sooner. It will be the intent of the Commission to listen to what is being said. Should the person have a question, the Commission may attempt to answer it if reasonably practical and can be responded to if the persons 5 minutes has not lapsed. The speaker has the option if they feel it is important, to submit their narrative and questions in writing, with contact information, to the Commission Secretary. The narrative and questions may be responded to if necessary, practical and possible within the next 7 business days. The speaker may contact the Commission Secretary if necessary and desired for comment. Said narrative and questions may be copied to the Commission if necessary.

The duration of the public hearing will be 50 minutes (or 10 speakers) unless there are no more persons listed. Should there be any time remaining, the Chair will ask the audience if there is anyone who would like to speak, keeping their comments to 5 minutes, if so, they will be invited to the podium.

Chair will close the Public Hearing.

6.4 Action Items.

The Chair will open the segment of the meeting for Action Items which are generally applications (or petitions) for approval of land use or related matters. The Chair will announce each Action item. The Commission will review, discuss and take action on applications received. The Chair will ask the Secretary to the Commission to report on the findings of fact, conclusions of law and conditions, coming from the City's Executive Staff (ESR) review committee, pertaining to each application. Applicants are expected to attend the Commission meeting. When the Agenda item is read the applicant will be called forward. They

will raise their hand and come up to the podium. The applicant will have 15 minutes to introduce and make a brief presentation leaving enough time for the Commission or staff to ask questions. The applicant will be expected to sit down when they are finished or when the 15 minutes has lapsed, whichever is sooner. Should there be any time remaining, the Chair will ask the audience if there is anyone who would like speak, keeping their comments to 3 minutes, if so, they will be invited to the podium.

It will be the intent of the Commission to listen, deliberate, ask necessary questions and take action seeking a majority vote to either approve (with added conditions if needed) or deny the application (stating the reason for denial). The Chair will go on to the next Action Item until finished.

The Chair will close the Action Items.

6.5 Meeting Order and Decorum.

It is the desire of the Commission that all persons, in attendance, be given an opportunity in response to the published Agenda, to address the Commission with their comment, concern, statement, testimony or application, as it affects the community of Providence City. It is hoped that all persons conduct themselves in a responsible, civil and respectable manner that affords the meeting to proceed in an orderly, efficient and effective manner allowing the Commission to perform its duty to serve over the planning and zoning affairs of Providence City. Further, please observe the

- a. During the meeting each person speaking shall proceed without interruption. All presentations, testimony, statements and pleadings shall be addressed to the Commission
- b. Persons attending the meeting will:
 - *Refrain from clapping, heckling, stomping feet, shouting or speaking out of turn.
 - *Refrain from parading or posting signs, inside or outside the meeting room.
 - *Refrain from calling for any 'straw polling' or impromptu-voting during the meeting.

The Chair may ask disorderly or disruptive persons to leave the room and City property; however, as needed, removal of disorderly or disruptive person(s) will be in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions.

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

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

- a. To proceed immediately to a determination and decision at the conclusion of the presentation in a particular application; or
- b. To defer determination and decision until later in the same meeting; or

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

7.2 Findings.

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

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

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

7.3 Form and Procedure of Decisions.

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

7.4 Notification.

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

7.5 Appeals. Appeals by applicant or affected party.

Appeals to administrative decisions and legislative decisions are directed to the Appeal Authority.

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

ARTICLE VIII - REQUEST TO WITHDRAW OR AMEND APPLICATIONS OR PETITIONS

8.1 Withdrawal.

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

8.2 Amendment.

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

8.3 Deferrals and Continuances.

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

ARTICLE IX - AMENDING OR WAIVING RULES

9.1 Amending Bylaws.

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

9.2 Waiving or Suspending Rules.

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

10-8-3 Setbacks

Required setbacks describe areas on lots where no buildings, structures, or additions to them may be located, and which thereby become yard areas. Setbacks may be required between buildings, structures and property lines; between structures and road easements; between buildings and structures themselves; between buildings, structures and natural features such as watercourses; or between other features of site development. The setback requirements of this title are listed for each zone district in the Space Requirements Chart found in PCC 10-8-1.

A. General Setback Requirements:

1. Subdivision Setbacks. Where a setback line is called for or shown on a recorded subdivision plat or on a recorded development plan, the required setback shall be the setback line shown on the subdivision plat or development plan.
2. Setbacks adjacent to Alley. See PCC 10-4-6:F.3. Setbacks for Single Family Attached and Apartment Housing.
3. Lots Reduced by Road Widening or One or More Land Use Ordinance Changes. See PCC 10-1-4: Definitions for Nonconforming Building or Structure, Nonconforming Lot, and/or Nonconforming Use.
4. Use of Setbacks. Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in PCC Title 10; and except for the ordinary projections of sills, buttresses, cornices, chimneys, eaves, and window wells; but in no case shall such projections exceed the distance restrictions for each yard type. In all cases, if a public utility easement (PUE) is included in the setback, projections cannot extend into the PUE.
5. Projections into Rights-of-Way. In any area where a building can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way not more than thirty inches (30"); provided that all such encroachments shall be at least eight feet above any area used by pedestrians, and at least fourteen feet above any area used for vehicular traffic; and provided further, an encroachment permit for such projections is obtained from the city engineer.
6. Porches, Stoops, Stairs that are Thirty Inches in Height or Greater. A porch, stoop or stairs which are thirty inches (30") or greater in height shall be regarded as part of the building. Such porch, stoop or stairs requires a railing of not less than thirty inches (30") in height. This requirement applies to front, side, and rear yards.
7. Window Wells.
 - a. Window Wells may encroach up to a maximum three (3) feet into the required rear yard and may encroach up to a maximum of two (2) feet into a required side yard.
 - b. The maximum amount of all window wells located along any wall may not exceed forty percent (40%) of the length of that wall.
 - c. When more than one window well is installed along a wall, each shall be separated at least three feet from one another.
 - d. Window wells used for egress shall comply with the provisions of the building code for an emergency escape window.
8. Retaining Walls.
 - a. Less than three feet (3') in height. Retaining walls less than three feet (3') in height are exempt from setback requirements.
 - b. Three feet (3') to six feet (6') in height. Retaining walls from three feet (3') to six feet (6') in height may be located within a required non-street side or rear setback area in residential zones and any setback area in nonresidential zones provided the exposed side of the wall faces into the subject parcel.
 - c. Greater than six feet (6') in height. Rear and non-street side setbacks for retaining walls greater than six feet (6') in height, or where the exposed side of the wall faces out from the subject parcel without regard to height, shall be subject to the same requirements as the main structure in the applicable zoning district.
9. Elements that are placed directly upon the finish grade.
 - a. Elements that are placed directly upon the finish grade that do not exceed thirty inches (30") in height at any point above the surrounding finish grade in front and street side setbacks areas are exempt as follows:
 - (1) Driveways, walks, and steps. The driveway shall be limited to the area necessary to provide safe and efficient ingress and egress from the required off-street parking spaces located behind a setback area.
 - (2) Decks, patios, and terraces. See 10-8-3.D.5
 - (3) One (1) flagpole that does not exceed fifteen feet (15') in height and is set at least five feet (5') from the property line.
 - (4) Lampposts adjacent to walkways, stairways, and driveways that do not exceed six feet (6') in height.
 - (5) Landscape accent lighting that does not exceed eighteen inches (18") in height.
 - (6) Public utility vaults, including footings, if completely underground. Any mechanical or electrical equipment

shall be subject to the setback requirements.

B. Front Yard:

1. The front yard shall be measured from the property line to the front face of the building, attached accessory building, accessory building, covered porch or covered terrace. Steps, uncovered porches, eaves and roof extensions may project into the required front yard for a distance not to exceed four feet (4'); and placed so as to not obstruct light or ventilation of building or ready use of the yards for ingress or egress, and where allowed by the Building Code.
 - a. For existing homes, that do not meet the building code for entry landings:
 - (1) A covered, unenclosed, entry may extend further than four feet (4') into the required front yard; but shall not extend further than the minimum to meet the requirements in the building code for entry landings.
 - (2) Ramps that are added to allow for ADA access may extend into the required front yard; but shall not extend further than the minimum to meet the grade and landing requirements for ADA access.
 - (3) A site plan shall be submitted for zoning approval.
2. Gasoline service station pump islands may not be located closer than fifty feet (50') to the front property line.

C. Side Yard:

1. Every part of the required side yard shall be open and unobstructed, except for normal projections of window sills, belt courses, cornices, chimneys and other architectural features projecting no more than twenty four inches (24") into the required side yard, roof eaves projecting no more than thirty six inches (36") into the required side yard and accessory buildings occupying no more space of any principal use side yard than that permitted in Section 10-9-6 of this Title.
2. Where a fire wall of a dwelling, garage or carport is located on a property line, the roof shall be so designed and constructed so as not to drain water onto the adjoining lot and except for properties located in the Mixed Use District abutting other properties also located in the Mixed Use District, there shall be one side yard of at least twenty feet (20').
3. Whenever any use or district not normally requiring a side yard adjoins a use or district requiring a side yard, a minimum ten foot (10') side yard shall be maintained.
4. A single family attached dwelling unit separated by a fire or party wall need not provide a side yard on the fire or party wall side, except that no complex of attached dwelling units shall exceed three hundred feet (300') in length. A minimum side yard of ten feet (10') on the separated side of any attached dwelling unit shall be required so that the end of any two (2) building complexes shall be at least twenty feet (20') apart. (Ordinance Modification 98-021 10/13/1998)
5. A complex of multiple-family dwelling units shall maintain a minimum side yard of ten feet (10') so that any two (2) adjacent complexes shall be at least twenty feet (20') apart and maintain an open corridor for fire and other emergency vehicle access.
6. In residential districts, accessory buildings may be placed no closer than five feet (5') to the side property line if adjacent to a separate lot of record, nor less than twenty feet (20') if adjacent to a public street or road.
7. Gasoline service station pump islands shall be located no closer than twenty feet (20') from the side yard line if adjacent to a separate lot of record, nor less than fifty feet (50') if adjacent to a public street or road.
8. Residential structures exceeding forty-five (45') in height as determined by PCC 10-8-4:B shall maintain a minimum side yard equal to fifty percent (50%) of the building height.
9. Where an allowed side yard setback of a dwelling occurs five (5) feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten (10) feet, for a cumulative total dwelling separation of fifteen (15) feet. Each residential lot allowing five (5) foot side yard setback shall be required to have one side yard setback of ten (10) feet. (Ordinance Modification 011-99 04/13/99)
10. Property in a Mixed Use District may have lots which contain no side yards when the buildings on the adjoining lots utilize shared party walls. If the adjoining properties do not share party walls then a minimum of thirty (30) feet is required between adjoining buildings (15 foot side yard on each property.) In the Mixed Use District a thirty (30) foot alley is required a minimum of every 500 feet for access to parking located behind the buildings.

D. Rear Yard:

1. Nonresidential uses which have a rear lot line adjacent to an alley or other public right of way that is at least twenty feet (20') in width requires no minimum rear yard.
2. Nonresidential uses which have a rear lot line adjacent or contiguous to another nonresidential use requires no minimum rear yard, provided the rear wall satisfies fire wall standards.
3. Nonresidential uses abutting or adjacent to a residential district shall maintain a minimum rear yard of twenty feet (20').
4. Normal projections of window sills, belt courses, cornices, and chimneys may project no more than twenty four inches (24") into the required rear yard and roof eaves projecting no more than thirty six inches (36") into the required rear yard.
5. A deck is considered as an exterior floor system supported on at least two opposing sides by adjoining structures and/or posts, piers or other independent supports.

- a. A deck which is less than 120 square feet and less than 30 inches above adjacent grade, and independently supported, will not require a building permit and is not considered part of the main structure.
 - b. An attached covered deck is considered part of the main dwelling and required to meet the associated setbacks.
 - c. A portion of an attached uncovered deck may project into the required rear yard no more than $\frac{1}{2}$ of the distance of the required rear yard (ie: required rear yard is 20 feet, the deck can project no more than 10 feet into the required yard); and, the projection may take up no more than 50% the required rear yard. The projection of the deck is included in the overall 25% limitation in Chapter 9 Section 6 of this Title.
 - d. Detached decks (designed and constructed having no physical connection to the primary structure) are considered an accessory use; and must be a minimum of five feet (5') from the primary structure.
 - e. No portion of any deck is permitted to be located within an easement or within 5 feet of a property line.
6. Accessory buildings may be placed no closer than five feet (5') to the rear property line in residential districts (see Section 10-9-6 of this Title) and no closer than ten feet (10') in nonresidential districts.
 7. Structures containing four-family dwelling units or more shall maintain a minimum rear yard equal to fifty percent (50%) of the building height, but in no case less than twenty feet (20').

E. Double Frontage, Interior, and Odd-Shaped Lots

1. Double Frontage Lots. Rather than a front and rear yard, there shall be two front yard setbacks for the purpose of computing setbacks.
2. Interior Lots. The setback requirements for the applicable zone district shall apply. The setback shall be measured from the property lines of the interior lot for the respective yards. If the access to the property is included in the property (not an easement through adjacent property), the access property lines are not considered for setback determination.
3. Odd-Shaped Lots. In the case of odd-shaped lots, the Administrative Land Use Authority (ALUA) shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district. In determining the required setbacks for odd-shaped lots, the ALUA shall consider the following:
 - a. The setback(s) will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.
 - b. The setback(s) conform with other applicable provisions of the PCC Title 10 Zoning Regulations.
 - c. The setback(s) will not conflict with any easements required for public access through, or the public use of, a portion of the property.

(Zon. Ord., 5-8-1991)

HISTORY

Amended by Ord. [2015-020](#) on 11/17/2015

Amended by Ord. [2020-003](#) on 2/19/2020