

Code Amendment Review				
Prepared by: S Bankhead	Date: 02/12/2024	Land Use	Yes: X	No:
Code Title: 10 Zoning Regulations	Title Chapter: 9 Supplementary Regulations Within All Districts	Chapter Section: 10-9-1 Applicability 10-9-2 Corner Lot Clear View Areas Obstruction 10-9-3 Irrigation Waters 10-9-4 Frontages; Curb, Gutter And Sidewalk 10-9-5 Lot Area; Other Buildings Residential Driveways 10-9-6 Accessory Buildings Lot Area; Other Buildings 10-9-7 Lot Area; Accessory Buildings		
Applicant: City Staff				
Abbreviations & Authority: <ol style="list-style-type: none"> 1. Utah Code Annotated: UCA 2. The UCA references are summarized in this analysis. For a complete details and code requirements, please review the online Utah Code at: https://le.utah.gov/xcode/code.html 3. Providence City Code: PCC 4. The PCC references are summarized in this analysis. For a complete details and code requirements, please review our online city code at: https://providence.municipalcodeonline.com/book?type=ordinances#name=Preface 5. Recommendation: Planning Commission (PCC: 10-4-4:B.1) 6. Legislative body: City Council 				
Background Information: <ol style="list-style-type: none"> 1. The city staff are requesting changes to clarify the clear view area and add regulations for residential driveways. 2. City staff receives many questions and often complaints about the clear view areas near intersections. It is the intent of the proposed changes to address trees, vegetation, landscaping features, and lot grading that may impact the clear view area. 3. It has also come to the attention of city staff, that home placement, landscaping features, and lot grading for lots on or near curves may also impact an intersection clear view. A brief item is proposed to allow the city to require studies for sight-triangles involving intersections and nearby curves, when necessary. 4. City staff also receives questions about driveway access. The proposed section for residential driveways establish regulations and address concerns that have come to city staff's attention. 5. The planning commission reviewed the proposed draft on January 10 and 24, 2024. Their comments have been incorporated in the attached draft. 				

FINDINGS OF FACT:

1. UCA 10-3-701. Legislative power exercised by ordinance. Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances.
2. UCA 10-3-702. The governing body may pass any ordinance to regulate, require, prohibit, govern control or supervise any activity, business, conduct of condition authorized by this act or any other provision of law.
3. UCA 10-9a-102 Purposes – General land use authority.
A municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: (a) uses; (b) density; (c) open spaces; (d)

structures; (e) buildings; (f) energy efficiency; (g) light and air; (h) air quality; (i) transportation and public or alternative transportation; (j) infrastructure; (k) street and building orientation; (l) width requirements; (m) public facilities; (n) fundamental fairness in land use regulation; and (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

4. UCA 10-9a-201(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.
5. UCA 10-9a-302(1) The planning commission shall review and make a recommendation to the legislative body for (b) land use regulations, including: (i) ordinances regarding the subdivision of land within the municipality; and (ii) amendments to existing land use regulations.
6. UCA 10-9a-502(1) The planning commission shall provide notice, hold a public hearing, and review and recommend a proposed land use regulation to the legislative body.

CONCLUSIONS OF LAW:

1. The city council exercises its legislative power through ordinances.
2. The city council enacts ordinances to regulate, require, prohibit, govern control or supervise any activity, business, conduct of condition authorized by this act or any other provision of law.
3. The city may enact or amend land use regulations.
4. The city council is the legislative body authorized to weigh policy considerations and enact land use regulations.
5. The planning commissions reviews and makes recommendations to the city council for land use regulations.
6. Prior to making a recommendation to the city council, the planning commission will hold a public hearing in accordance with UCA 10-9a-502(1).
7. The city staff prepared the proposed amendment, including reasons for the proposed amendment.

CONDITIONS:

1. Before making a recommendation to a legislative body on an amendment to an existing land use regulation, the planning commission shall hold a public hearing in accordance with UCA 10-9a-404
2. The applicant shall meet all applicable City, state and federal laws, codes, rules.

1 **CHAPTER 10-9 SUPPLEMENTARY REGULATIONS WITHIN ALL DISTRICTS**

2 10-9-1 Applicability

3 10-9-2 ~~Corner Lot~~ **Clear View Areas** Obstruction

4 10-9-3 Irrigation Waters

5 10-9-4 Frontages; Curb, Gutter And Sidewalk

6 10-9-5 ~~Lot Area; Other Buildings~~ **Residential Driveways**

7 10-9-6 ~~Accessory Buildings~~ **Lot Area; Other Buildings**

8 **10-9-7 Lot Area; Accessory Buildings**

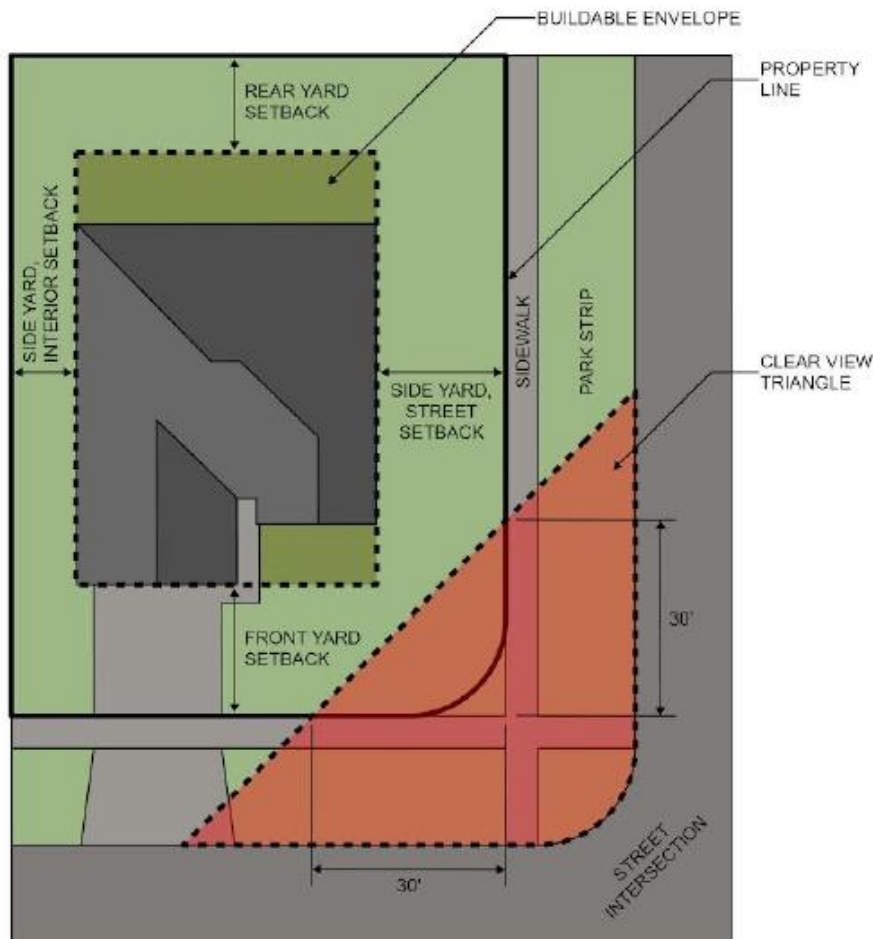
9
10 **10-9-1 Applicability**

11 The regulations in this chapter shall supplement all regulations of all districts in this title, unless otherwise specifically
12 detailed herein.

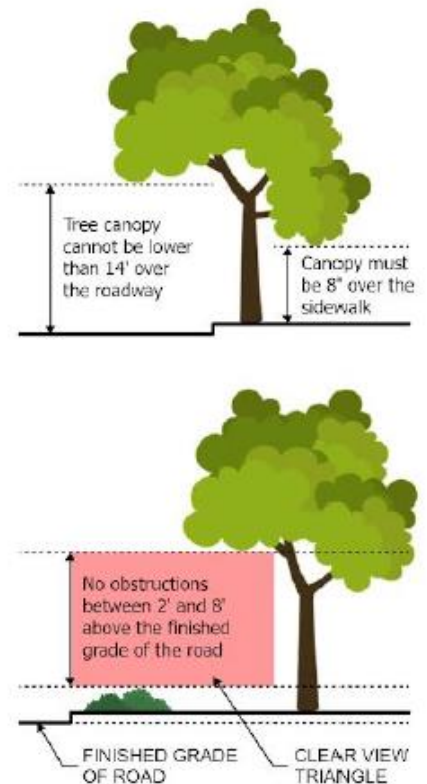
13 **10-9-2 ~~Corner Lot~~ Clear View Areas Obstruction**

- 14 A. **Purpose:** To prevent the obstruction of field of vision on all corner lots in the interest of pedestrian and
15 driver safety.
- 16 B. Clear view areas should be designed to provide adequate vision of vehicular and pedestrian traffic. A clear
17 view area shall be maintained at the intersection of every street, whether public or private, and at the
18 intersection of every driveway with a public or private street. The clear view provisions are considered life-
19 safety standards and shall supersede any conflicting provisions of this Title.
- 20 C. No provision of this section shall be construed to ~~allow~~ **permit** the continuance of any nonconforming tree,
21 shrub, plant or plant growth, fence, wall, other screening material, or other obstruction which interferes
22 with the safety of pedestrians of vehicle traffic.
- 23 D. Obstruction of vision on corner lots within 30 feet of said corner right-of-way shall not be permitted from
24 two feet to eight feet above finished grade of road. ~~Trunks of trees,~~ Open-work fences at least 70 percent
25 transparent, light or telephone poles or other small vertical protrusions not more than 12 inches in diameter
26 shall be permitted within the clear-view area.
- 27 1. Obstruction of vision within ten feet of intersection of a private drive with a city right-of-way will
28 not be permitted. ~~Trunks of trees,~~ Open-work fences at least 50 percent transparent, light or
29 telephone poles or other small vertical protrusions not more than 12 inches in diameter shall be
30 permitted within the clear-view area. However, vertical protrusions of up to 24 inches in width
31 may be allowed in driveway clear-view area.
- 32 2. Obstruction of vision within 20 feet of intersection in a MX district will not be permitted. ~~Trunks of~~
33 ~~trees,~~ Open-work fences at least 70 percent transparent, light or telephone poles or other small
34 vertical protrusions not more than 12 inches in diameter shall be permitted within the clear-view
35 area. Nonpermanent street signs greater than two feet in height are not permitted within the
36 clear-view area.
- 37 3. Fence height is measured from the finished grade on its uphill side, where there is a grade
38 difference.
- 39 4. ~~Trees trunks that will grow larger than 12 inches in diameter~~ shall not be located within the clear
40 view areas. ~~Trees with trunks that will grow larger than 12 inches in diameter~~ may be planted in
41 the front or street side setbacks outside of the clear view area. However, if tree canopies extend
42 into the clear view area the bottom of the canopy must be trimmed at least eight feet above the
43 sidewalk and 14 feet above the street.
- 44 5. Tree canopies or other growth shall not block signs, ~~or signals, or street lights.~~
- 45 6. Ground cover, including landscaping boulders and raised planters, cannot increase the finished
46 grade of the property more than two feet above the finished grade of the street. Items planted in
47 a raised area must meet the clear view area height restriction when measured from the street
48 level.

7. Finished grade of the property. The property in the clear view area must be graded in a manner that preserves the clear view area. The finished elevation of the property in the clear view area cannot exceed two feet in height from the finished grade of the street. Items planted must meet the clear view area height restriction when measured from the street level.
8. Determining the clear view area. A drawing showing how to determine the clear view area can be found in the Standard Construction Drawings included in the Standards and Specifications Manual.
9. The city acknowledges that occasionally a public right-of-way overlaps private property. When this occurs, the clear view will be measured from the right-of-way line rather than the property line.



*SETBACKS ARE MEASURED FROM THE PROPERTY LINE.
CLEAR VIEW TRIANGLE IS 30' ALONG THE PROPERTY LINE FROM THE CORNER
THEN EXTENDED TO THE STREET.



- E. Clear view area, sight triangles for intersections near curves. It is the intent of the city to provide drivers of vehicles, cyclists, and pedestrians approaching intersections, with an unobstructed view of the intersection and sufficient lengths along the intersecting roads to permit them to anticipate and avoid potential

conflicts. In some areas of the city, in addition to the corner lot and driveway clear-view areas, sight triangles involving nearby curves may be included.



10-9-3 Irrigation Waters

Changes in any irrigation water system, including the rerouting or alteration of open ditches, shall be approved by the city and the associated water company before any alteration or construction begins. Where said water system resides and terminates on one private lot, approval by the city and the water association shall not be required.

10-9-4 Frontages; Curb, Gutter And Sidewalk

Unless specifically exempted, any project requiring a development and/or building permit for a primary structure (constructed after November 1, 2018) shall require that the owner and/or their agents and assigns construct, improve, or install frontage improvements in accordance with city standards, including, but not limited to, the city standards and specifications manual.

A. Required improvements may include one or more of the following:

1. Dedication of right-of-way. Refer to the city department of public works standards and specifications manual for street right-of-way width.
2. Grading to future right-of-way.
3. Design of structures to accommodate future right-of-way.
4. *Sidewalks*. Sidewalks shall be concrete and a minimum five feet wide and a minimum four inches thick. All sidewalks that cross residential driveways shall be six inches thick minimum. All sidewalks that cross commercial driveways shall be eight inches thick minimum. Sidewalks at all intersections of public streets shall conform to adopted American Disabilities Act standards.
5. *Curb and gutter or swales*. Refer to the city department of public works standards and specifications manual for streets requiring curb and gutter or swales.
 - a. Minimum grades for curb and gutters and streets shall not be less than 0.5 percent, and from the crown of road to the lip of the curb shall be a minimum of two percent.
 - b. Swales may be designed to replace curb and gutter. Designs shall include, but are not limited to, providing methods and planting materials that will be used to ensure the integrity of the swale is maintained in a manner that will prevent erosion of soils and infiltration of silt and other materials along the swale area and into storm retention systems, streets, and other properties. The developer is responsible to maintain the swales for a warranty period of two years.
6. *Park strips*. Park strips shall be at least seven feet wide. At the sole discretion of the city engineer, when connecting with existing infrastructure, the required width of the park strip may be increased or reduced to match the existing infrastructure.
7. *Stormwater*. The developer shall have the responsibility of providing for on-site stormwater retention/detention. If off-site retention/detention is required, the developer shall have the

- responsibility of providing off-site storm drain extensions in order to satisfactorily dispose of drainage.
8. Planting of street trees and other landscaping. Refer to PCC 7-1-8 for park strip requirements.
 9. Setbacks from the property line or dedication of right-of-way to accommodate required improvements.
- B. *Determining the frontage to be improved.* It is the city's intent that the entire length of frontage for the property shall be improved.
1. *Exception.* When a parcel is larger than the surrounding parcels and/or lots the city may reduce the frontage improvement requirement. In determining the reduced improvement requirement, the city will consider the greater of the following:
 - a. Minimum frontage for the property zone.
 - b. Minimum frontage for the structure and required side setback.
 - c. Gaps and distance to street corner or property line. If the distance to the street corner or property line and or amount to complete a gap is 50 percent or less than the length of the required frontage, completion of the gap or to the corner will be required.
 2. Where curb, gutter and/or sidewalk previously installed by the city exists on a proposed building lot or development, then compensation of said improvements at current installation costs shall be made by the owner and/or their agents and assigns to the city. The city reserves the right to negotiate the placement and compensation requirements described in this section. Compensation shall be as follows: 100 percent of the pro rata share during the first five years following the date of completion of the improvements by the city. The pro rata share shall be depreciated 20 percent per year thereafter, and no pro rata share shall be due to the city after ten years following the completion date of the improvements by the city.
 3. *Preconstruction meeting.* A preconstruction meeting will be held with the owner and/or the owner's agents and assigns, the general contractor for the project, and city staff prior to beginning any construction on the project.
 - a. It is the owner's and/or their agents and assigns responsibility to notify the general contractor and all appropriate subcontractors for the project of their required attendance at the preconstruction meeting.
 - b. If applicable, the stormwater notice of intent (NOI) and stormwater pollution prevention plan (SWPPP) must be in place prior to the preconstruction meeting.

10-9-5 Residential Driveways

- A. Individual driveways shall be provided for all residential building lots.
1. A primary drive access may serve no more than two parcels. However, if the lots are part of a cluster, inner block, or PUD development, a shared driveway to parking access may be allowed.
- B. The drive approach for the driveway shall be a minimum width of twelve feet (except for driveways required to meet emergency vehicle access) and shall not exceed the maximum width of thirty five feet (35'). A secondary drive approach may be permitted in accordance with the Providence City Standard Construction Drawings.
- C. No down sloping driveways shall be permitted unless otherwise approved by the city due to unusual topographic constraints. If a down slope is allowed, to prevent flooding of the property, provisions for storm water must be included in the design. The driveway must maintain a positive slope away from the home as required by applicable building codes.
- D. The minimum grade at which a driveway shall be allowed to be built is two percent (2%) slope, and ~~the maximum grade at which a driveway shall be allowed to be built is twelve percent (12%) slope~~ a driveway shall not exceed a slope of twelve percent (12%).
- E. Residential driveways shall be constructed with asphalt or concrete through the area in the city right-of-way in accordance with Providence City Department of Public Works Standards and Specifications.

1. Driveways required to meet emergency vehicle access. If a driveway, or a portion of a driveway, is deemed necessary to meet the fire code, as a minimum it must be 20' wide, constructed and maintained to support the imposed load of fire apparatus weighing up to 75,000 pounds so as to provide all-weather driving capabilities. Fire apparatus access driveways shall not exceed ten (10%) in grade, unless approved by the fire code official. Driveways required to meet fire apparatus access may also require an approved turnaround.
2. Approaches shall be constructed in accordance with Providence City Department of Public Works Standards and Specifications.

10-9-56 Lot Area; Other Buildings

No portion of a lot area, open space, off-street parking area or yard required about or in connection with any building or use for the purpose of complying with this title may be included as part of a lot area, open space, off-street parking area or yard similarly required for any other building or use, except as permitted in Mixed-Use Districts.

10-9-67 Lot Area; Accessory Buildings

~~No accessory building or group of accessory buildings shall occupy more than 25 percent of the area of any side or rear yard of any required main building or principal use setback.~~ See Chapter 10-12