

CHAPTER 4

ESTABLISHMENT OF DISTRICTS

SECTION:

- 10-4-1: Zoning Districts Established
- 10-4-2: Boundaries of Districts
- 10-4-3: Planned District
- 10-4-4: Mixed Use District

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

District	Abbreviation	Minimum Lot Size sq. ft.
Agricultural district	AGR	217,800 (5 acres)
Single family estate district	SFE	43,560 (1 acre)*
Single family large district	SFL	21,800*
Single family traditional district	SFT	12,000*
Single family residential density district	SFR	10,000
Single family medium density district	SFM	8,000
Single family high density district	SFH	6,000
Single family mobile home district	SMH	5,000
Multi-family residential density district	MFR	10,000
Multi-family medium density district	MFM	
Multi-family high density district	MFH	
Mixed Use District	MXD	
Commercial neighborhood district	CND	
Commercial general district	CGD	
Commercial highway district	CHD	
Public district	PUB	
Recreation District	REC	

\*Lot Size Averaging may be used in these zones. See 10-8-2. A.

10-4-2: **BOUNDARIES OF DISTRICTS:**

A. Established; Zoning Map: The boundaries of the zoning districts are hereby established as delineated on the officially adopted map (or maps) entitled "Zoning Map of Providence City, Utah", or as hereafter amended by due process. The Zoning Map and all boundaries, notations and other data shown thereon shall be as much a part of this Title as if fully described and detailed herein. The Map shall be

filed in the office of the City and may be examined by the public and made available for City use.

- B. Boundaries Not Established; Determination: District boundary lines that are not established by legal definition shall be determined as follows:
1. Boundaries indicated as being approximately upon the center line of a street, alley, easement, block, canal, waterway or other existing landmark shall be construed to follow such center line.
  2. Boundaries indicated as following lot lines shall be construed as following such platted lot lines.
  3. Boundaries indicated as following City limits shall be construed as following such legal City limit lines.
  4. Boundaries indicated as being parallel to or extensions of features indicated on the Map shall be so construed. Distances not specifically designated shall be determined by the scale of the Map.
  5. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the center line of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
  6. Any uncertainty regarding district boundaries not clarified by the five (5) preceding criteria shall be referred to the Appeal Authority for resolution.
- C. Changes: Changes in the boundaries of the zoning districts shall be made only by due process as set forth in Section 10-1-5 of this Title. (Zon.Ord., 5-8-1991)

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

A. **Purposes:**

1. To encourage and provide a means for effectuating desirable development through the use of variations in site layout, mixed land uses, and/or varied dwelling or other buildings.
2. To preserve the amenities and compatibility of P Districts by adoption of a general development plan, showing proper orientation, desirable design character, and compatible land uses.
3. To provide for the orderly pre-planning and long-term development for a

variety of uses of large tracts of land which are under unified ownership or development control, so as to ensure that the entire tract will provide an environment of stable and desirable character.

4. To give the developer reasonable assurance that sectional development plans prepared in accordance with an approved general development plan will be acceptable to the local jurisdiction. Sectional development plans shall include subdivision plans and/or planned unit development plans as provided for in this Chapter.
5. To enable the adoption of measures providing for development of the surrounding area in character compatible with the Planned District.

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

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

that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.

**C. Preliminary Development Plan Approval:**

1. Procedure and Applications. Prior to the filing of a formal P District rezoning application, the applicant shall submit a preliminary development plan for an approval in principle thereof by the planning commission and the governing body.

a. The preliminary development plan and text shall be prepared and endorsed by a qualified urban planner, with other professional assistance as required, and shall include the following information presented in a general schematic fashion:

i. The topographic character of the land, and any major grading intended;

ii. Proposed land uses, population densities, and building intensities;

iii. Proposed circulation pattern indicating both public and private streets;

iv. Proposed parks, playgrounds, school sites, and other open spaces;

v. A market analysis of proposed uses, if required by the Planning Commission, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;

vi. Delineation of the units to be constructed in progression, if any; and Relation of the proposed development to future land use in surrounding area(s) and as shown on the master plan.

**D. Public Hearing – Optional:** A public hearing on the preliminary development plan may be held by the Planning Commission and governing body. Approval in principle of the preliminary development plan shall be limited to the general acceptability of the land uses proposed and their interrelationships, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility, and such approval shall not be construed as or deemed to be in any form or sense a commitment to approve any subsequent formal rezoning application.

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

**G: Findings Required:**

1. The Planning Commission, after public hearing, may recommend the establishment of a P District, and the governing body, after public hearings, may by ordinance establish a P District, provided that both find that the facts submitted with the application and presented at the hearings establish that:
  - a. The proposed P District or a given unit thereof, can be substantially

- completed within two (2) years of the establishment of the P District.
- b. That each individual unit of development as well as the total development, can exist as an independent unit capable creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;
  - c. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P District;
  - d. That commercial development can be justified economically at the locations proposed to provide commercial facilities;
  - e. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
  - f. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the general development plan, in accordance with adopted policy of the Planning Commission and the governing body;
  - g. That the P District is in conformance with the Master Plan; and,
  - h. That existing or proposed utility services are adequate for the population and use densities proposed.

**H. Planning Commission and Governing Body's Action:**

1. If, from the facts presented, the Planning Commission, or the governing body is unable to make the necessary findings, the application shall be denied.
2. In taking action, the Planning Commission may deny the general development plan and general development schedule as submitted, or may recommend approval of said plan and schedule to the governing body, subject to specified amendments.
3. Upon application for rezoning of an area to a P District and recommendation of such rezoning by the Planning Commission, the governing body shall hold a public hearing thereon as required by other amendments to the zoning ordinance.
4. Changes of use or density of an approved general development plan shall be considered the same as a change in the zoning map, and shall be made in accordance with the provisions for amendments of the zoning ordinance. If no development has occurred to effectuate a P District development within two (2) years after the District is created, the Planning Commission shall review the action and determine whether or not the continuation of a given P District is in the public interest. If the Planning Commission so recommends, the governing body may order the area reverted to the original district from

- which it was created, without a public hearing.
5. At the time of adoption of any ordinance establishing a P District, the governing body shall make appropriate arrangements with the applicant to insure the accomplishment, at the scheduled times, of the public improvements, public dedications, and grants of easement shown on the approved general development plan. The P District shall be given an appropriate name, number of letter to identify it; and the approved general development plan shall be adopted by reference and become a part of the zoning ordinance.

10-4-4: **MIXED USE DISTRICT:**

- A. **Purpose:** The Mixed Use District is established to stimulate economic development by providing a unique planning environment which combines light commercial, office, and residential development in a pedestrian friendly manner. This district encourages creative development and site design for mixed use commercial, office, and residential uses within the District. The MX District includes a mixture of uses with no one land use type being a constant dominate or prevailing use.
- B. **Procedures:**
  1. The Planning Commission shall be the land use authority for approval of all development proposals in the MX District. All exterior construction visible from adjacent properties or public streets must also be reviewed and approved by the Planning Commission.
  2. Prior to the Planning Commission taking action, plans must be submitted in accordance with the zoning ordinance.
  3. All submissions shall be made in conformance with the adopted application and agenda deadline schedule.
- C. **Uses-Allowed:** Uses are listed in 10-6-1. Any uses not listed on a table in that section are conditional uses. Any development in the MX District must include retail and either commercial or residential uses.
- D. **Development Standards:** The following provisions shall apply in a MX District, which District shall also be subject to other provisions of the Zoning Ordinance, except that where conflict in regulations occurs, the regulation specified in this Chapter, or on a development plan approved pursuant to this Chapter, shall apply.
  1. **Open Space:** Usable open space shall be provided within the mixed use development with the amount and type of open space depending upon size, scale, and nature of the development as determined by the Planning Commission. Approved open space may include but is not limited to: commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, and greenbelts. Open space shall be maintained by owners or the homeowners association. The design shall encourage

- comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.
2. Standards for area, coverage, density, yard requirements, parking and screening for MX District uses shall be governed by the standards of the residential, commercial, or industrial zoning districts most similar in nature and function to the proposed MX District use(s), as determined by the Planning Commission, and as modified by the approved general development plan. Standards for public improvements shall be governed by applicable ordinances and laws. Exceptions to these standards by the Planning Commission and by the governing body are possible, when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.
- E. **Uses:** The variety of uses allowed in a MX District are intended to create a mix of retail, commercial, entertainment, office, personal services, and residential dwelling land use types that can be developed in a compact design that encourages compatibility of uses.
- F. **Architectural Design and Materials:** The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Proposed developments shall be designed with a common theme that reflects the heritage and community of Providence and traditional small town streetscapes. The use of theme in a proposed development shall be reviewed and approved by the Planning Commission. Requirements applicable to all buildings are stated below:
1. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular or pedestrian traffic and adjacent properties. Façade shifts shall be encouraged on structures with a width greater than 50 feet.
  2. Basic exterior construction materials shall be limited to no more than three types of materials per building and all buildings within the development shall possess a similar architectural theme. Building styles shall be compatible with existing buildings in the MX District.
  3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.
  4. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Screen materials shall be compatible with those of the building.
  5. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the MX District.
  6. The primary entrance to a building shall be located facing the public street. Entrances at a building corner that faces the street may be used to meet this

requirement.

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

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

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

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

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

manner. Roads and pavements shall be kept true to line and grade and in good repair.