

1 **Ordinance No. 10-2024**

2
3 AN ORDINANCE AMENDING CITY CODE TITLE 10 ZONING REGULATIONS;
4 CHAPTER 8: AREA REGULATIONS; SECTIONS 6: PARKING REGULATIONS.
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6 WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the
7 governing body of each municipality shall exercise its legislative power through
8 ordinances.” And
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10 WHEREAS UCA 10-3-702 states that ‘the governing body may pass any ordinance to
11 regulate, require, prohibit, govern control or supervise any activity, business, conduct or
12 condition authorized by this act or any other provision of law”; And
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14 WHEREAS, The purpose of the proposed code amendment is to clarify parking
15 regulations in residential areas, clear-view areas and site-triangles, and incorporates code
16 references for single-family attached and multifamily developments and mixed-use
17 developments
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19 WHEREAS, The Providence City Planning Commission held a public hearing regarding
20 these proposed amendments on April 24th, 2024, taking comments, questions and
21 recommendations from the public. The Planning Commission made the following
22 motion:
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24 **Motion that we, with the changes that have been discussed and**
25 **acknowledging that situational changes in the future may call that this code**
26 **be revisited again, make a recommendation that the city council adopt the**
27 **amendments. – Joe Chambers. 2nd - Brian Marble.**

28 **Vote:**

29 **Yea- Shelly Nazer, Brian Marble, Michale Fortune, Bob Washburn & Joe**
30 **Chambers.**

31 **Nay-**

32 **Abstained-**

33 **Absent-**
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35 WHEREAS, The City Council motions to approve and have incorporated into the city
36 code the attached code review that establishes the amendments to PCC 10-8-6.
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39 THEREFORE, be it ordained by the Providence City Council

- 40 • The attached referenced code shall be approved and added to the city code.
41 • This ordinance shall become effective immediately upon passage.
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43 Passed by vote of the Providence City Council this 15 day of May 2024.
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47 Council Vote:

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49	Nebeker, Jeff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
50	Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
51	Kunz, David	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
52	Sealy, Jeanell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
53	Speth, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

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59 Kathleen Alder, Mayor

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61 Attest:

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63 Tyler Cameron, Recorder

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Code Amendment Review				
Prepared by: S Bankhead	Date: 04/24/2024	Land Use	Yes: X	No:
Code Title: 10 Zoning Regulations	Title Chapter: 8 Area Regulations and Parking Requirements	Chapter Section: 6 Parking Regulations		
Applicant: Providence City				
Abbreviations & Authority: <ol style="list-style-type: none"> Utah Code Annotated: UCA 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 Providence City Code: PCC 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 Recommendation: Planning Commission (PCC: 10-4-4:B.1) Legislative body: City Council 				
Background Information: <ol style="list-style-type: none"> The purpose of the proposed code amendment is to clarify parking regulations in residential areas, clear-view areas and site-triangles, and incorporates code references for single-family attached and multifamily developments and mixed-use developments. On 04/10/2024, the planning commission reviewed the proposed draft during their regular meeting, suggested revisions, and motioned for the revised draft be scheduled for public hearing. The attached draft includes the planning commission revisions. On 04/24/2024, the planning commission held a public hearing (no public attended the hearing and no electronic comments were received), suggested revisions to the proposed draft and made the following recommendation. The attached draft includes their suggested revisions. Motion that we, with the changes that have been discussed and acknowledging that situational changes in the future may call that this code be revisited again, make a recommendation that the city adopt the amendments. – Joe Chambers. 2nd - Brian Marble. Vote: Yea- Shelly Nazer, Brian Marble, Michael Fortune, Bob Washburn & Joe Chambers. Nay- 3 Abstained Absent Motion passed, amendments with stated changes to be presented to City Council for approval. 				

FINDINGS OF FACT:

- 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.
- 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.
- 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 Providence City Council exercises its legislative power through ordinances..
2. The Providence City Council may enact or amend land use regulations.
3. The Providence Planning Commissions reviews and makes recommendations to the city council for land use regulations.
4. The planning commission held a public hearing during their regularly scheduled meeting on 04/24/2024.
5. The applicant has included the reasons for the proposed amendment.

CONDITIONS:

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

1 **10-8-6 Parking Regulations**

2 Except as herein provided, no building or structure shall be constructed, altered or converted for or to any
3 use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of
4 vehicle spaces for the uses specified in the designated districts and that all roadways comply with the
5 standards contained herein. The exception being that an established use lawfully existing at the effective
6 date of the ordinance from which this chapter is derived need not provide parking or roadways as herein
7 set forth and that no existing vehicle parking or roadways be reduced or further reduced below the
8 minimum standards herein required.

9 A. *Schedule.* In all districts, the following off-street parking schedule shall apply:

10 1. *Dwelling unit.*

- 11 a. Single-family, detached. Three spaces for each unit, except as provided in
12 subsection A.1.b of this section.
 - 13 i. Dwelling unit occupied by four or more individuals unrelated by blood,
14 marriage or adoption; one space per each licensed driver.
- 15 b. Multiunit residences for persons with disabilities and/or residential facility for the
16 aged; when evidence presented by the applicant warrants, the land use authority
17 may allow a number less than two space per dwelling unit, but not less than 1.5
18 spaces per dwelling unit.
- 19 c. Single-family, attached. See PCC 10-8-9.7, Design Standards for Attached and
20 Multifamily Residential Development, Parking Plan.
- 21 d. Duplex. See PCC 10-8-9.7, Design Standards for Attached and Multifamily
22 Residential Development, Parking Plan.
- 23 e. Four-family. See PCC 10-8-9.7, Design Standards for Attached and Multifamily
24 Residential Development, Parking Plan.
- 25 f. Multi-family. See PCC 10-8-9.7, Design Standards for Attached and Multifamily
26 Residential Development, Parking Plan.
- 27 g. Dwellings in Mixed-Use District (MXD). See PCC 10-4-4.G.5 Mixed-Use District,
28 Parking areas

29 2. *Clinic or doctor's office.* Ten spaces per clinic or four spaces per doctor or dentist,
30 whichever is greater, plus three additional spaces for each doctor or dentist over three.

31 3. *Restaurant or cafeteria.* One space for each four fixed seats and one space for each 40
32 square feet of floor area for moveable seating under maximum seating arrangement.

33 4. *Office, general.*

- 34 a. Offices providing on-site customer services, one space for each 200 square feet
35 in use.
- 36 b. Offices not providing on-site customer service, one space for each 300 square
37 feet in use.

38 5. *Commercial.*

- 39 a. *Recreation and amusement.* One space for each 250 square feet in use.
- 40 b. *Retail or personal service.* One space for each 250 square feet in use.

41 6. *Churches, meeting rooms, public assembly.* One space for each five fixed seats and one
42 space for each 50 square feet of floor area for moveable seating under maximum seating
43 arrangement.

44 7. *Storage or warehouse.* One space for each 5,000 square feet or floor area.

45 8. *Manufacturing, process or repair.* One space for each ~~two~~ employees working the shift
46 with the greatest number of employees.

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B. General requirements.

1. *Buildings, developments; computation.* In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements of all of the buildings, structures or uses in the development.
 - a. Area – square feet. Unless otherwise specified, square feet refers to the gross building square footage, including outdoor areas use for the same of accessory use, e.g., outdoor eating area of a restaurant.
 - b. Fractions. When the total number of all required spaces results in a fractional number of parking spaces, one space shall be provided for a fraction of one-half or more, and no space shall be required for a fraction less than one-half.
2. *Single-family dwelling.* Single-family dwelling unit (detached) parking shall be provided only in a private garage, driveway, or in an area properly designed as a parking pad.
3. *Plan approval.* Prior to the issuance of any building permit, a plan which clearly and accurately designates parking spaces, access aisles, driveways and the relationship to the use to be served by the off-street parking shall be forwarded to the land use authority for the process of city approval. Approval shall be based on:
 - a. Adequate number of spaces, including accessible parking spaces if required;
 - b. Relationship of parking to use;
 - c. All parking spaces being usable and accessible by adequate roadway/parking configuration; and
 - d. Parking stalls being nine feet in width by 20 feet in length and on a hard paved surface (see section 10-8-5B for parking requirements for individuals with disabilities.). Access to all stalls shall also be of a hard-paved surface.
4. *Location.* Parking space, as required above, shall be on the same lot with the main building, or in the case of nonresidential buildings, it may be located no further than 300 feet therefrom. Location of parking in mix-use developments or single-family attached and multi-family developments shall follow the regulations lists in Chapter 10-4 and Section 9 of this Chapter, respectively.
 - a. Parking areas are not allowed in clear-view areas and site-triangles as defined in Chapter 10-9.