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WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative power through ordinances.” And

WHEREAS, the city is requesting changes to clarify the clear view area and add regulations for residential driveways. The city 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.

Motion to recommend to the City Council that they approve the amendments to City Code 10-9 in accordance with the findings of fact, conclusions of law and conditions as laid out in the staff report. – Bob Washburn. 2nd – Robert Henke.

Vote:

Yea- Robert Henke, Michale Fortune, Bob Washburn & Shelly Nazer

Nay-

Abstained-

Absent- Joe Chambers & Brian Marble.

Motion to adopt Ordinance 04-2024 PCC amendments to the Clearview Areas and Residential Driveways with the following corrections: Typo on line 22 be corrected to 'or' and that cyclist be added. A disclaimer be added to the drawings and that the second sentence on 10-9-3 be stricken.- Council Member Sealy. 2nd- Council Member Kirk.

WHEREAS, The City Council motions to approve and have incorporated into the city code the attached code review that establishes the amendments to PCC 10-9.

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48 THEREFORE, be it ordained by the Providence City Council

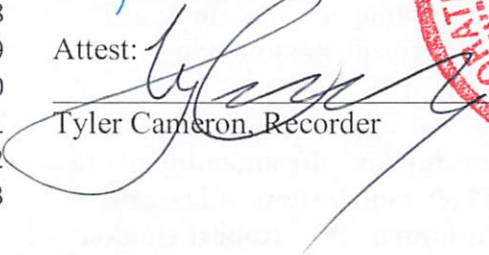
- 49 • The attached referenced code shall be approved and added to the city code.
50 • This ordinance shall become effective immediately upon passage.

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52 Passed by vote of the Providence City Council this 20th day of March 2024.

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55 Council Vote:

56
57 Nebeker, Jeff ☒ Yes ☐ No ☐ Excused ☐ Abstained ☐ Absent
58 Kirk, Carrie ☒ Yes ☐ No ☐ Excused ☐ Abstained ☐ Absent
59 Kunz, David ☒ Yes ☐ No ☐ Excused ☐ Abstained ☐ Absent
60 Sealy, Jeanell ☒ Yes ☐ No ☐ Excused ☐ Abstained ☐ Absent
61 Speth, Brent ☐ Yes ☒ No ☐ Excused ☐ Abstained ☐ Absent

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67  Kathleen Alder, Mayor

68
69 Attest: 
70
71 Tyler Cameron, Recorder



CHAPTER 10-9 SUPPLEMENTARY REGULATIONS WITHIN ALL DISTRICTS

- 10-9-1 Applicability
- 10-9-2 Clear View Areas Obstruction
- 10-9-3 Irrigation Waters
- 10-9-4 Frontages; Curb, Gutter And Sidewalk
- 10-9-5 Residential Driveways
- 10-9-6 Lot Area; Other Buildings
- 10-9-7 Lot Area; Accessory Buildings

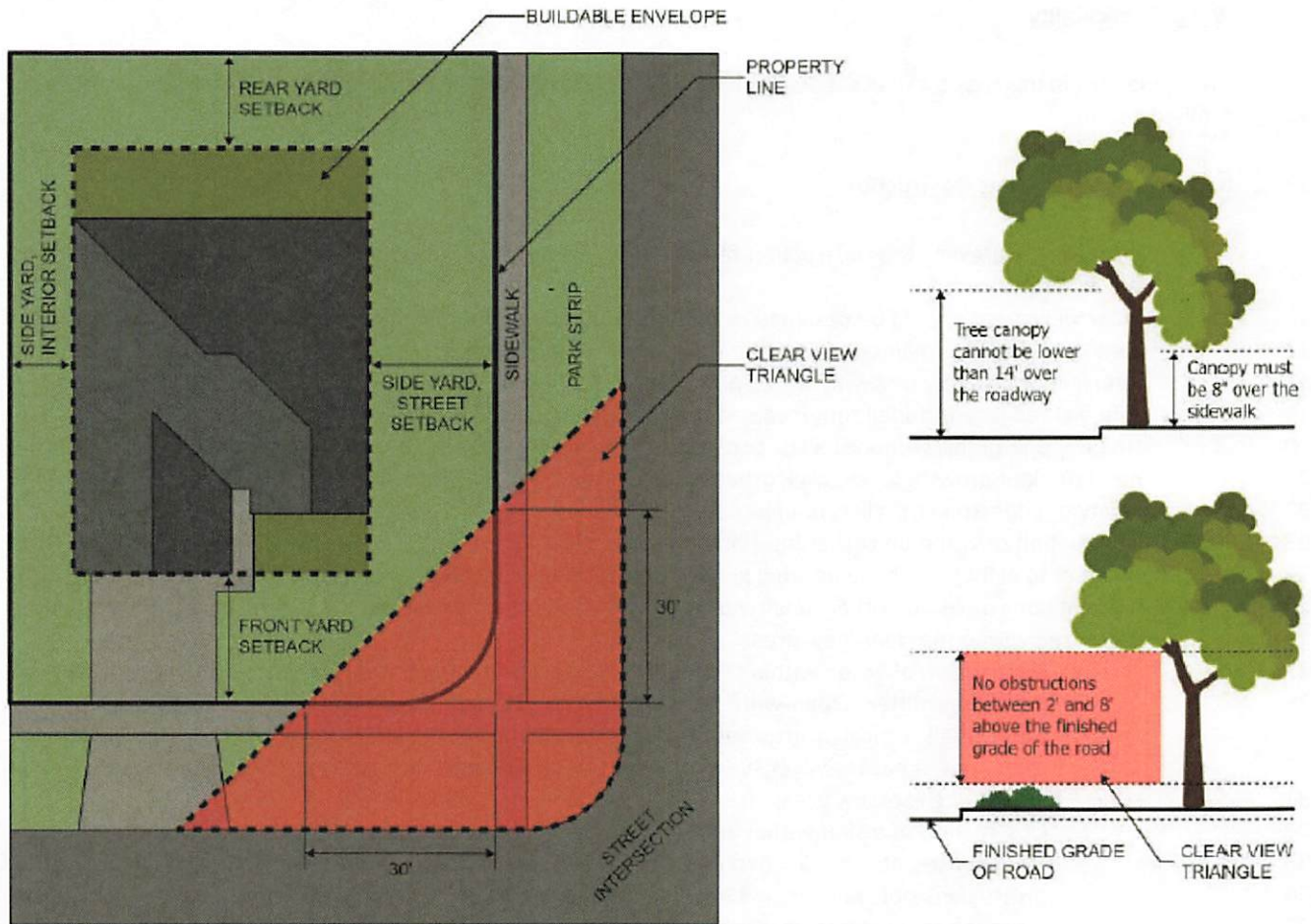
10-9-1 Applicability

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

10-9-2 Clear View Areas Obstruction

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

This graphic is for illustration purposes only.
The design engineer for the project will determine the actual design triangles.



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.

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.

- 99 9. Setbacks from the property line or dedication of right-of-way to accommodate required
100 improvements.
- 101 B. *Determining the frontage to be improved.* It is the city's intent that the entire length of frontage for the
102 property shall be improved.
- 103 1. *Exception.* When a parcel is larger than the surrounding parcels and/or lots the city may reduce
104 the frontage improvement requirement. In determining the reduced improvement requirement,
105 the city will consider the greater of the following:
- 106 a. Minimum frontage for the property zone.
- 107 b. Minimum frontage for the structure and required side setback.
- 108 c. Gaps and distance to street corner or property line. If the distance to the street corner or
109 property line and or amount to complete a gap is 50 percent or less than the length of the
110 required frontage, completion of the gap or to the corner will be required.
- 111 2. Where curb, gutter and/or sidewalk previously installed by the city exists on a proposed building
112 lot or development, then compensation of said improvements at current installation costs shall be
113 made by the owner and/or their agents and assigns to the city. The city reserves the right to
114 negotiate the placement and compensation requirements described in this section. Compensation
115 shall be as follows: 100 percent of the pro rata share during the first five years following the date
116 of completion of the improvements by the city. The pro rata share shall be depreciated 20 percent
117 per year thereafter, and no pro rata share shall be due to the city after ten years following the
118 completion date of the improvements by the city.
- 119 3. *Preconstruction meeting.* A preconstruction meeting will be held with the owner and/or the
120 owner's agents and assigns, the general contractor for the project, and city staff prior to beginning
121 any construction on the project.
- 122 a. It is the owner's and/or their agents and assigns responsibility to notify the general
123 contractor and all appropriate subcontractors for the project of their required attendance
124 at the preconstruction meeting.
- 125 b. If applicable, the stormwater notice of intent (NOI) and stormwater pollution prevention
126 plan (SWPPP) must be in place prior to the preconstruction meeting.

127 10-9-5 Residential Driveways

- 128 A. Individual driveways shall be provided for all residential building lots.
- 129 1. A primary drive access may serve no more than two parcels. However, if the lots are part of a
130 cluster, inner block, or PUD development, a shared driveway to parking access may be allowed.
- 131 B. The drive approach for the driveway shall be a minimum width of twelve feet (except for driveways
132 required to meet emergency vehicle access) and shall not exceed the maximum width of thirty five feet
133 (35'). A secondary drive approach may be permitted in accordance with the Providence City Standard
134 Construction Drawings.
- 135 C. No down sloping driveways shall be permitted unless otherwise approved by the city due to unusual
136 topographic constraints. If a down slope is allowed, to prevent flooding of the property, provisions for
137 storm water must be included in the design. The driveway must maintain a positive slope away from the
138 home as required by applicable building codes.
- 139 D. The minimum grade at which a driveway shall be built is two percent (2%) slope, and a driveway shall not
140 exceed a slope of twelve percent (12%).
- 141 E. Residential driveways shall be constructed with asphalt or concrete through the area in the city right-of-
142 way in accordance with Providence City Department of Public Works Standards and Specifications.
- 143 1. Driveways required to meet emergency vehicle access. If a driveway, or a portion of a driveway,
144 is deemed necessary to meet the fire code, as a minimum it must be 20' wide, constructed and
145 maintained to support the imposed load of fire apparatus weighing up to 75,000 pounds so as to
146 provide all-weather driving capabilities. Fire apparatus access driveways shall not exceed ten

147 (10%) in grade, unless approve by the fire code official. Driveways required to meet fire
148 apparatus access may also require an approved turnaround.
149 2. Approaches shall be constructed in accordance with Providence City Department of Public Works
150 Standards and Specifications.

151 **10-9-6 Lot Area; Other Buildings**

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

155 **10-9-67 Lot Area; Accessory Buildings**

156
157 See Chapter 10-12