

CHAPTER 3

PERMITS, PLANS AND ANNEXATION

SECTION:

- 10-3-1: General Regulations
- 10-3-2: Building Permit
- 10-3-3: Plans
- 10-3-4: Certificate of Compliance and Occupancy
- 10-3-5: Conditional Use Permits
- 10-3-6: Annexation

10-3-1: **GENERAL REGULATIONS:**

- A. Permit Issuance; Scope: From the time of the effective date of this Zoning Title, the Building Inspector shall not grant a permit, nor shall any City office, department or agency grant any license or permit for the use of any land or the construction or alteration of any building or structure which was not approved prior to the effective date hereof which would be in violation of any provisions of this Title until said land use, building or structure has been approved as herein required. Any license or permit issued in conflict with such provisions shall be void.
- B. Conflicts: Should any permit or license issued after the effective date hereof conflict with the provisions of this Title, such permit or license shall be null and void. (Zon. Ord., 5-8-1991)

10-3-2: **BUILDING PERMIT:**

- A. Required: The construction, alteration, structural repair, removal or placement of any building, structure or part thereof shall not commence or proceed, except after the legal issuance of a written building permit for the same by the City. The signatures of approval of the Planning And Zoning Commission chairperson and the Building Inspector shall be required on the building permit. A building permit fee shall be required of the applicants and paid by the same in an amount as determined by the most recent prevailing fee schedule held in the City office.
- B. Compliance: A building permit shall not be issued for any proposed use, construction or action which is not in compliance with the ordinances of the City. (Zon. Ord., 5-8-1991; 1998 Code)

10-3-3 **PLANS:**

- A. Building Plans: Plans for all new construction, remodeling and changes of use shall be submitted to the City in order to obtain approval and a building permit. Plans or drawings shall be complete and shall show that all applicable requirements of this Title have been met. Building plans shall include, but shall not be limited to, the following: floor plans, building elevations, wall and roof sections, electrical, mechanical, building material specifications and site plans as described in subsection C of this Section. Said plans may be circulated to various City departments as is necessary for proper functioning of said departments.
- B. Certification:
1. Plans for commercial, manufacturing or residential buildings of five (5) units or more shall be certified by a licensed architect and structural engineer.
 2. Commercial and manufacturing buildings that are of a size not requiring certification of an architect or engineer as per State law shall be exempt from certification required herein.
- C. Site Plans:
1. One- Two- and Three-Family: Site plans shall include location of existing and proposed buildings and structures, including fences, walls, etc., location of parking spaces, driveways with dimensions and on-site storm water disposal, if required. Street addresses and adjacent street names shall also be required.
 2. Four-Family and Over: Site plans shall include location of existing and proposed buildings and structures, including fences, walls, etc., location of parking spaces, driveways, open spaces and associated landscaping, courts, etc., with dimensions, maximum occupancy (persons within units), existing and proposed spot elevations adequate to determine any sloping areas, on site storm water disposal, if required, and waste disposal facilities, etc. A boundary survey and plat containing the site plan shall be certified by a licensed land surveyor or engineer.
 3. Commercial and Manufacturing Buildings: Site plans shall contain location of existing and proposed buildings and structures, fences, entrances and exits and parking spaces, all with dimensions, the location of loading points, ramps and/or docks, location and sizes of sewer and water lines, fire-protection facilities, etc., on-site storm water disposal facilities and landscaping as required in Section 10-8-5 of this Title. All plans shall be certified by a licensed architect, engineer and/or landscape architect as required. (Zon. Ord., 5-8-1991)

10-3-4: **CERTIFICATE OF COMPLIANCE AND OCCUPANCY:** No land nor building hereafter structurally altered or constructed shall be used, changed in use or occupied until a certificate of occupancy shall have been issued by the City. The certificate shall state that the building or the proposed use of land complies with the provisions of this Title and

that in the case of a nonconforming use that the degree of nonconformity is not increased in any way. A certificate of occupancy for the whole or a portion of a building or structure shall be applied for simultaneously with the application for a building permit and shall be issued within ten (10) days after the building or structure shall have been completed in conformance with the provisions of this Title. (Zon. Ord., 5-8-1991)

10-3-5: **CONDITIONAL USE PERMITS¹:**

- A. Referral: All requests for permits in districts which involve uses listed as a conditional use in Sections 10-5-1 and 10-6-1 shall be referred to the City Land Use Authority. (Ordinance No. 004-2007 01/23/2007)
- B. Fees: The City Land Use Authority chairperson may collect a fee to cover the costs of advertising and/or mailing of announcements to property owners warranting notification as deemed necessary by the City Land Use Authority. (Ordinance No. 004-2007 01/23/2007)
- C. Public Hearing: Applicants shall supply suitable plans and information concerning the location, function and characteristics of any use proposed to the City Land Use Authority chairperson prior to the scheduling of any public meeting or hearing. The decision of whether or not to hold a public hearing shall be at the discretion of the City Land Use Authority. (Ordinance No. 004-2007 01/23/2007)
- D. Approval; Rejection: The City Land Use Authority may approve, conditionally approve or reject the request. If approval is granted, the City Land Use Authority chairperson shall issue the conditional use permit. If approval is conditional, then said conditions shall be attached to the permit to assure compliance with the intent and purposes of this Title. (Zon. Ord., 5-8-1991)(Ordinance No. 004-2007 01/23/2007)
- E. Standards: A conditional use permit shall be approved if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the following standards:
 - 1. Conditions may be imposed on a proposed conditional use:
 - a. To mitigate the effects of the proposed use on the health, safety, or general welfare of persons residing, working, or conducting business in the vicinity;
 - b. To mitigate injury to property in the vicinity;
 - c. To mitigate any risk to safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
 - d. To mitigate unreasonable interference with the lawful use of surrounding property;

¹ See also Title 3, Chapter 4 of this Code for conditional businesses.
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- e. To mitigate the need for essential municipal services which cannot be reasonably met;
 - f. To mitigate the exposure of minors to activities appropriately restricted to adults; and
 - g. To better conform the proposed use to the principles and objectives of the zoning regulations and general plan.
2. Conditions may be imposed on a conditional use permit including, but not limited to, limitations on the size and shape of buildings; the dedication, rededication and/or development of streets; installation and upsizing of utility mains; screening or landscaping to protect adjacent properties; the elimination or relocation of windows or doors to protect the public and adjacent property from the detrimental features of the proposed use; restrictions in signage, lighting, and on-premise advertising, including the number, location, color size, height, lighting, and landscaping of signs; increased set-back distances; appropriate design, construction, and location of structures, buildings, and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and /or location of use due to special site conditions, including but not limited to geologically hazardous areas, flood plains, fault zones, and landslide areas; limitation and/or restrictions on the use and/or locations of uses in sensitive areas due to soils capabilities, wildlife, and plant life; processes for the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and the control of objectionable odors and noise; the planting of ground cover or other surfacing to prevent dust and erosion; or the requirement of additional parking or other changes.
 3. The City Land Use Authority may require that the applicant prepare and record covenants running with the land which under the conditions are binding upon the applicant and their successors.
 4. A conditional use permit may be denied if the proposed use cannot be substantially mitigated by reasonable conditions imposed in accordance with these standards. A conditional use permit may not be denied, however, if the denial violates state or federal law.
 5. A conditional use permit for an adult-oriented business shall be denied if any portion of the parcel of land upon which the proposed adult-oriented business is to be located within 600 feet of any parcel of land upon which is located a church, park, school, establishment licensed to sell or dispense beer or alcohol, or another adult-oriented business, or within 600 feet of any parcel of land zoned for any residential use.

10-3-6: **ANNEXATION:**

- A. Classification: New area annexed to the City shall be annexed into the City as agricultural, unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended. Any annexation shall be accomplished in accordance with State law. Notification must be delivered to each landowner involved or to any person owning land adjacent to the land involved by the petitioner. (Zon. Ord., 5-8-1991; 1998 Code) (Ordinance Modification 003-02 03/26/02) (Ordinance Modification 014-2003 11/25/03)
- B. Application; Fee: Formal application for annexation will require the payment of an application fee which will be applied to administrative costs including but not limited to publication fees, staff review fees, postage, etc. Professional fees such as legal and engineering fees incurred by the City will be billed, as billed by the professional firm, to the contact sponsor. The application fee will be set by a resolution of the City Council. (Ordinance Modification 003-02)
- C. Petition: The annexing parties must provide an annexation petition and plat in accordance with State law.
- D. Repealed (Ordinance Modification 003-02)