

1 **Ordinance No. 15-2024**

2
3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE 1-3-2: DEFINITIONS
4 AND PROVIDENCE CITY CODE 10-6-1:USE CHART.

5
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

9
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

13
14 WHEREAS, During the 2024 State Legislative Session, SB 13 was adopted with an
15 effective date of May 1, 2024. This bill provides a home-based micro school and micro-
16 education entity with certain similar duties, requirements, waivers, and rights as private
17 and charter schools. This bill also requires a home-based micro school and micro-
18 education entity as a permitted use in all zoning districts within a municipality. This
19 requirement necessitates an amendment to PCC 10-6-1 Use Chart.

20
21 WHEREAS, in reviewing the current use chart, there are some inconsistencies that
22 should be addressed: Three zoning districts listed in PCC Chapter 10-4 Establishment of
23 Districts are not shown in the use chart, Life Cycle Residential District (LCR), Planned
24 District (PD), and Recreation District (REC). The LCR district is currently in use, the PD
25 and REC districts have not been used to date. Some uses are discussed in various places
26 in the city code, such as parking garage, but not listed in the use chart. Some titles have
27 been changed to reflect changes or proposed changes in the city code.

28
29 WHEREAS, The Providence City Planning Commission held a public hearing regarding
30 these proposed amendments on June 26th and July 10th, 2024, taking comments,
31 questions and recommendations from the public. Planning Commission made the
32 following motion:

33
34 **Motion to recommend to City Council that they approve the amendments to**
35 **PCC 1-3-2 & 10-6-1 as presented with the addition of the previous motion of**
36 **redefining Bed and Breakfast Residential to include ‘lessee’ instead of**
37 **‘individual responsible’ and un-striking number 11 of the use chart (on page**
38 **11) which was stricken by accident. – Bob Washburn. 2nd Joe Chambers.**
39 **Yea- Julie Martin, Shelly Nazer, Michael Fortune, Bob Washburn & Joe**
40 **Chambers**
41 **Nay-**
42 **Abstained-**
43 **Absent- Robert Henke**

44
45 WHEREAS, the City Council desires to amend PCC 1-3-2 & PCC 10-6-1 per Planning
46 Commission’s recommendation.

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

WHEREAS, The City Council made the following recommendations:

Motion to approve ordinance 15-2024 PCC 1-3-2 Definitions and PCC 10-6-1 Use Chart with the following changes: The title of ‘Bed and Breakfast Residential’ will be replaced with the title of ‘Short Term Rental’ such change will also apply to the use chart, in addition, the ‘Responsible Party’ definition will be stricken. – Council Member Kirk. 2nd Council Member Sealy.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth, Nebeker

Nay-

Abstained-

Absent-

Motion passed

WHEREAS, The City Council motions to approve and amend PCC 1-3-2 & PCC 10-6-1 per the attached city staff code amendment review.

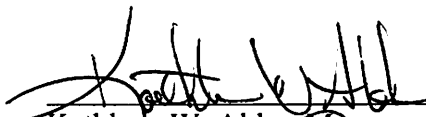
THEREFORE, be it ordained by the Providence City Council

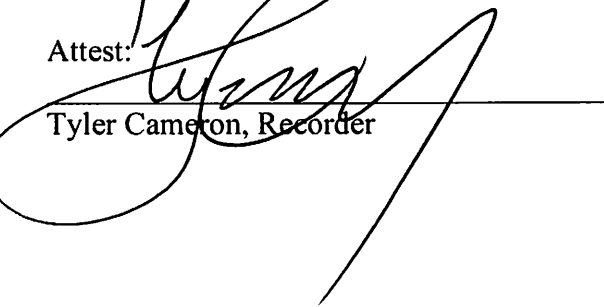
- The attached referenced code shall be approved and amended.
- This ordinance shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 17th day of July 2024.

Council Vote:

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


Kathleen W. Alder, Mayor

Attest: 
Tyler Cameron, Recorder

Propose amendments to Providence City Code (PCC) 1-3-2 Definitions.

This list is of definitions associated with the proposed Use Chart amendments. For a complete list of city code definitions, please see [PCC 1-3-2 Definitions](#).

Amusement, commercial (indoor) means an amusement enterprise offering entertainment or games of skill, not listed elsewhere, wholly enclosed in a building, including a conference center, bowling alley, billiard or pool hall, pinball parlor or similar activities.

Amusement, commercial (outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, not elsewhere listed, wherein any portion of the activity takes place in the open, including a golf driving range, amusement park, stadium, miniature golf or similar activities.

Beauty/Day Spa means a business that offers health, fitness, cosmetic, and therapeutic services such as manicures, pedicures, and facials, and massages.

Bed and breakfast inn means a building containing a minimum of six guestrooms used for accommodations or lodging of guests paying compensation where at least a breakfast meal is served.

Duplex means a single building containing two side by side dwelling units, approximately equal in size, but which sits on a single building lot and remains under the ownership of a single entity. Said dwelling units shall share at least 50 percent of a common wall. Single-family homes with basement apartments and other accessory apartments ~~may~~ shall not be considered a duplex.

Dwelling, single-family detached means a home on an individual lot or parcel of land intended, designed, used and/or occupied by no more than one family; may include one internal accessory dwelling unit (IADU).

Dwelling, three-family means a single structure designed and constructed with three dwelling units under a single roof for occupancy by four families on one lot of record.

Estate sale/auction means a sale designed to sell all (or nearly all) of the contents of a home; or the sale of the property owner's entire estate. An estate sale is considered a temporary business facility.

Gasoline/petroleum storage (not bulk) means storage of gasoline/petroleum for private use (not for wholesale or retail sales).

Home-based microschoo, see UC 10-9a-103 Definitions

HVAC shop/sales means a service business that sells, installs, maintains, and repairs heating, ventilation and air conditioning systems in residential or commercial structures.

Ice cream truck. See UCA 11-56-102

Kennel means any place or premises devoted to the keeping, harboring, breeding, buying or selling of more than three dogs over the age of three months.

Manufactured home See UCA 10-9a-514.

Micro-education entity, see UC 10-9a-103 Definitions

Parking garage means a multistory building that provides parking space and can be underground.

Pallet sale means items packed and sold together on a pallet, rather than sold individually

Print shop/sales means a business that prints and copies things such as documents and cards, and in which products of the graphic arts are sold.

Recreational facilities means facilities designed for recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists, and other similar uses. Recreational facilities include buildings, structures, or areas built or developed for the purposes of entertaining, exercising, or observing various activities participated in either actively or passively by individuals or organized groups.

Rental dwelling means a building or portion of a building used or designated for use as a legally established dwelling unit and is arranged, designed or build and is available to be rented, loaned, leased, or hired out for a period of one month or longer.

Rental, Short-term means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days, (also known as a short-term rental); and is occupied by the owner or lessee; and contains a maximum of five guestrooms.

Residential use means the occupancy of living accommodations on a non-transient basis.

Specialty store/shop means a store/shop that carries an assortment of brands, styles, or models within a relatively narrow category of goods.

Variety store means a retail store that sells general merchandise, such as apparel, automotive parts, dry goods, toys, hardware, home furnishings, and a selection of groceries.

Vehicle Storage means a commercial facility for long or short term storage of operating vehicles or vehicles contracted for repair.

Yard/garage sale, occasional basis means an informal event for the sale of used goods by private individuals, that reside at the property; events are held infrequently (no more than 4 times per year) and irregularly; and cannot exceed three consecutive days at a time

Zoning map means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

10-6-1 Use Chart

Land and buildings in each of the zoning districts may continue to be used, but no land shall hereinafter be used, and no building or structure shall hereinafter be erected, altered or converted which is arranged, designed or used for other than those uses specified for the district in which it is located as set forth by the following use chart and indicated by:

P = permitted use

C = conditional use permit required

X = special review required

I = allowed only as a conditional use when incidental to a retail business with more than 15,000 square feet of floor area and:

- Incidental to a single use (i.e.: a bank is incidental to a retail business, not multiple businesses);
- A department store, grocery store, health fitness center, or other retail business may have more than one incidental use associated therewith;
- The combined total of all incidental uses associated with a building may not exceed 12 percent of the gross square footage of the building or 6,000 square feet, whichever is less (administrative offices, restrooms, storage areas, and other ~~amenities~~ amenities necessary for the operation of the retail business are not considered incidental uses);
- Cannot be a stand-alone building (an unoccupied drive through structure and/or fueling pads will be counted as part of the 12 percent but not included in the 6,000 square foot cap of the incidental use);
- Must share the same public entrance;
- A permitted business is not considered an incidental use; and
- Incidental use must have its own business license unless owned and operated by the primary retail business.

(absence of symbol) = not permitted

If a use is not specifically designated, it is prohibited.

Explanation of district abbreviations:

- AGR = Agricultural, one unit per lot, minimum lot size 5 acres, R-R-1 = Residential Rural, one unit per lot, minimum lot size 1 acre
- R = residential, 1 = one unit per lot; 20 = minimum lot size in sq. ft. multiplied by 1,000
Example: R-1-20 = residential unit, 1 per lot, minimum lot size 20,000 sq. ft.
- R = residential, M = multiple units per lot, 7 = maximum units per net acre.
Example: R-M-7 = residential unit, multiple units per lot, 7 = no more than 7 units per net acre

		Residential, one unit per lot								Residential, multiple units per lot			Mixed residential/commercial			Commercial		Public/Recreation
		AG R	R-R-1	R-1-20	R-1-12	R-1-10	R-1-8	R-1-6	M H D	R-M-7	R-M-12	R-M-18	LCR 4-12	MXD	PD	CGD	CHD	PUB
A	Residential Uses																	
1	Single-family, detached	P	P	P	P	P	P	P	P	P			P	P	P			
2	Single-family, attached					P	P	P		P	P	P	P	P	P			
3	Dwelling, two-family Duplex									P	P	P	P	P	P			
4	Dwelling, three-family									P	P	P	P	P	P			
5	Dwelling, four-family									P	P	P	P	P	P			
6	Dwelling, multiple-family									P	P	P	P	P	P			

7	Manufactured/modular	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
8	Mobile/trailer home								P									
9	Cluster development			C	C	C	C	C	C	C	C	C	C	C	C			
10	Inner block development		C	C	C									C	P			
11	Planned unit development		C	C	C	C	C	C	C	C	P	P		C	P			
12	Short term rental (STR)	C^	C^	C^	C^	C^	C^	C^		C^	C^	C^	C^	C^				
13	Bed and breakfast, Inn	C	C	C	C	C	C	C		C	C	C	C	C	P	P		
14	Hotel/motel													C	P	P	P	
15	Lodging house									C	C	C	C	C	P	P	C	
16	Residence for persons with disabilities		P	P	P	P	P	P	P	P	P	P	P	C	P			
17	Residential facility for the aged		P	P	P	P	P	P	P	P	P	P	P	C	P			
B	Accessory/Incidental Uses																	
1	Accessory building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2	Internal accessory dwelling unit (IADU)	P	P	P	P	P	P	P					P					
3	Accessory dwelling unit	P	P	P	P	P	P	P					P	P				
4	Accessory farm building	P	P	P	P	P												
5	Off-street parking incidental to main use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6	Private swimming pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
C	Governmental/Institutional/Special Services																	
1	Church	P	P	P	P	P	P	P	P	P	P	P	P		P			
2	Ministers, rabbis, priests, and other similar ordained religious work	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^		P			
3	Community Center	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P
4	Day care nursery	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C	P	P		I or C*
5	Preschool	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C	P			
6	Public park		P	P	P	P	P	P	P	P	P	P	P	P	P			P
7	Private lessons/public facility		P	P	P	P	P	P	P	P	P	P	P	P	P			GP
8	Public school	P	P	P	P	P	P	P	P	P	P	P	P		P			
9	Home-based microschool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
10	Micro-education entity	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
11	Public building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
12	Recreational facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
D	Utility and Related Service																	
1	Electric substation	C	C															
2	Electric power plant	C																
3	Fire station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
4	Gas meter station	P	P	P	P	P	P	P	P	P	P	P			P			
5	Irrigation supply	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6	Utility distribution lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
7	Radio/TV/cellular tower	P													C	C		C
8	Sewage/water pumping station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9	Telephone utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
10	Public utilities, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

11	Utility shop, storage and bldgs.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12	Water treatment plant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
13	Water well, reservoir, or storage tank	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
E	Professional Services																	
1	Business office, medium impact	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P^			
2	Business office, low impact	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P	P^			
3	Business office, general													P	P	P	P	P
4	Clinic, dental													P	P	P	P	I or C*
5	Clinic, medical													P	P	P	P	I or C*
6	Clinical social worker													P	P	P	P	I or C*
7	Office for single physician, dentist, or chiropractor	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	I or C*
8	Licensed professional	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	I or C*
9	Mortuary	C^	C^							C^	C^	C^	C^	P			P	
10	Optical shop	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	I or C*
11	Pharmacy	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	I or C*
12	Private school, teaching, tutoring (1 or 2 students at a time)	P^	P^	P^	P^	P^	P^	P^	P^	C^	C^	C^	C^					
13	Private school, teaching	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P		
14	Studio: art, dance, drama, photography, etc. (1 or w students at a time)	P^	P^	P^	P^	P^	P^	P^	P^	C^	C^	C^	C^					
15	Studio: art, dance, drama, photography, etc. and tutoring	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	I or C*
16	Dressmakers, seamstresses, tailors, upholsters, and related occupations	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P	P	P		
17	Artists, artisans, craftsman, sculptors, authors, small crafts and handcrafts, and related artistic work	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P^	P	P	P		
18	Veterinarian^^	C^	C^	C^	C^									P			C	
F	Retail/Related Uses																	
1	Adult oriented business																	C
2	Food preparation, catering, etc.	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	G P
3	Bakery/confectionery sales	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	
4	Barber/beauty shop, beauty spa	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	
5	Book/stationery store													P	P	P	P	
6	Computer store													P	P	P	P	
7	Department store													P	P	P	P	
8	Florist store													P	P	P	P	
9	Furniture store													P	P	P	P	
10	Specialty store/shop	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	
11	Grocery store	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	
12	Hardware store													P	P	P	P	
13	Home and garden store													P	P	P	P	
14	Laundry/dry cleaning store													P	P	P	P	

15	Laundry services	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^					
16	Liquor store													P	P	P	P	
17	Music store													P	P	P	P	
18	Paint store													P	P	P	P	
19	Pet grooming	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P	P	P	
20	Pet store													P	P	P	P	
21	Restaurant/fast food													P	P	P	P	
22	Shoe repair	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P			P	P
23	Small appliance repair	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C			P	P
24	Variety store													P	P	P	P	
25	Commercial complex													P	P	P	P	
26	Shopping center													P	P	P	P	
27	Tire sales, retail															P	P	
28	Yard/Garage sales, occasional basis	P	P	P	P	P	P	P	P	P	P	P	P					
29	Yard/Garage sales, regular basis																P	P
30	Estate sales/auction	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
31	Pallet sales													P	P	P	P	
G	Commercial/Related Uses																	
1	Auto sales – new and used															P	P	P
2	Auto sales – used																	
3	Auto wash													P	P	P	P	
4	Bank/financial													P	P	P		I or C*
5	^^^Nondepository financial institutions																P	I or C*
6	Building materials																P	
7	Dance hall																	
8	Gasoline/petroleum/propane storage (not bulk)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P
9	Gasoline sales/service													P	P	P		
10	Fitness center commercial (gym)													P	P	P		
11	Convenience store													P	P	P		
12	Night club																	
13	Print shop/sales	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	P	P		
14	Amusement, commercial (indoor)													P	P	P		P
15	Amusement, commercial (outdoor)													P	P	P		I or C*
16	Research facilities	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^			P	P	
17	Theater													P	P	P		P
18	Vehicle storage (commercial)															P		
19	Parking garage							P	P	P	P	P	P	P	P	P	P	P
H	Industry and Manufacturing																	
1	Auto repair													C	C	C	C	
2	Paint and body shop																C	C
3	Bldg. maintenance and repair services														C	C		
4	Cabinet shop																	
5	Countertop shop																	

6	Clothing manufacturer																	
7	Furniture manufacturer																	
8	General contractor yard																	C
9	Landscape services																	
10	Yard/lawn/snow removal maintenance	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^		P	C		
11	HVAC shop/sales														P	P		
12	Ice cream plant																	
13	Lumber yard																	P
14	Paint shop																	P
15	Welding machine shop																	C
16	Wholesale outlet/storage and sales	Ⓜ													P	P		
17	Light manufacturing														C	P		
18	Motorcycle, snowmobile, ATV, etc. repair	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^	C^					
I	Agriculture and Related Uses																	
1	Beekeeping: 4 or less colonies	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^
1A	Beekeeping: more than 4 colonies	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^
2	Breeding or raising animals for sale, food, pleasure, or profit	p^^	p^^	p^^	p^^	p^^												
3	Keeping dogs, cats, fish, or exotic caged birds	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	p^^	P	P	P	I	P
4	Kennel, not commercial	p^^																
-5-	Commercial crop production	P	P	P	P	P												
6	Dairy business	p^^	p^^	p^^														
7	Feed lot	C																
8	Gardens and orchards for home use	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
9	Ranch/farm production	P	P															
10	Garden and greenhouse plants and produce for wholesale or retail sales	p^	p^	p^	p^	p^	p^	p^	p^	p^	p^	p^	p^					
11	Gasoline/petroleum storage (not bulk)	C																

- ^ Use is allowed as a permitted or conditional use only if it is a home business, child care business, or nonconforming business that complies with PCC chapter 3-4.
- ^^ Must conform to PCC chapter 5-1.
- ^^^ Nondepository financial institutions are businesses that conduct transactions of cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state pursuant to the check cashing and deferred deposit lending registration act. Nondepository financial institutions shall be limited by the population of all residents in the city. The total population figures shall be based on the US Census Bureau’s annual estimates. Only one nondepository financial institution shall be allowed for a population of zero to 7,000, and one per 7,000 thereafter.
- * The following conditions apply to a non-sales tax generating business (NSTGB) located in the CHD zone:

- A. The combined total of all NSTGB will be limited to no more than 15 percent of the combined existing gross leasable space (GLS) of buildings in the project area; the GLS of a building is based on the square footage of the ground floor; upper levels are not included in the combined totals for or against the 15 percent limit.
- B. The project area is the approved preliminary plat.
- C. Incidental uses in the project area are not computed in the 15 percent limitation.
- D. NSTGB may be in a free-standing building of its own or part of a multitenant building with separate outside entrances for the public.