

1 **Ordinance No. 19-2024**

2
3 AN ORDINANCE AMENDING CITY CODE TITLE 10: ZONING REGULATIONS;
4 CHAPTER 8: AREA REGULATIONS; SECTION 3: SETBACKS.

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, the legislature amended Utah
15 Code 10-9a-540 Residential rear setback limitations. This proposed amendment is
16 consistent with the regulations in Utah Code 10-9a-540.

17
18 WHEREAS, The Providence City Planning Commission held a public hearing regarding
19 these proposed amendments on October 9th, 2024, taking comments, questions and
20 recommendations from the public. The Planning Commission made the following
21 motion:

22
23 **Motion to recommend to City Council that they approve the proposed**
24 **amendments to PCC 10-8-3 Setbacks in accordance with the findings of facts,**
25 **conclusions of law and conditions as found in the staff report –Julie Martin**
26 **2nd – Bob Washburn**

27 **Vote:**

28 **Yea- John Petersen, Julie Martin, Michael Fortune, Bob Washburn & Joe**
29 **Chambers**

30 **Nay-**

31 **Abstained-**

32 **Absent- Shelly Nazer & Robert Henke**

33
34 WHEREAS, The City Council motions to approve and have incorporated into the city
35 code the attached code amendment that establishes the amendments to PCC 10-8-3

36
37 THEREFORE, be it ordained by the Providence City Council

- 38 • The attached referenced code amendments shall be approved and added to the city
39 code.
40 • This ordinance shall become effective immediately upon passage.

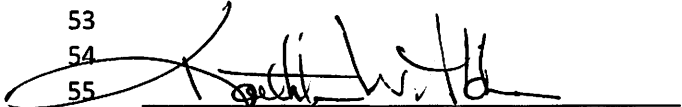
41
42 Passed by vote of the Providence City Council this 16th day of October 2024.

43
44 Council Vote:

45
46 Nebeker, Jeff Yes No Excused Abstained Absent

47 Kirk, Carrie Yes No Excused Abstained Absent
48 Kunz, David Yes No Excused Abstained Absent
49 Sealy, Jeanell Yes No Excused Abstained Absent
50 Speth, Brent Yes No Excused Abstained Absent

51
52
53
54
55
56
57
58
59
60
61
62



Kathleen W Alder, Mayor

Attest:



Tyler Cameron, Recorder

1 10-8-3 Setbacks

2 A. General setback requirements

3 5. *Porches, stoops, stairs that are 30 inches in height or greater.* A porch, stoop or stairs which are 30
4 inches or greater in height shall be regarded as part of the building. Such porch, stoop or stairs
5 require a railing of not less than 30 inches in height. This requirement applies to front, side, and rear
6 yards.

7 a. *Exception. A landing, as defined in UCA 10-9a-504, or walkout porch that is no more than 32*
8 *square feet in size; and is used for ingress and egress from the rear of the residential*
9 *dwelling, may extend into the rear setback.*

10 b. *The above exception does not apply in the Historic District to a historic structure.*

11 6. Window wells.

12 a. Window wells, *as defined in UCA 10-9a-504*, may encroach ~~up to a maximum three feet~~ into
13 the required rear yard and may encroach up to a maximum of two feet into a required side
14 yard.

15 b. The maximum amount of all window wells located along any wall may not exceed 40 percent
16 of the length of that wall.

17 c. When more than one window well is installed along a wall, each shall be separated at least
18 three feet from one another.

19 d. Window wells used for egress shall comply with the provisions of the building code for an
20 emergency escape window.
21