

1 **Ordinance No. 11-2024**

2
3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE 10-8 AREA
4 REGULATIONS & PARKING REQUIREMENTS; 10-12 ACCESSORY
5 APARTMENT UNITS; 10-13 ACCESSORY DWELLING UNITS AND 1-3
6 DEFINITIONS AND CONSTRUCTION.

7
8 WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the
9 governing body of each municipality shall exercise its legislative power through
10 ordinances.” And

11
12 WHEREAS, Providence’s General Plan 2020 Vision Statement is as follows “Guide and
13 manage growth in a way that preserves natural scenery while also providing more
14 opportunities to live, work, shop and recreate in Providence.”

15
16 WHEREAS, the overall goal, vision and intent of the amendments is to provide housing
17 opportunities for all people, regardless of income level, while maintaining the aesthetic
18 qualities and public service levels Providence residents currently enjoy. Improve access
19 to housing opportunities for low- and moderate-income residents. Improve fair housing
20 practices. Encourage and support the provision of affordable housing units.

21
22 WHEREAS, The Providence City Planning Commission held a public hearing regarding
23 this amendment on March 27th, 2024, and made the following recommendation:

24
25 **Motion to recommend to the City Council that the approve the amendments to the**
26 **city code regarding ADUs, IADUs and Structures including changes to the Area**
27 **Regulations code and Definitions subject to the findings of fact, conclusion as law and**
28 **conditions as found in the staff report. – Shelly Nazer. 2nd - Bob Washburn.**

29 **Vote:**

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

31 **Nay-**

32 **Abstained –**

33 **Absent –**

34
35 WHEREAS, City Council motions to approve Ordinance 11-2024 granting the following
36 attached amendments to the city code governing ADUs, IADUs & Structures with their
37 accompanying definitions per the recommendations of the Planning Commission.

38
39
40 THEREFORE, be it ordained by the Providence City Council

- 41 • The attached referenced code amendment shall be approved.
42 • This ordinance shall become effective immediately upon passage.

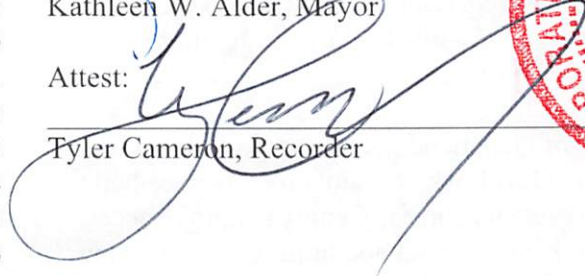
43
44 Passed by vote of the Providence City Council this 15th day of May 2024.

45
46
47 Council Vote:

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

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
Spath, 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



Code Amendment Review				
Prepared by: S Bankhead	Date: 03/14/2024	Land Use	Yes: X	No:
Code Title: 1 Administration 10 Zoning Regulations	Title Chapter: 1-3 Definitions and Construction 10-8 Area Regulations & Parking Requirements 10-12 Accessory Apartment Units 10-13 Accessory Dwelling Units	Chapter Section: 1-3-2 Definitions 10-8-1 Area Regulations 10-8-3 Setbacks 10-8-4 Height Combines Chapters 10-12 and 10-13, and rewrites the chapter to include 4 sections: 10-12-1 Purpose and Definitions 10-12-2 Accessory Buildings and Structures 10-12-3 Internal Accessory Dwelling Units (IADUs) 10-12-4 Detached Accessory Dwelling Units (ADUs) Repeals 10-13		
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 				
Providence General Plan 2020 Vision Statement: <i>"Guide and manage growth in a way that preserves natural scenery while also providing more opportunities to live, work, ship and recreate in Providence."</i>				
Providence General Plan 2020 Initiative #6 Various Housing Opportunities: Encourage housing options to meet the needs of residents of all ages, income level and family size, regardless of their stage of life. <ul style="list-style-type: none"> Objective: Support and utilize existing affordable housing resources. Objective: Support fair housing practices through education and awareness. 				
Providence General Plan 2020 Moderate Income Housing State code requires a general plan to include a moderate income housing plan. Overall Goal for the Chapter – The Guiding Vision and Intent <ul style="list-style-type: none"> Planning housing opportunities for all people, regardless of income level, while maintaining the aesthetic qualities and public service levels Providence residents currently enjoy. Improve access to housing opportunities for low and moderate income residents. Improve fair housing practices. Encourage and support the provision of affordable housing units. 				
Background Information:				

1. In November 2022, the Providence City Council adopted Resolution 016-2022 amending the moderate income housing strategies to be consistent with state code. The city is required to implement a minimum of three strategies; a minimum of five strategies to be considered for certain funding opportunities. The amended plan includes six objectives and incorporates seven of the strategies from state code.
2. Moderate Income Housing Plan Objective 5 has two strategies.
 - a. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
 - b. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in [UCA] Section 10-9a-530
3. The specific measures and benchmarks for Objective 5 include: as the city reviews applications for ADUs and IADUs, look for and recommend ways to streamline the processes and reduce obstacles.
 - a. During discussions with parties interested in detached ADUs, parties have expressed a desire to include an ADU in the construction of a larger accessory building; and the ability to put an ADU in front of the primary residence.
4. The proposed code amendments:
 - a. clarifies and makes changes based on ADU conversations we have had with interested parties over the past year;
 - b. amends PCC 1-3-2 definitions by clarifying and adding definitions;
 - c. amends PCC 10-8-1 Area Regulations by amending and clarifying the chart and footnotes;
 - d. amends PCC 10-8-3 Setbacks, adds graphics, incorporates proposed changes to retaining wall section, clarifies side yard regulations;
 - e. amends PCC 10-8-4 by clarifying the maximum height of an ADU and adds a graphic;
 - f. combines Chapter 10-12 Accessory Apartment Units and Chapter 10-13 Accessory Dwelling Units;
 - i. adds a section for accessory buildings and structures; and
 - g. repeals Chapter 10-13.
5. The planning commissions discussed the proposed code amendments during their regular meeting on 03/14/2024. Their suggested changes are included in the attached revisions.

FINDINGS OF FACT:

1. 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.
2. 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.
3. 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-501(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-403(2)(b)(iii)(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
7. 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 may enact or amend land use regulations.
2. The Providence Planning Commissions reviews and makes recommendations to the city council for land use regulations.
3. Amendments propose reduced regulations for an ADU.
4. The applicant filed a complete application, including reasons for the proposed amendment.

CONDITIONS:

1. Before making a recommendation to a legislative body on an amendment to an existing land use regulation, the planning commission shall hold a public hearing in accordance with UCA 10-9a-404
2. The applicant shall meet all applicable City, state and federal laws, codes, rules.

The following list of definitions is not the entirety of PCC 1-3-2; for a complete list of definitions, [see PCC 1-3-2](#)

PCC 1-3-2 Definitions

Accessory building means a subordinate building, detached, and used for a purpose customarily incidental to the main structure on a lot, such as a private garage, offices, storage or repair facilities, etc. An accessory building may be constructed simultaneously with, but not prior to the main building. See PCC 10-12-2 for the regulations governing accessory buildings

Accessory building (small) means a small subordinate building, detached, and used for a purpose customarily incidental to the main structure on a lot, such as storage. A small accessory building may be constructed simultaneously with, but not prior to the main building. An accessory building is considered small if:

1. Does not require a building permit;
2. It is less than 200 square feet; and
3. Does not have plumbing or electrical features.

See PCC 10-12-2 for the regulations governing accessory buildings

Accessory dwelling unit (ADU) means renting or leasing a second dwelling unit which is a self-contained dwelling unit located on an owner-occupied lot or parcel. It is in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a separate kitchen. See PCC 10-12-4 for the regulations governing accessory dwelling units.

Accessory farm building means a building or structure used solely in conjunction with agriculture use, and not for human occupancy. See PCC 10-12-2 for the regulations governing accessory farm buildings.

Accessory structures means a structure that does not provide shelter from elements. Example may include unenclosed/uncovered swimming pools, pool screening and decking, waterfalls, fountains and barbecue pits with concrete foundations, decorative ponds, detached decks, or unenclosed/uncovered sports courts. See PCC 10-12-2 for the regulations governing accessory structures.

Dwelling unit means a building or portion of a building which is arranged as a habitable living unit to be occupied or intended to be occupied as living quarters and includes permanent sanitary, sleeping, and food preparation facilities which shall be accessible and available to all occupants of the unit.

Internal accessory dwelling unit (IADU) means renting or leasing a second dwelling unit which is a self-contained dwelling unit located within a single-family dwelling unit, but has a separate entrance. It is a separate housekeeping unit that can be isolated within the original dwelling unit. An IADU maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a separate kitchen. See PCC 10-12-3 for the regulations governing internal accessory dwelling units.

Residence means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the city, together with the lot or other real property on which the living unit is located. The term "residence" does not include the sidewalk, public street or public rights-of-way.

10-8-1 Area Regulations

Except as herein provided, no building, structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformance with all of the minimum regulations specified on the space requirement chart show below.

	AGR	R-1-1	R-1-20	R-1-12	R-1-10	R-1-8	R-1-6
Min. lot area, square feet	5 ac	1 ac	20,50	12,00	10,00	8,00	6,00
Min. lot width (measured at setback line)	150	120	100	95	80	70	60
Min. lot area increase ea. add'l unit, square feet							
Max. unites / ac excluding ROW, infrastructure^	0.2	1	2.13	3.75	4.5	5.5	5.5
Max. lot area per ea. twin home, square feet^^					6,000	6,000	
Min. lot width, each unit (measured at setback line)					47.5	47.5	
Setbacks							
Principal Structure							
Front yard, ft.	20	20	20	20	20	20	20
Side yard, interior	10	10	10	10	10	10	7.5
Side yard, Street	20	20	20	20	20	20	15
Rear yard	15	15	15	15	15	15	15
Detached Accessory Dwelling Unit (ADU)							
Front yard, ft.	20	20	20	20	20	20	20
Side yard, interior	10	10	10	10	10	10	7.5
Side yard, Street	20	20	20	20	20	20	15
Rear yard	15	15	15	15	15	15	15
Detached Accessory Buildings and Detached Accessory structures							
Front yard, ft.	25	30	30	30	30	25	25
Side yard, interior	10	5****	5****	5****	5****	5*** *	5*** *
Side yard, street	20	20	20	20	20	20	20
Rear yard	10	5	5	5	5	5	5
Detached Accessory Building (Small)							
Front yard, ft.	25	30	30	30	30	25	25
Side yard, interior	Must be placed in such a manner that runoff from the roof does not spill onto adjacent property.						
Side yard, street	20	20	20	20	20	20	20
Rear yard	Must be placed in such a manner that runoff from the roof does not spill onto adjacent property.						
Distance between primary residential structures and ADU on same lot							
	15	15	15	15	15	15	15
Height							
Principal Use, Max. hgt. ft.	35	35	35	35	35	35	35
Accessory Dwelling Unit (ADU) ft. max.	####	####	####	####	####	####	####
Accessory Use, ft. max.	35	35	35	35	35	35	35
Accessory Bldg (Small) ft. max.	15	15	15	15	15	15	15

Principal Use, ft. min.	10	10	10	10	10	10	10
Accessory Dwelling Unit (ADU) ft. min.	10	10	10	10	10	10	10
Fences							
Fences – non-game (max. height)	All fences are subject to PCC 10-9-2						
Front yard, ft.	4	4	4	4	4	4	4
Side yard, interior	8	6	6	6	6	6	6
Side yard, street	6	6	6	6	6	6	6
Rear yard	8	6	6	6	6	6	6
Fences – game	All fences are subject to PCC 10-9-2						
Front yard, ft.	Not allowed						
Side yard, interior	8	8	8	8	8	8	8
Side yard, street	8	8	8	8	8	8	8
Rear yard	8	8	8	8	8	8	8

*See PCC 10-4-4.D.3&4

**See PCC 10-8-3C.4, 5, & 8 for further regulation and explanation.

***See PCC 10-8-3D.6 for further regulation and explanation.

****See PCC 10-8-3.C.6 for further regulation and explanation.

#See PCC 10-8-3C.3 for further regulation and explanation.

##See PCC 10-8-3D.2, 3, 4 for further regulation and explanation.

###See PCC 10-8-3C.10 for further regulation and explanation.

####See PCC 10-8-4.A. for further regulations and explanation.

^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.

10-8-1 Area Regulations

Except as herein provided, no building, structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformance with all of the minimum regulations specified on the space requirement chart show below.

	R-M-7	R-M-12	R-M-18	CGD	CHD	MXD	PUB	REC
Min. lot area, sq. ft. (single-family detached unit)	10,000							
Min. lot width (measured at setback line)	80							
Min. lot area increase ea. add'l unit, square feet								
Max. unites / ac excluding ROW, infrastructure^	7.25	12	18			*		
Max. lot area per ea. twin home, square feet	5,000							
Min. lot width, each twin unit (measured at setback line)	40.0							
Setbacks								
Principal Structure								
Front yard, ft.	25	25	25	35	35	25		
Side yard, interior	10**	10**	10**	#	#	###	#	#
Side yard, Street	20**	20**	20**	#	#	###	#	#
Rear yard	20***	10***	10***	##	##		##	##
Detached Accessory Buildings and Detached Accessory structures								
Front yard, ft.	25	25	25	35	35	35		
Side yard, interior	5	5	10	10	10	10	#	#
Side yard, street	20	20	25	10	10	10	#	#
Rear yard	5	5	5	10	10	10	##	##
Detached Accessory Building (Small)								
Front yard, ft.	25	25	25	35	35	35		
Side yard, interior	Must be placed in such a manner that runoff from the roof does not spill onto adjacent property.							
Side yard, street	20	20	20	20	20	20		
Rear yard	Must be placed in such a manner that runoff from the roof does not spill onto adjacent property.							
Distance between residential structures on same lot								
	**	**	**			**		
Height								
Principal Use, Max. hgt. ft.	45	50	50	50	50	45	50	50
Accessory Use, ft. max.	35	35	35	50	50	45	50	50
Accessory Bldg (Small) ft. max.	15	15	15	15	15	15	15	15
Principal Use, ft. min.	10	10	10	10	10	10	10	10
Fences (max. height)								
All fences are subject to PCC 10-9-2								
Front yard, ft.	6	6	6	C	C	6	8	8
Side yard, interior	8	8	8	8	8	8	8	8
Side yard, street	8	8	8	C	C	8	8	8
Rear yard	8	8	8	8	8	8	8	8

*See PCC 10-4-4.D.3&4

**See PCC 10-8-3C.4, 5, & 8 for further regulation and explanation.

***See PCC 10-8-3D.6 for further regulation and explanation.

****See PCC 10-8-3.C.6 for further regulation and explanation.

#See PCC 10-8-3C.3 for further regulation and explanation.

##See PCC 10-8-3D.2, D.3, D.4 for further regulation and explanation.

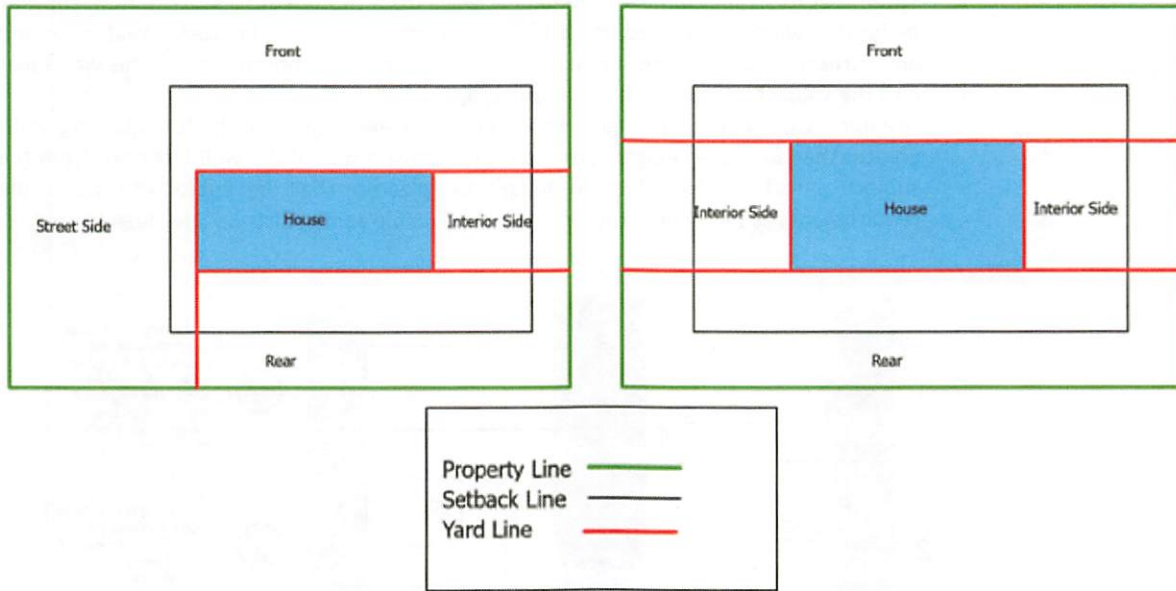
###See PCC 10-8-3C.10 for further regulation and explanation.

####See PCC 10-8-4.A. for further regulations and explanation.

^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.

10-8-3 Setbacks

Required setbacks describe areas on lots where no buildings, structures, or additions to them may be located, and which thereby become yard areas. Setbacks may be required between buildings, structures and property lines; between structures and road easements; between buildings and structures themselves; between buildings, structures and natural features such as watercourses; or between other features of site development. The setback requirements of this title are listed for each zone district in the space requirements chart found in PCC 10-8-1.



A. General setback requirements.

1. *Subdivision setbacks.* Where a setback line is called for or shown on a recorded subdivision plat or on a recorded development plan, the required setback shall be the setback line shown on the subdivision plat or development plan.
2. *Setbacks adjacent to alley.* See PCC 10-4-6F.3.
3. *Use of setbacks.* Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in this title; and except for the ordinary projections of sills, buttresses, cornices, chimneys, eaves, and window wells; but in no case shall such projections exceed the distance restrictions for each yard type. In all cases, if a public utility easement (PUE) is included in the setback, projections cannot extend into the PUE.
4. *Projections into rights-of-way.* In any area where a building can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way not more than 30 inches, provided that all such encroachments shall be at least eight feet above any area used by pedestrians, and at least 14 feet above any area used for vehicular traffic; and provided further, an encroachment permit for such projections is obtained from the city engineer.
5. *Porches, stoops, stairs that are 30 inches in height or greater.* A porch, stoop or stairs which are 30 inches or greater in height shall be regarded as part of the building. Such porch, stoop or stairs require a railing of not less than 30 inches in height. This requirement applies to front, side, and rear yards.
6. *Window wells.*
 - a. Window wells may encroach up to a maximum three feet into the required rear yard and may encroach up to a maximum of two feet into a required side yard.
 - b. The maximum amount of all window wells located along any wall may not exceed 40 percent of the length of that wall.

- d. See Chapter 5-4 Fence Regulations of this code for additional retaining wall regulations.
- 8. *Elements that are placed directly upon the finish grade.*
 - a. Elements that are placed directly upon the finish grade that do not exceed 30 inches in height at any point above the surrounding finish grade in front and street side setbacks areas are exempt as follows:
 - 1) Driveways, walks, and steps. The driveway shall be limited to the area necessary to provide safe and efficient ingress and egress from the required off-street parking spaces located behind a setback area.
 - 2) Decks, patios, and terraces. See subsection D.5 of this section.
 - 3) One flagpole that does not exceed 15 feet in height and is set at least five feet from the property line.
 - 4) Lamp posts adjacent to walkways, stairways, and driveways that do not exceed six feet in height.
 - 5) Landscape accent lighting that does not exceed 18 inches in height.
 - 6) Public utility vaults, including footings, if completely underground. Any mechanical or electrical equipment shall be subject to the setback requirements.

B. *Front yard.*

- 1. The front yard shall be measured from the property line to the front face of the building, attached accessory building, accessory building, covered porch or covered terrace. Steps, uncovered porches, eaves and roof extensions may project into the required front yard for a distance not to exceed four feet; and placed so as to not obstruct light or ventilation of building or ready use of the yards for ingress or egress, and where allowed by the building code.
 - a. For existing homes, that do not meet the building code for entry landings:
 - 1) A covered, unenclosed, entry may extend further than four feet into the required front yard; but shall not extend further than the minimum to meet the requirements in the building code for entry landings.
 - 2) Ramps that are added to allow for ADA access may extend into the required front yard; but shall not extend further than the minimum to meet the grade and landing requirements for ADA access.
 - 3) A site plan shall be submitted for zoning approval.
- 2. Gasoline service station pump islands may not be located closer than 50 feet to the front property line.

C. *Side yard.*

- 1. Every part of the required side yard shall be open and unobstructed, except for normal projections of landings and steps, windowsills, belt courses, cornices, chimneys and other architectural features projecting no more than 36 inches into the required side yard, roof eaves projecting no more than 36 inches into the required side yard and accessory buildings occupying no more space of any principal use side yard than that permitted in PCC 10-9-6.
- 2. Where a fire wall of a dwelling, garage or carport is located on a property line, the roof shall be so designed and constructed so as not to drain water onto the adjoining lot and except for properties located in the Mixed-Use District abutting other properties also located in the Mixed-Use District, there shall be one side yard of at least 20 feet.
- 3. Whenever any use or district not normally requiring a side yard adjoins a use or district requiring a side yard, a minimum ten-foot side yard shall be maintained. Nonresidential uses which have a side lot line adjacent or contiguous to another nonresidential use requires no minimum side yard, provided the side wall satisfies fire wall standards. Nonresidential uses which have a side lot line adjacent to an alley or other public right of way that is at least 20 feet in width requires a minimum 10-foot side yard.
- 4. A single-family attached dwelling unit separated by a fire or party wall need not provide a side yard on the fire or party wall side, except that no complex of attached dwelling units shall exceed 300 feet in length. A minimum side yard of ten feet on the separated side of any attached

dwelling unit shall be required so that the end of any two building complexes shall be at least 20 feet apart.

5. A complex of multiple-family dwelling units shall maintain a minimum side yard of ten feet so that any two adjacent complexes shall be at least 20 feet apart and maintain an open corridor for fire and other emergency vehicle access.
6. In residential districts, accessory buildings shall maintain a minimum side yard equal to 25 percent of the building height or a minimum of five feet to the side property line if adjacent to a separate lot of record, nor less than 20 feet if adjacent to a public street or road, whichever is greater.
7. Gasoline service station pump islands shall be located no closer than 20 feet from the side yard line if adjacent to a separate lot of record, nor less than 50 feet if adjacent to a public street or road.
8. Residential structures exceeding 45 feet in height as determined in PCC 10-8-4B shall maintain a minimum side yard of equal to 50 percent of the building height.
9. Where an allowed side yard setback of a dwelling occurs five feet from the property line, the adjacent dwelling shall maintain a minimum side yard of ten feet, for a cumulative total dwelling separation of 15 feet. Each residential lot allowing five-foot side yard setback shall be required to have one side yard setback of ten feet.
10. Property in a Mixed-Use District may have lots which contain no side yards when the buildings on the adjoining lots utilize shared party walls. If the adjoining properties do not share party walls than a minimum of 30 feet is required between adjoining buildings (15-foot side yard on each property). In the Mixed-Use District a 30-foot alley is required a minimum of every 500 feet for access to parking located behind the buildings.

D. Rear yard.

1. Nonresidential uses which have a rear lot line adjacent to an alley or other public right-of-way that is at least 20 feet in width requires no minimum rear yard.
2. Nonresidential uses which have a rear lot line adjacent or contiguous to another nonresidential use requires no minimum rear yard, provided the rear wall satisfies fire wall standards.
3. Nonresidential uses abutting or adjacent to a residential district shall maintain a minimum rear yard of 20 feet.
4. Normal projections of windowsills, belt courses, cornices, chimneys and may project no more than 24 inches into the required rear yard and roof eaves projecting no more than 36 inches into the required rear yard.
5. A deck is considered as an exterior floor system supported on at least two opposing sides by adjoining structures and/or posts, piers or other independent supports.
 - a. A deck which is less than 120 square feet and less than 30 inches above adjacent grade, and independently supported, will not require a building permit and is not considered part of the main structure.
 - b. An attached, covered deck is considered part of the main dwelling and required to meet the associated setbacks.
 - c. A portion of an attached uncovered deck may project into the required rear yard no more than one-half of the distance of the required rear yard (i.e., required rear yard is 20 feet, the deck can project no more than ten feet into the required yard); and the projection may take up no more than 50 percent the required rear yard. The projection of the deck is included in the overall 25 percent limitation in PCC 10-9-6.
 - d. Detached decks (designed and constructed having no physical connection to the primary structure) are considered an accessory use; and must be a minimum of five feet from the primary structure.
 - e. No portion of any deck is permitted to be located within an easement or within five feet of a property line.
6. Structures containing four-family dwelling units or more shall maintain a minimum rear yard equal to 50 percent of the building height, but in no case less than 20 feet.

E. Double frontage, interior, and odd-shaped lots.

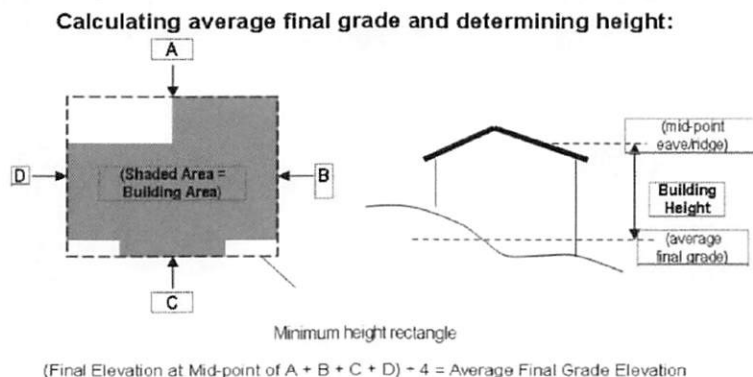
1. *Double frontage lots.* Rather than a front and rear yard, there shall be two front yard setbacks for the purpose of computing setbacks.
2. *Interior lots.* The setback requirements for the applicable zone district shall apply. The setback shall be measured from the property lines of the interior lot for the respective yards. If the access to the property is included in the property (not an easement through adjacent property), the access property lines are not considered for setback determination.
3. *Odd-shaped lots.* In the case of odd-shaped lots, the administrative land use authority (ALUA) shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district. In determining the required setbacks for odd-shaped lots, the ALUA shall consider the following:
 - a. The setback will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.
 - b. The setback conforms with other applicable provisions of this title.
 - c. The setback will not conflict with any easements required for public access through, or the public use of, a portion of the property.

(Code 1998, § 10-8-3; Zon. Ord., 5-8-1991; Ord. No. 98-021, 10-13-1998; Ord. No. 011-99, 4-13-1999; Ord. No. 033-2004, 11-23-2004; Ord. No. 004-2005, 1-18-2005; Ord. No. 011-2009, 12-8-2009; Ord. No. 007-2010, 8-10-2010; Ord. No. 006-2011, 7-26-2011; Ord. No. 014-2012, 9-25-2012; Ord. No. 015-2013, 11-7-2013; Ord. No. 005-2014, 9-23-2014; Ord. No. 2015-015, 6-9-2015; Ord. No. 2015-016, 7-14-2015; Ord. No. 2015-020, 11-17-2015; Ord. No. 023-2016, 10-11-2016; Ord. No. 2018-004, 4-24-2018; Ord. No. 2018-011, 10-23-2018; Ord. No. 2020-003, 2-19-2020) HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

10-8-4 Height

- A. *Established.* The maximum and minimum heights for principal (or main) structures and the maximum height for accessory structures in each of the zoning districts shall be in accordance with information provided on the space requirement chart shown in PCC 10-8-1. There shall be no minimum height required of accessory structures. Where a lawfully existing building at the effective date of the ordinance from which this chapter is derived has a greater or lesser height than allowed herein, said height may be altered if said alteration in no way increases the degree of nonconformity, and provided all other requirements are satisfied.
 1. The maximum height of an accessory dwelling unit (ADU) may not exceed the height of the existing primary residential structure.
- B. *Determination.* The height of a building or structure shall be determined as the vertical distance as measured from the highest point of the roof of the building or structure down to a point representative of The average finished grade of the land around the perimeter of the building or structure.



(Code 1998, § 10-8-4; Zon. Ord., 5-8-1991; Ord. No. 033-2004, 11-23-2004; Ord. No. 004-2005, 1-18-2005; Ord. No.

011-2009, 12-8-2009; Ord. No. 007-2010, 8-10-2010; Ord. No. 006-2011, 7-26-2011; Ord. No. 014-2012, 9-25-2012; Ord. No. 015-2013, 11-7-2013; Ord. No. 005-2014, 9-23-2014; Ord. No. 2015-015, 6-9-2015; Ord. No. 2015-016, 7-14-2015; Ord. No. 023-2016, 10-11-2016; Ord. No. 2018-004, 4-24-2018; Ord. No. 2018-011, 10-23-2018; Ord. No. 2020-003, 2-19-2020)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

CHAPTER 10-12 ACCESSORY BUILDING, DWELLINGS, AND STRUCTURES

10-12-1 Purpose and Definitions

10-12-2 Accessory Buildings and Structures

10-12-3 Internal Accessory Dwelling Units (IADU)

10-12-4 Detached Accessory Dwelling Units (ADU)

10-12-1 Purpose and Definitions

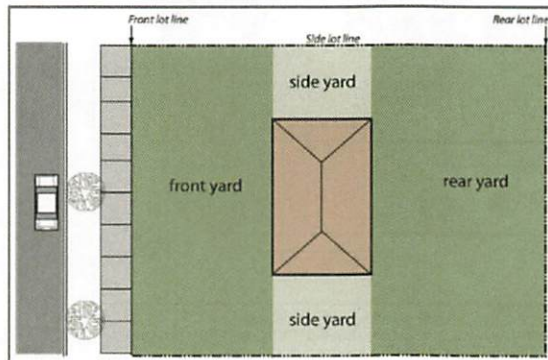
- A. The purpose of this chapter is to establish regulations governing the construction and use of accessory buildings, dwellings, and structures; and
- B. Definitions for terms used in this chapter are found in Chapter 1-3 of this code.

10-12-2 Accessory Buildings and Structures.

All accessory buildings and structures shall comply with the provisions of this Title.

A. Accessory buildings.

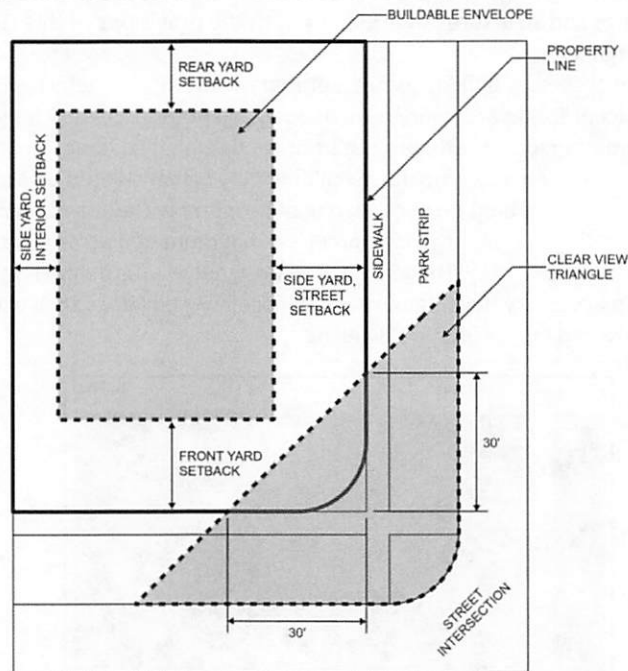
1. An accessory building is not a primary dwelling or a detached accessory dwelling unit.
2. Except for an accessory farm building, all other accessory building may be constructed simultaneously with, but not prior to, the main building.
 - a. An accessory farm building may be considered an accessory to an agricultural use and be built on a lot /parcel of property without a main building if:
 - 1) The lot/parcel is a minimum of 5 acres in size; and
 - 2) The lot/parcel is designated as greenbelt or in an agricultural protection area.
3. No accessory building or group of accessory buildings shall occupy more than 25% of the lot not covered by the primary dwelling.



4. Distance from principal structure. An accessory building that requires a building permit must be located a minimum of five feet from the principal structure.
- ##### B. Accessory Structures.
1. An accessory structure that requires a building permit must be located a minimum of five feet from the principal structure.
 2. Swimming pools, detached decks that have an area of 200 square feet or more and are 30 inches or more above grade, require a zoning clearance and a building permit.
 - a. Pools are defined in Chapter 1-3 of this code.
 - b. Fencing requirements for swimming pools, pools, hot tubs, and spas are found in Section 5-4-7 of this code.
 3. Pool screening and decking, waterfalls, fountains and barbecue pits with concrete foundations decorative ponds, or sports courts, generally require a zoning clearance and a building permit.
 4. Portable fountains, birdbaths, benches, or mobile barbecue pits generally do not require a zoning clearance or a building permit.
 5. Tennis Courts, Sports Courts, Batting Cages, Etc.

Fence type enclosures for uses such as tennis courts, sport courts, ball diamond backstops, batting cages, etc. may be erected to a height not greater than twelve feet, including any retaining walls, provided:

- a. Any enclosure or part of an enclosure over six feet in height will require engineering and a building permit as defined by Utah State Code, or as required by the currently adopted building code, and may require engineer approval.
- b. Portions of the enclosure may be located within the rear yard and/or side yard area of the lot.
- c. No part of the enclosure shall be placed in the front yard setback area of a lot.
- d. All portions of the enclosure above a height of six feet shall be non-sight obscuring.
- e. On corner lots, the enclosure shall not be located in the front area, or the clear view area of the lot as defined under Section 10-9-2 of this chapter.



*SETBACKS ARE MEASURED FROM THE PROPERTY LINE.
 CLEAR VIEW TRIANGLE IS 30' ALONG THE PROPERTY LINE FROM THE CORNER THEN EXTENDED TO THE STREET.

10-12-3 Internal Accessory Dwelling Units (IADUs), state law reference [UCA 1953 § 10-9a-530](#)

- A. An internal accessory dwelling unit shall be allowed in all single-family residential zones provided that the following conditions are complied with:
 1. Number allowed. A maximum of one IADU or one ADU shall be allowed on each property associated with a single-family dwelling.
 2. Occupancy.
 - a. An IADU shall only be permitted when the property owner lives on the property within either the principal dwelling or IADU. For the propose of this section, the term "owner occupied" shall be defined as full-time residency within the home by the bona fide property owner as shown on the county tax assessment rolls, or by any person who is related by blood marriage or adoption, or a trustor of a family trust that possesses legal ownership of the property.
 - b. Within 30 Days of securing approval for the construction of an IADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the AAU IADU to the owner of the property. Proof that such a restriction has been recorded shall be provided to the city prior to the issuance of the occupancy permit for the IADU.

- i. To encourage reporting of IADUs, the city will pay the homeowner \$100 upon receipt of the proof the deed restriction has been recorded. The \$100 payment for proof will sunset May 15, 2026, unless extended by action of the city council.
 - c. For the purposes of an existing area of a primary residence that meets the requirements of and IADU but has not been used as one, the owner shall execute the deed restriction listed above and obtain an occupancy permit prior to operating the designated apartment as an IADU.
 - d. Owner occupancy shall not be required when an owner has a bona fide temporary absence of three years or less for activities such as military service, temporary job assignments, work sabbaticals, or voluntary service.
 - e. Neither the primary dwelling unit nor the IADU may be sold separately or any lease would terminate with the sale of the primary dwelling.
 - f. The IADU shall be occupied by a single-family, as defined in [U.C.A. 1953, § 10-9a-505.5\(2\)\(b\)](#)
 - 3. Design, size.
 - a. The IADU shall be designed so that the appearance of the residence remains as that of a single-family dwelling unit. Entrances to the IADU shall be located on the side or rear of the dwelling unit whenever possible. If a front entrance is required, it shall be visually screened from all public rights-of-way.
 - 4. Off street parking. See Section 10-8-6.A.1 in this code for parking requirements.
- B. Requesting Legalization of Existing IADU.
 - 1. Owners of illegal IADU shall be guilty of a Class B misdemeanor and subject to a penalty listed in PCC 1-4-1. Any existing illegal IADU will not be subject to any enforcement action if:
 - a. The IADU complies with the minimum requirements of the adopted building code.
 - b. The IADU complies with the minimum housing code standards.
 - c. The IADU complies with the provisions in this chapter.
- C. Permit Regulations.
 - 1. Building permit. A zoning permit shall be obtained by the homeowner from the city, and a building permit shall be obtained from the designated authority before the commencement of any new construction of an IADU.
 - 2. Occupancy permit. Prior to anyone occupying an IADU, a certificate of occupancy shall be obtained by the homeowner from the designated authority.

10-12-4 Detached Accessory Dwelling Units (ADU)

- A. As stated in the Providence City General Plan, the intent is to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods while respecting the existing look and scale of single-family dwellings. The intent of this chapter is to provide for a broader range of affordable housing options that generate these benefits:
 - 1. Provides an alternative for older homeowners who want to remain in their home and would like a family member, caretaker or renter to help make that possible so that the elderly can age in place rather than inhabit senior living centers.
 - 2. Make housing affordable for young people to live in desirable communities where single-family homes are out of their reach.
 - 3. Contribute to solving the housing shortage.
 - 4. Opens up areas for development potential without threatening the existing character of a neighborhood.
 - 5. Adds inexpensive rental units to the housing stock to meet the needs of smaller households, both old and young.
 - 6. Develops housing units in single-family neighborhoods to serve the needs of the residents through a variety of stages in the life cycle, thereby reducing fluctuations in neighborhood demand for services.

7. Requirement that owner be on the premises decreases the chance of ADU tenants inflicting nuisances on the surrounding neighborhood.
 8. Provide an extra living space for a growing family.
 9. Is intended to be a family friendly ordinance allowing for young and old to live together, for grown children to stay in the community that they love.
 10. Enhance neighborhood stability with owners more likely to remain; allow current neighbors to stay through different stages of life.
 11. Promotes more efficient use of existing housing stock and city infrastructure.
- B. Permitted use.
1. ADUs are a permitted use in the following residential zones; AGR, R-1-1, R-1-20, R-1-12, R-1-10, R-1-8, R-1-6.
 2. ADUs must comply with all applicable ordinances.
 3. A mobile home as defined by Utah Code is not allowed as an ADU.
 4. An ADU must be on a raised or slab-on-grade foundation.
- C. Owner Occupied Requirement.
1. An ADU shall only be permitted when the property owner lives on the property within either the principal dwelling or ADU. For the purpose of this section, the term "owner occupied" shall be defined as full-time residency within the home by the bona fide property owner as shown on the county tax assessment rolls, or by any person who is related by blood, marriage or adoption, or a trustor of a family trust that possesses legal ownership of the property.
 2. Within 30 days of securing a building permit for construction of an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. Proof that such a restriction has been recorded shall be provided to the city prior to issuance of the occupancy permit for the ADU.
 - a. To encourage reporting of ADUs, the city will pay the homeowner \$100 upon receipt of the proof the deed restriction has been recorded. The \$100 payment for proof will sunset May 15, 2026, unless extended by action of the city council.
 3. For the purposes of an existing accessory building that meets the requirements of an ADU but has not been used as one, the owner shall execute the deed restriction listed above prior to the use of the ADU.
 4. Owner occupancy shall not be required when an owner has a bona fide temporary absence of three years or less for activities such as military service, temporary job assignments, sabbaticals or voluntary service.
 5. Neither the primary dwelling nor the ADU may be sold or conveyed separately.
- D. Number of Accessory Dwelling Units.
A maximum of one IADU or ADU shall be allowed on each property associated with a single-family dwelling.
- E. Accessory Dwelling Unit Size.
The total area of the ADU shall be less than 50 percent of the total square footage of the primary residence for a detached accessory dwelling, but not more than 1,200 square feet (including attached garage).
1. An ADU may be part of a larger accessory building, as long as the ADU portion of the building does not exceed 1,200 square feet. Except as allowed in item H below, an accessory building that includes an ADU must meet the same setback requirements as listed in the area regulation chart.
- F. Yard Limitation.
An ADU, as a single unit or in combination with a group of accessory buildings of any kind, is allowed. The total footprint of all accessory buildings is limited to 25 percent of the lot area not covered by the principal residence.
- G. Building Height.
An ADU shall be limited to two stories; and shall not exceed the height permitted by the area regulation chart or the height of the principal residence, whichever is lower.
- H. Building Setbacks.

New ADUs are subject to the same ordinances that apply to the principal dwelling unit as far as zoning and setbacks as listed in the area regulations chart. Existing structures as of February 23, 2022, that do not meet setback requirements may be approved on a conditional basis. Adjacent property owners will be notified, and a public hearing will be held before the administrative land use authority; which will either approve or deny the conditional use in accordance with the conditional use process.

- I. The street view of an ADU shall be substantially similar in design as the street view of the primary dwelling unit.
- J. Fire, Building, and Health Codes.
An ADU shall comply with all building construction, fire codes and municipal codes in effect at the time the ADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.
- K. Parking.
Off-street parking is a requirement.
- L. Utilities.
An ADU may utilize the existing utilities (city supplied culinary water and sanitary sewer) of the principal dwelling. An ADU that requires separate utility hookups will be subject to metering and city connection fees.
- M. Screening.
The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.
- N. Legalizing ADUs.
Owners of illegal ADUs shall be guilty of a Class B misdemeanor and subject to a penalty listed in PCC 1-4-1. Any existing illegal ADU will not be subject to any enforcement action if:
 - 1. The ADU complies with the minimum requirements of the adopted building code.
 - 2. The ADU complies with the provisions in this chapter.