

Ordinance No. 04-2026

AN ORDINANCE AMENDING CODE TO THE PROVIDENCE CITY CODE
REGARDING CITY'S USE CHART. TITLE 10: ZONING REGULATIONS.
CHAPTER 6: USE REGULATIONS. SECTION 1 USE CHART (GYM)

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 UCA 10-3-702 states that "the governing body may pass any ordinance to regulate, require, prohibit, govern control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law"; And

WHEREAS, The City is proposing a code amendment to correct an omission in a prior revision to PCC 10-6-1 Use Chart. Prior to the 2024 revision of the use chart, "fitness center, commercial (gym)" was a permitted use in the CHD zone.

WHEREAS, The Providence City Planning Commission held a public hearing regarding this proposed amendment on February 11th, 2026, taking comments, questions and recommendations from the public.

WHEREAS, The Planning Commission, after taking comments and questions from the public, made the following motion:

Julie Martin made a motion to recommend to the City Council to include the "P" in the CHD column on the fitness center commercial gym row, based on the conclusions of law, findings of fact, and conditions set forth by staff. 2nd- Joe Chambers

Vote:

Yea- Bob Perry, Michael Fortune, Robert Henke, Julie Martin & Joe Chambers.

Nay-

Abstained-

Motion passed unanimously.

WHEREAS, the City Council desires to amend the City's Use Chart per exhibit A

WHEREAS, The City Council motions to approve and have amended the City's Use Chart as shown.

THEREFORE, be it ordained by the Providence City Council

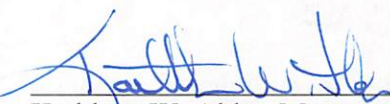
- The attached referenced code shall be approved and added to the city code.
- This ordinance shall become effective immediately upon passage.

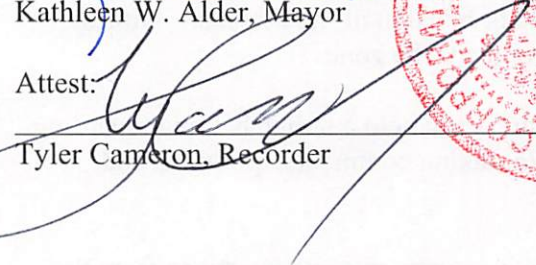
47 Passed by vote of the Providence City Council this 18th day of Feb. 2026.
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50 Council Vote:
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52 Campbell, Scot	☒ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
53 Kirk, Carrie	☒ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
54 Kunz, David	☒ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
55 Sealy, Jeanell	☒ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent
56 Speth, Brent	☒ Yes	☐ No	☐ Excused	☐ Abstained	☐ Absent

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62 Kathleen W. Alder, Mayor
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64 Attest: 
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66 Tyler Cameron, Recorder
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Code Amendment Review																																																																																																																																																																																																																										
Prepared by: S Bankhead					Date: 01/29/2026					Land Use		Yes: X		No:																																																																																																																																																																																																												
Code Title: 10 Zoning Regulations					Title Chapter: 10-6 Use Regulations					Chapter Section: 1 Use Chart																																																																																																																																																																																																																
Applicant: City Staff																																																																																																																																																																																																																										
Abbreviations & Authority: - Utah Code Annotated: UCA - The UC 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																																																																																																																																																																																																																										
Background Information: - The Applicant is proposing a code amendment to correct an omission in a prior revision to PCC 10-6-1 Use Chart. - Prior to the 2024 revision of the use chart, "fitness center, commercial (gym)" was a permitted use in the CHD zone. The following was taken from the codification adopted by Ordinance 06-2022 (highlight added)																																																																																																																																																																																																																										
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th></th> <th></th> <th>A G R</th> <th>SF E</th> <th>SF L</th> <th>SF T</th> <th>SF R</th> <th>SF M</th> <th>SF H</th> <th>S M H</th> <th>M FR</th> <th>M F M</th> <th>M FH</th> <th>C G D</th> <th style="background-color: yellow;">CHD</th> <th>M XD</th> <th>P U B</th> </tr> </thead> <tbody> <tr> <td>G</td> <td>Commercial/Related Uses</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>1</td> <td>Auto sales – new & used</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td>P</td><td></td><td></td> </tr> <tr> <td>2</td> <td>Auto sales – used</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>3</td> <td>Auto wash</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td>P</td><td></td><td></td> </tr> <tr> <td>4</td> <td>Bank/financial</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>C</td><td>I or C*</td><td>P</td><td></td> </tr> <tr> <td>5</td> <td>^^^Nondepository Financial Institutions</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td>I or C*</td><td></td><td></td> </tr> <tr> <td>6</td> <td>Building materials</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td>P</td><td></td><td></td> </tr> <tr> <td>7</td> <td>Dance hall</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>8</td> <td>Gasoline/petroleum storage (not bulk)</td> <td>C</td><td>C</td><td>C</td><td>C</td><td>C</td><td></td><td></td><td></td><td></td><td></td><td></td><td>C</td><td>C</td><td></td><td></td> </tr> <tr> <td>9</td> <td>Gasoline sales/service</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td>P</td><td></td><td></td> </tr> <tr> <td style="background-color: yellow;">10</td> <td style="background-color: yellow;">Fitness center commercial (gym)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td style="background-color: yellow;">P</td><td>P</td><td></td> </tr> </tbody> </table>																	A G R	SF E	SF L	SF T	SF R	SF M	SF H	S M H	M FR	M F M	M FH	C G D	CHD	M XD	P U B	G	Commercial/Related Uses																1	Auto sales – new & used												P	P			2	Auto sales – used																3	Auto wash												P	P			4	Bank/financial												C	I or C*	P		5	^^^Nondepository Financial Institutions												P	I or C*			6	Building materials												P	P			7	Dance hall																8	Gasoline/petroleum storage (not bulk)	C	C	C	C	C							C	C			9	Gasoline sales/service												P	P			10	Fitness center commercial (gym)												P	P	P	
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		Residential, one unit per lot								Residential, multiple units per lot			Mixed residential/commercial			Commercial		Public/ Recreation
		AGR	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
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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		

Providence City General Plan 2020

- Vision:**

Guide and manage growth in a way that preserves natural scenery while also providing more opportunities to live, work, shop, and recreate in Providence.

- Key Initiatives:**

1. Preserve the 'sense of place' by identifying characteristics that define Providence as a unique place.
2. Make decisions regarding storm water and exterior water use guided by green infrastructure and low impact development best management practices.
3. Consider life-cycle costs in mind when making decisions for design standards (such as road widths) and new capital improvement projects.
4. Ensure that transportation and recreation facilities accommodate a variety of transportation modes (biking, walking, driving) to provide people multi-modal transportation options as a lifestyle and recreation choice.
5. Consider long-term economic development impacts when making land use, transportation, and other planning decisions.
6. Encourage housing options to meet the needs of residents of all ages, income level and family size, regardless of their stage of life.

Providence General Plan 2020 Moderate Income Housing

State code requires a general plan to include a moderate income housing plan. The state code lists 24 strategies that cities must choose from in developing their moderate income housing plan. The city is required to implement a minimum of three strategies to comply with state code; and a minimum of five strategies to be considered for certain funding opportunities. The city's plan includes six objectives and incorporates seven of the strategies from state code. Each strategy includes an implementation plan and a timeline with specific measures and benchmarks. A complete copy of the objectives and strategies can be found by clicking on Objectives and Strategies below.

Overall Goal for the Chapter – The Guiding Vision and Intent

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.

Objectives and Strategies

Objective 1. Modify existing regulatory measures to encourage the development of affordable housing.

- Strategy: Rezone for densities necessary to facilitate the production of moderate income housing.

Objective 2. Improve pedestrian safety, walkability and accessibility on city streets, rights of way, and easements.

- Strategy: Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.

Objective 3. Support and utilize existing affordable housing resources.

- Strategy: Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.

Objective 4. Adopt new regulatory measures to encourage the development of affordable housing.

- Strategy: Create or allow for, and reduce regulations related to multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential mixed-use zones.

Objective 5. Consider the provision of adaptive re-use (process of taking an existing structure and updating or adapting it for a new use or purpose) and mixed-use projects to stimulate affordable housing and economic development.

- Strategy: Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- Strategy: Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in UCA 10-9a-530.

Objective 6. Support and utilize existing affordable housing resources.

- Strategy: Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

FINDINGS OF FACT:

1. UC 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. UC 10-3-702(2)(a). 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. UC 10-20-101 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. UC 10-20-501(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.
5. UC 10-20-302(1) The planning commission shall 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. UC 10-20-302(2) Before making a recommendation to a legislative body . . . the planning commission shall hold a public hearing in accordance with Section 10-20-405.

7. UC 10-20-302(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

CONCLUSIONS OF LAW:

1. The Providence City Council is the legislative body for Providence City.
2. The Providence City Council may enact or amend land use regulations.
3. The Planning Commission makes recommendations to the city council for land use regulations.
4. The Planning Commission has a public hearing, to consider this code amendment, scheduled for Wednesday February 11, 2026.

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, and rules.