

1 **Ordinance No. 06-2024**

2  
3 AN ORDINANCE AMENDING CITY CODE TITLE 10 ZONING REGULATIONS;  
4 CHAPTER 8: AREA REGULATIONS; SECTIONS 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, The city has received numerous questions and complaints regarding  
15 retaining walls throughout the city, but particularly in the bench areas. This proposed  
16 amendment seeks to provide clarification to the retaining wall requirements.

17  
18 WHEREAS, The Providence City Planning Commission held a public hearing regarding  
19 these proposed amendments on February 28<sup>th</sup>, 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 code amendments**  
24 **to PCC 10-8-3 in accordance with the findings of fact, conclusions of law and**  
25 **conditions as found in the staff report – Rober Henke. 2<sup>nd</sup> - Bob Washburn.**

26 **Vote:**

27 **Yea- Robert Henke, Michale Fortune, Bob Washburn & Shelly Nazer**

28 **Nay-**

29 **Abstained-**

30 **Absent- Joe Chambers & Brian Marble.**

31  
32 WHEREAS, The City Council made the following motion while approving the ordinance  
33 which was approved by all members:

34  
35 **Motion to adopt Ordinance 06-2024 PCC Amendments Retaining Wall**  
36 **Use and Constructions with the following additions: Add wording that**  
37 **the graphic is illustrative, improvements on drawing #7, caption and label**  
38 **on wall height and captions on drawings # 1 & 2. Council Member Sealy.**  
39 **2<sup>nd</sup>- Council Member Speth.**

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41  
42 WHEREAS, The City Council motions to approve and have incorporated into the city  
43 code the attached code review that establishes the amendments to PCC 10-8-3.

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45  
46 THEREFORE, be it ordained by the Providence City Council

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

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50 Passed by vote of the Providence City Council this 20<sup>th</sup> day of March 2024.

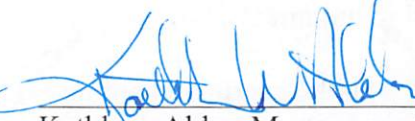
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53 Council Vote:

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

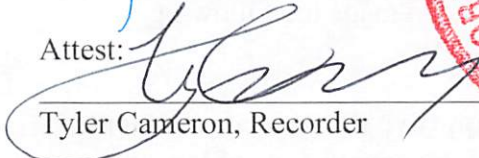
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65 Kathleen Alder, Mayor

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67 Attest:

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69 Tyler Cameron, Recorder

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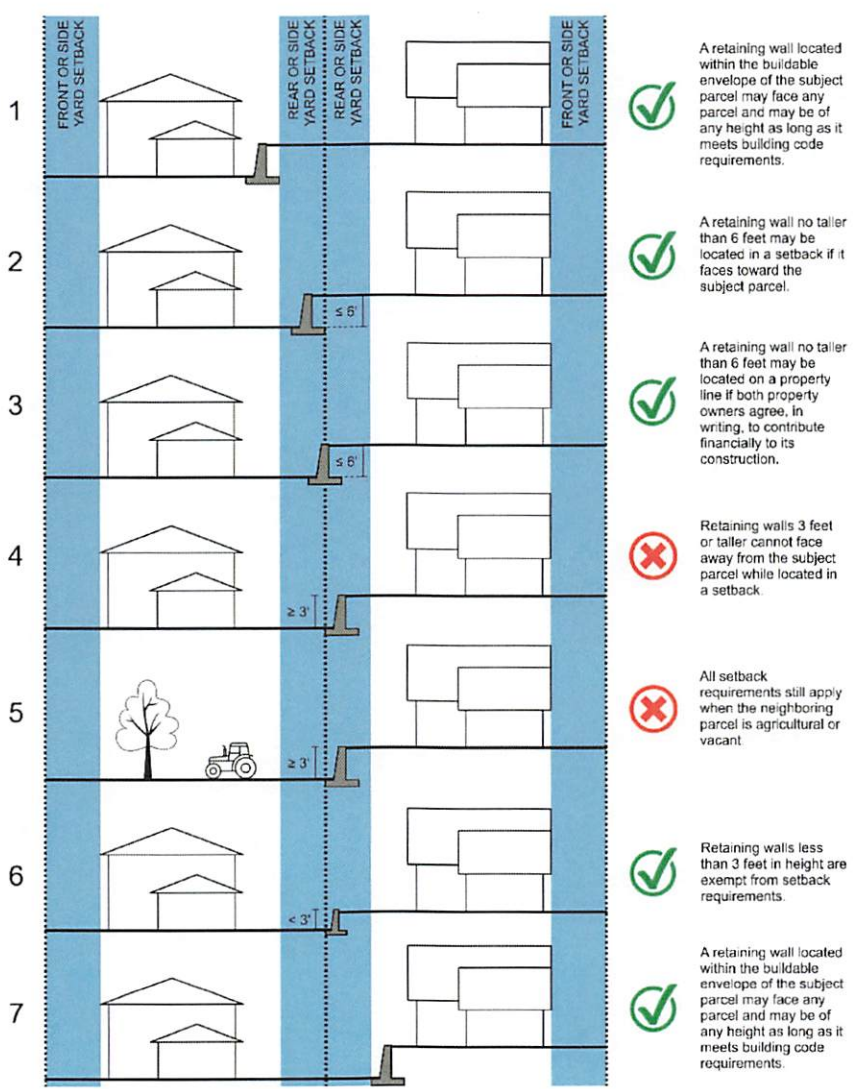
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1 PCC 10-8-3.  
 2 A. General Setback Requirements  
 3 7. Retaining Walls.

- 4 a. Less than three feet (3') in height. Retaining walls less than three feet (3') in height are exempt from
- 5 setback requirements. See illustration 6.
- 6 b. Three feet (3') to six feet (6') in height. Retaining walls from three feet (3') to six feet (6') in height
- 7 may be located within a required non-street side or rear setback area in residential zones and any
- 8 setback area in nonresidential zones provided the exposed side of the wall faces into the subject
- 9 parcel. See illustrations 2, 4, 5.

10 Walls in the graphic are shown on the applicant's property.



- 11 c. Greater than six feet (6') in height. Rear and non-street side setbacks for retaining walls greater that
- 12 six feet (6') in height, or where the exposed side of the wall faces out from the subject parcel, is three
- 13 feet in height or greater, shall be subject to the same requirements as the main structure in the
- 14 applicable zoning district. See illustration 1 & 7.
- 15 d. See Chapter 5-4 Fence Regulations of this code for additional retaining wall regulations.