

Ordinance No. 2015-011

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 10 ZONING REGULATIONS, CHAPTER 1, SECTION 1 USE CHART, BY ALLOWING RADIO/TV/CELLULAR TOWER AS A CONDITIONAL USE IN THE PUBLIC USE DISTRICT

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- Providence City staff prepared the following code amendment.

		AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB
7	Radio/TV/cellular tower													C			C

- Planning Commission studied the proposed amendment and held a public hearing on February 11, 2015 prior to making a recommendation.
 - Providence City Planning Commission took the following action on February 25, 2015:
 - *Item No. 3. Proposed Code Amendment. The Providence City Planning Commission will consider for recommendation to the Providence City Council proposed amendments to Providence City Code Title 10 Chapter 6 Use Regulations. Use Chart proposed amendments include allowing Radio/TV/cellular tower as a conditional use in the Public Use District, and changes to beekeeping.*
 - *Motion to approve cell tower as a conditional use in the Public Use zone: S Sanders, second – W Simmons*
- Vote: Yea: K Allen, L Hogge, L Raymond, S Sanders, W Simmons
- Nay: None
- Excused: R James
- Abstained: None
- The City Council considered the following:
 - Findings of Fact:
 - Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
 - UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
 - UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
 - UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

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Conclusions of Law:

- The proposed code amendment is consistent with the findings of fact listed above.

Conditions:

- None

THEREFORE be it ordained by the Providence City Council

- The above code amendment shall be approved based on the findings of fact, conclusions of law, and conditions listed above and the recommendation of the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 24 day of March 2015.

Council Vote:

Bagley, Bill	(x)Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	(x)Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	(x)Yes	()No	()Excused	()Abstained	()Absent
Drew, John	(x)Yes	()No	()Excused	()Abstained	()Absent
Russell, John	(x)Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this 18th day of June 2015.

Providence City



Don W. Calderwood, Mayor

Attest:



Skarlet Bankhead, Recorder

