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**Ordinance No. 2016-007**

AN ORDINANCE AMENDING THE PROVIDENCE CITY ZONING DISTRICT(S) AND ZONING MAP BY CHANGING THE ZONE OF PARCELS NO. 02-0096-0001 AND 02-096-0049, GENERALLY LOCATED AT 485 WEST 100 SOUTH AND 450 WEST 100 SOUTH, FROM AGRICULTURAL (AGR) TO MULTI FAMILY HIGH DENSITY (MFH).

WHEREAS on January 29, 2016, Ironwood Development Group, L.C. filed an application requesting the Agricultural (AGR) Zone be changed to Multi Family High Density (MFH) for Parcels No. 02-0096-0001 and 02-096-0049, generally located at 485 West 100 South and 450 West 100 South.

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.

- 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.
- Planning Commission studied the proposed amendment and held a public hearing on February 24, 2016, prior to making a recommendation.
- The Planning Commission 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-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
- UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.
- UCA § 10-9a-102 Purposes -- General land use authority.
- *The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, 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.*
- *To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and*

1 building orientation and width requirements, public facilities, fundamental fairness in  
2 land use regulation, considerations of surrounding land uses and the balance of the  
3 foregoing purposes with a landowner's private property interests, height and location of  
4 vegetation, trees, and landscaping, unless expressly prohibited by law.

- 5 ○ UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning  
6 map consistent with the purposes set forth in in this chapter.
- 7 ○ UCA § 10-9a-502 Requires the planning commission provide notice and hold a public  
8 hearing on a proposed land use ordinance or zoning map; and prepare and recommend  
9 to the legislative body a proposed land use ordinance and zoning map that represent  
10 the planning commission's recommendation.
- 11 ○ UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the  
12 zoning district; or (c) any other provision of a land use ordinance.

13 CONCLUSIONS OF LAW:

- 14 ○ The proposed code amendment has been processed consistent with the above Findings  
15 of Fact.

16 CONDITIONS:

- 17 ○ None
- 18 ● Providence City Planning Commission took the following action on March 9, 2016:  
19 *Motion to recommend the proposed rezone to City Council: R James, second – H Hansen*  
20 *Vote: Yea: H Hansen, R James, L Raymond*  
21 *Nay: None*  
22 *Abstained: None*  
23 *Excused: B Nielsen, W Simmons*

24  
25 THEREFORE be it ordained by the Providence City Council:

- 26 ● The request for rezone for Parcels No. 02-0096-0001 and 02-096-0049, generally located at 485  
27 West 100 South and 450 West 100 South, from AGR to MFH shall be granted based on the  
28 findings of fact, conclusions of law, and conditions listed above and the recommendation of the  
29 Providence City Planning Commission.
- 30 ● This ordinance shall become effective immediately upon passage and posting.

31  
32 Ordinance adopted by vote of the Providence City Council this 26 day of April 2016.

33  
34 Council Vote:

35 Allen, Kirk	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
36 Baldwin, Jeff	( ) Yes	(X) No	( ) Excused	( ) Abstained	( ) Absent
37 Drew, John	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
38 Giles, Dennis	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
39 Sneddon, Roy	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

40  
41 Signed by Mayor Don W Calderwood this 22 day of July 2016.

42  
43 Providence City

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46 Don W. Calderwood, Mayor

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48 Attest:

49 

50 Skarlet Bankhead, Recorder  
51



Section 9, 10 Township 11 North Range 1 East



Scale 1 Inch = 200 Feet

T.11. 09

BLK. 27 PLAT "A" PROVIDENCE FARM SVY.

