

1 **Ordinance No. 2018-014**

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3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 11-5: SUBDIVISION REGULATIONS, PUBLIC  
4 IMPROVEMENTS. AMENDMENTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:  
5 REQUIRES ALL STORM WATER (EXCLUDING FINISH GRADES AND LANDSCAPING), WATER, SEWER, AND OTHER  
6 IMPROVEMENTS THAT MAY BE DEEMED NECESSARY MINIMUM IMPROVEMENT. REQUIRES ALL TESTING RESULTS  
7 AND REDLINE DRAWINGS BE SUBMITTED TO THE CITY PRIOR TO THE MINIMUM IMPROVEMENT INSPECTION.  
8 PROHIBITS THE INSTALLATION OF ASPHALT PRIOR TO THE MINIMUM IMPROVEMENT INSPECTION. CLARIFIES THE  
9 FOLLOWING MANDATORY APPROVAL STAGES: PRECONSTRUCTION, MINIMUM IMPROVEMENTS, SUBSTANTIAL  
10 COMPLETION, FINAL AND WARRANTY. REQUIRES SECURITY BONDS BE INCREASED IF THE ACTUAL BID IS HIGHER  
11 THAT THE ENGINEER'S ESTIMATES.  
12

13 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules  
14 and may enter into other forms of land use controls . . .” and  
15

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

- 23 • Providence City staff prepared the attached code amendment.
- 24 • Planning Commission studied the proposed amendment and prior to making a  
25 recommendation, held a public hearing on October 10, 2018.
- 26 • Providence City Planning Commission took the following action on October 10, 2018:  
27 ***Item No. 1. Proposed Code Amendments.*** *The Providence Planning Commission will consider for*  
28 *recommendation to the City Council approval of amendments to Providence City Code for the following:*  
29 *10-8-5:Commercial Zoned Districts-Site Development*  
30 *10-9-4 Frontages: Curb, Gutter, and Sidewalk*  
31 *Improvements should be made in accordance with city standards including but limited to Providence City*  
32 *standards and specifications manual*  
33 *Pre-construction meeting*  
34 *11-3-3 Final Plat*  
35 *11-5 Public Improvements Inspection report and/or punch list*  
36 *Motion to recommend the City Council approve the amendments to Providence City Code for 10-8-5,10-9-*  
37 *4,11-3-3 and 11-5 – B Perry, second – J Parker*  
38 *Vote:*  
39 *Yea: B Perry, G Sonntag, R Holloway, J Parker*  
40 *Nay: None*  
41 *Abstained:*  
42 *Excused: R Cecil*  
43 *Excused Alternate:*  
44 • The City Council considered the following:  
45 Findings of Fact:  
46 ○ Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning

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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.

Conclusions of Law:

- The proposed amendment has been processed in accordance with the Finding of Facts.

Conditions:

- None

THEREFORE be it ordained by the Providence City Council

- The attached 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 or 30 days after final passage, whichever is closer to the date of final passage.

Ordinance adopted by vote of the Providence City Council this 23 day of October 2018.

Council Vote:

Allen, Kirk	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Eck, Kristina	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Fresz, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Signed by Mayor John Drew this 23 day of October 2018.

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder

