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3 **Ordinance No. 2019-017A**

4 AN ORDINANCE CHANGING THE ZONE FOR PARCEL NO. 02-098-0010, GENERALLY KNOWN AS 32 EAST
5 CENTER, PROVIDENCE UT. THE PROPERTY IS CURRENTLY ZONE COMMERCIAL GENERAL DISTRICT (CGD);
6 THE APPLICANT IS REQUESTING MULTI-FAMILY MEDIUM (MFM).

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

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

- 17 • Providence City received a rezone application on August 21, 2019 from Ralph Call, agent for
18 Pioneer Builders Company, requesting the zone for the north portion of Parcel No 02-098-0010
19 be changed from CGD to MFM.
- 20 • Planning Commission studied the proposed zone change and held a public hearing prior to
21 making a recommendation.
- 22 • The Planning Commission considered the following:

23 **FINDINGS OF FACT:**

- 24 1. Executive Staff used the Providence City Master Plan 2000 as revised, and also examined
25 current and anticipated development in the immediately surrounding area, to review the
26 application.
- 27 2. PCC 10-1-5 Amendments, Changes: B. Zoning Change: Any change of zoning shall be by a
28 vote of the City Council with at least three (3) Council members voting in favor of said
29 change. Such action shall be taken only after a recommendation concerning such request
30 for zoning change is received from the Planning Commission or after the time for response
31 has elapsed, after public notification, and after a public hearing is held in accordance with
32 State law.
- 33 3. UCA § 10-9a-501 states
34 (1) Only a legislative body, as the body authorized to weigh policy considerations, may enact
35 a land use regulation.
36 (2)
37 (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
38 regulation only by ordinance.
39 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
40 imposes a fee.
41 (3) A legislative body shall ensure that a land use regulation is consistent with the purposes
42 set forth in this chapter.
43 (4)
44 (a) A legislative body shall adopt a land use regulation to:
45 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and
46 (ii) designate general uses allowed in each zoning district.
- 47 4. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing
48 on a proposed land use regulation; and review and recommend to the legislative body a
49 proposed land use regulation that represent the planning commission's recommendation.
- 50 5. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the
51 zoning district; or (c) any other provision of a land use ordinance.
- 52 6. UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has
53 jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to

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carry out the purposes of this chapter.

- 7. 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.

CONCLUSIONS OF LAW:

- 1. Using the Cache County Parcel Zoning Viewer and the map submitted by the applicant, the applicant is requesting a rezone of approximately 15,686 sq. ft. MFM allows 12 units per net acre (net acre = gross acreage minus right-of-way (ROW) and infrastructure [Infrastructure is defined to include rights-of-way, PUB and REC districts within development]). Total acreage: 0.36 acre (15,686 sq. ft.) minus ROW and infrastructure (none of the available acreage will be required for ROW and infrastructure) = Total net acreage: 0.36 (15,686 sq. ft.) 0.36 acres at 12 units per acres would allow a maximum of 4.32 units.
- 2. The Providence City Master Plan list Principles Governing the Master Plan 2000, including but not limited to the following:
 - Develop mixed-use neighborhoods (retail, commercial, and a full range of housing opportunities).
 - Strengthen the economic base of the community by encouraging the growth of a quality commercial area.
 - Focus prime development opportunities on strong retail facilities that generate sales taxes.

This request is in harmony with the above principles.

- 3. The application is being processed in accordance with State and City codes.

CONDITIONS:

- 1. The applicant shall continue to meet all applicable City, state and federal laws, codes, rules.
 - On October 9, 2019, the Providence City Planning Commission recommended the City Council approve the zone change.

THEREFORE be it ordained by the Providence City Council:

- The rezone request filed by Ralph Call, agent for Pioneer Builders Company shall be granted and the zone change for the north portion of Parcel No. 02-098-0010 from CGD to MFM 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 22 day of October 2019.

Council Vote:

Allen, Kirk	(x) Yes	() No	() Excused	() Abstained	() Absent
Eck, Kristina	(x) Yes	() No	() Excused	() Abstained	() Absent
Fresz, Brent	(x) Yes	() No	() Excused	() Abstained	() Absent
Giles, Dennis	(x) Yes	() No	() Excused	() Abstained	() Absent
Sneddon, Roy	(x) Yes	() No	() Excused	() Abstained	() Absent

1 Signed by Mayor John Drew this 2 day of December 2019.

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Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder



Parcel Map

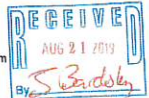
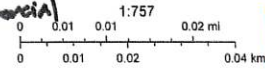
Apply to Rezone Multi Family Medium



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- Parcel Tax ID Label
- County Centerline
- County Boundary
- State Roads
- Municipal Boundaries
- Cache Parcels

Remain Commercial



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13