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Ordinance No. 2019-018

AN ORDINANCE AMENDING PROVIDENCE CITY CODE (PCC) TITLE 10 ZONING REGULATIONS, CHAPTER 1, SECTION 5 AMENDMENTS AND CHANGES BY ADDING INFORMATION REQUIRED WITH A REZONE APPLICATION.

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.

- City staff feels certain information is necessary to review and process an application to rezone property.
- City staff would like to standardize the information required with an application to rezone property.
- City staff has prepared the attached code amendment that lists the information required with a rezone application.
- Planning Commission studied the proposed amendment and held a public hearing prior to making a recommendation.
- The Planning Commission considered the following:

FINDINGS OF FACT:

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. UCA § 10-9a-102 Purposes -- General land use authority.
(1) The purposes of this chapter are to:
(a) provide for the health, safety, and welfare; (b) promote the prosperity; (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses; (d) protect the tax base; (e) secure economy in governmental expenditures; (f) foster the state's agricultural and other industries; (g) protect both urban and nonurban development; (h) protect and ensure access to sunlight for solar energy devices; (i) provide fundamental fairness in land use regulation; (j) facilitate orderly growth and allow growth in a variety of housing types; and (k) protect property values.
3. UCA § 10-9a-501(2) . . . a legislative body may enact a land use regulation only by ordinance.
4. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use regulation; review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and forward to the legislative body all objections filed.
5. UCA 10-9a-503(1) Only a legislative body may amend: (a) the number, shape, boundaries, area, or general uses of any zoning district; (b) any regulation of or within the zoning district; or (c) any other provision of a land use regulation.

CONCLUSIONS OF LAW:

1. The proposed code amendment is consistent with the purposes listed in UCA § 10-9a-102.
2. The Planning Commission reviewed and made recommendations to the draft code amendment. The attached draft includes the Planning Commission's recommendations.

CONDITIONS:

1. That the proposed code amendment continue to be processed in accordance with State and City codes and regulations.
- On October 9, 2019, the Providence City Planning Commission recommended the City Council approve the code amendment.

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.
- The City Code shall be amended to reflect the changes.
- 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	<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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input 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 4 day of November 2019.

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, Recorder



1 10-1-5: **AMENDMENTS, CHANGES:**

2
3 A. Zoning Title: Changes and amendments to this Zoning Title shall be done in accordance
4 with State law.

5
6 B. Zoning Change: Any change of zoning shall be by a vote of the City Council with at least
7 three (3) Council members voting in favor of said change. Such action shall be taken
8 only after a recommendation concerning such request for zoning change is received
9 from the Planning ~~and Zoning~~ Commission or after the time for response has elapsed,
10 after public notification, and after a public hearing is held in accordance with State law.
11 (Zon. Ord., 5-8-1991)

12 1. **Application for Rezone.** A complete application must include the following:

- 13 a. Payment of the application fee established by resolution.
- 14 b. Written statement of the purpose for the rezone.
- 15 c. Combined legal description of the area(s) proposed for rezone.
- 16 d. Map showing the area(s) proposed for rezone, including the general
17 location of all non-developable sensitive areas, all potentially
18 developable sensitive areas, existing infrastructure (including but not
19 limited to: roads, water mains, sewer mains, storm water facilities,
20 parks, etc.), and any proposed infrastructure shown in the City's general
21 plan and associated maps.
- 22 e. Names and addresses for affected entities, as defined by UCA 10-9a-
23 103.
- 24 f. Names and addresses for adjacent property owner(s) as defined by
25 Providence City Code 10-1-6:B.2.
- 26 g. Applicants are encouraged, but not required, to provide information
27 about the type of housing, the layout of the development, etc. for the
28 benefit of the Planning Commission.
29