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3 **Ordinance No. 2020-008**

4 AN ORDINANCE CHANGING THE ZONE OF PARCEL NO.S 02-212-0004, 02-212-0005, AND 02-171-0001
5 FROM COMMERCIAL GENERAL DISTRICT (CGD) TO MIXED USE DISTRICT (MXD), LOCATED IN THE GENERAL
6 AREA OF 265 N GATEWAY DR AND 565 W 100 N, CONTAINING APPROXIMATELY 7.89 ACRES.

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 • UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a
18 proposed land use ordinance or zoning map; and prepare and recommend to the legislative body
19 a proposed land use ordinance and zoning map that represent the planning commission’s
20 recommendation.
- 21 • Planning Commission studied the proposed amendment and held a public hearing on August 26,
22 2020 prior to making a recommendation.
- 23 • The Planning Commission considered the following:
 - 24 ○ The vision and key initiatives of the Providence City General Plan 2020; and

25 **FINDINGS OF FACT:**

- 26 1. Utah Code (UCA) 10-9a-505: The legislative body may divide the territory over
27 which it has jurisdiction into zoning districts of a number, shape, and area that it
28 considers appropriate to carry out the purposes of Utah Code Title 10 Chapter 9a.
- 29 2. UCA 10-9a-302(1)(b)(ii): The planning commission shall review and make a
30 recommendation to the legislative body for amendments to existing land use
31 regulations.
- 32 3. UCA 10-9a-302(2): Before making a recommendation to a legislative body on an
33 item described in Subsection (1)(a) or (b), the planning commission shall hold a
34 public hearing in accordance with Section 10-9a-404.
- 35 4. Providence City Code (PCC) 10-4-1 established the City’s zoning districts.
- 36 5. The Providence City General Plan 2020 and current and anticipated development in
37 the immediately surrounding area, were considered in the review of the
38 application.
- 39 6. PCC 10-5 defines and lists the regulations for sensitive areas.
- 40 7. PCC 10-6-1 lists the uses designated in each zone.
- 41 8. PCC 10-8-1 lists the area regulations designated in each zone.

42 **CONCLUSIONS OF LAW:**

- 43 1. Providence City has divided the city into zoning districts.
- 44 2. The Planning Commission will need to hold a public hearing prior to making a
45 recommendation on this request to amend an existing land use regulation.
- 46 3. The City’s zoning districts include the Commercial General district (CGD) and the
47 Mixed Use District (MXD).
- 48 4. The General Plan vision and key initiatives are listed above the Findings of Facts in
49 this report. This property is currently zoned CGD. The General Plan map Future Re-
50 Zoning of Existing Districts & Annexed Area does not anticipate this property zone
51 changing from CGD.
- 52 5. *PCC 10-5-2:A. lists the following areas as non-developable:

- jurisdictional wetlands as defined by the US Army Corps of Engineers,
 - steep slopes where the rise or fall of the land is equal to or exceeds 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - natural waterways or open water, including but not limited to rivers, creeks or streams.
6. *PCC 10-5-2:A. lists the following areas as potentially developable:
 - a. steep slopes where the rise or fall of the land is between 20% and 30% over a horizontal distance of 50' or greater measured perpendicular to the contour lines
 - b. floodplains as defined in PCC 10-16-3
 - c. crucial wildlife habitat areas as identified by the State Division of Wildlife Resources
 - d. geological hazard area earthquake fault lines or area prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS)
 - e. wildfire hazard areas of the city designated as having moderate to extreme potential for wildfire
 7. *PCC 10-5-2:B.2.&3. The lands within potentially developable sensitive areas may be developed and built upon, subject to the requirements if this section and other applicable city, state, and federal requirement; and may be considered for development density at the discretion of the Providence City Planning Commission based on recommendations from professional(s) with expertise in the filed being discussed.

*The Cache County GIS Parcel Survey does not confirm sensitive areas exist, it only lists areas that may require further analysis.
 8. The abbreviated tables from PCC 10-6-1 and 10-8-1 compare the uses and area regulations for the MXD and CGD districts.

CONDITIONS:

1. The applicant shall meet all applicable City, state and federal laws, codes, rules. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

- Providence City Planning Commission took the following action on August 26, 2020:

Legislative – Action Item(s):

Legislative – Action Item(s):

Item No. 1. 6:00 PM: Rezone: *The Planning Commission will consider a recommendation to the City Council for the proposed zone change for Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr. and 565 W 100 N, containing approximately 7.89 acres*

Motion to recommend to the City Council to rezone Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 from Commercial General District (CGD) to Mixed Use District (MXD), located in the general area of 265 N Gateway Dr. and 565 W 100 N, containing approximately 7.89 acres

— R Cecil, second — B Perry

Vote:

Yea: K Alder, R Cecil, B Perry

Nay:

Abstained: J Chambers

Excused: L Banda, M Fortune

THEREFORE be it ordained by the Providence City Council

- The zone for Parcel No.s 02-212-0004, 02-212-0005, and 02-171-0001 shall be changed from CGD to MXD based on the recommendation of the Planning Commission and the findings of fact,


- 1 conclusions of law, and conditions listed above.
 2 • This ordinance shall become effective immediately upon passage and posting or 30 days after
 3 final passage, whichever is closer to the date of final passage.
 4

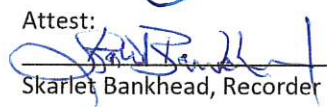
5 Passed by vote of the Providence City Council this 16 day of September 2020.
 6

7 Council Vote:

8 Eck, Kristina	(X) Yes	() No	() Excused	() Abstained	() Absent
9 Kirk, Carrie	(X) Yes	() No	() Excused	() Abstained	() Absent
10 Paulsen, Joshua	() Yes	(X) No	() Excused	() Abstained	() Absent
11 Sealy, Jeanell	(X) Yes	() No	() Excused	() Abstained	() Absent
12 Speth, Brent	(X) Yes	() No	() Excused	() Abstained	() Absent

13
 14 Signed by Mayor John Drew this 22nd day of September 2020.
 15

16 Providence City
 17 
 18
 19 John Drew, Mayor
 20

21 Attest:
 22 
 23 Skarlet Bankhead, Recorder
 24
 25

