

1
2
3 **Ordinance No. 2020-009**

4 AN ORDINANCE CHANGING THE ZONE FOR THE SOUTHEAST PORTION OF PARCEL NO. 02-101-0001 FROM
5 SINGLE-FAMILY LARGE (SFL) TO SINGLE-FAMILY TRADITIONAL (SFT), LOCATED IN THE GENERAL AREA OF
6 80 N SHERWOOD DR. (800 E), CONTAINING APPROXIMATELY 6.10 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 which it has
27 jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to
28 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 recommendation to
30 the legislative body for amendments to existing land use regulations.
- 31 3. UCA 10-9a-302(2): Before making a recommendation to a legislative body on an item described
32 in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
33 with Section 10-9a-404.
- 34 4. Providence City Code (PCC) 10-4-1 established the City's zoning districts.
- 35 5. The Providence City General Plan 2020 and current and anticipated development in the
36 immediately surrounding area, were considered in the review of the application.
- 37 6. PCC 10-5 defines and lists the regulations for sensitive areas.
- 38 7. PCC 10-6-1 lists the uses designated in each zone.
- 39 8. PCC 10-8-1 lists the area regulations designated in each zone.

40 **CONCLUSIONS:**

- 41 1. Providence City has divided the city into zoning districts.
 - 42 2. The Planning Commission is holding a public hearing prior to making a recommendation on this
43 request to amend an existing land use regulation.
 - 44 3. The City's zoning districts include the SFL and the SFT districts.
 - 45 4. The General Plan vision and key initiatives are listed above the Findings of Facts in this report.
46 This property is currently zoned SFL (see Illustration A). The General Plan map Future Re-Zoning
47 of Existing Districts & Annexed Area does not anticipate this property zone changing from SFL
48 (see Illustration B. In this illustration, white represents no change).
- 49
50
51
52

1
2

Illustration A – Current Zoning

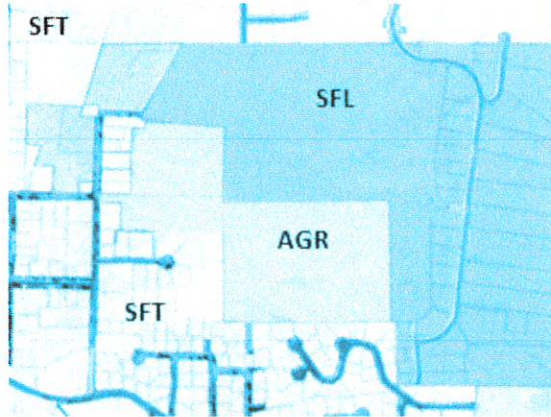
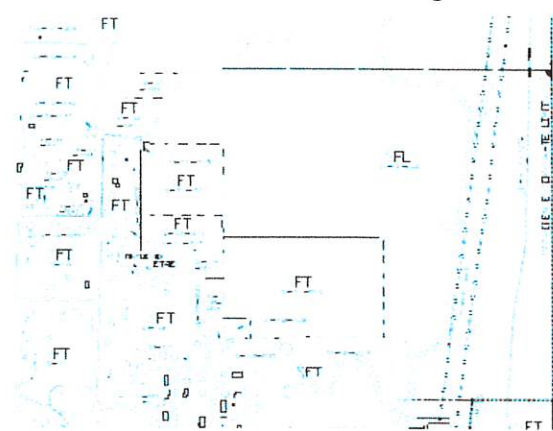
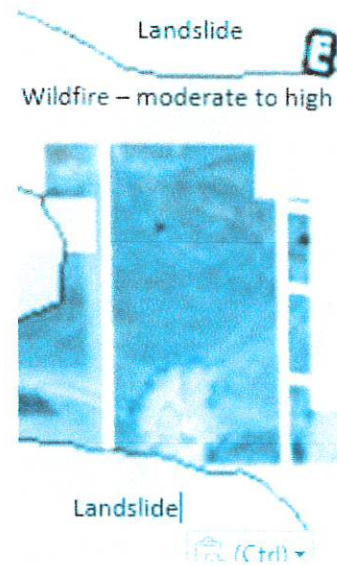


Illustration B – Future Zoning



3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- 5. *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
- 6. *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.



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 May 27, 2020:
Legislative – Action Item(s):
Item No. 2. Rezone: *The Planning Commission will consider a recommendation to the City Council for the proposed zone change for the southeast portion of Parcel No. 2-101-0001 from Single-Family Large (SFL) to Single-Family Traditional (SFT), located in the general area of 80 N Sherwood Dr. (800 E), containing approximately 6.10 acres*
Motion that the Planning Commission consider a recommendation to the City Council for the proposed zone change for the southeast portion of Parcel No. 2-101-0001 from Single Family Large to Single Family Traditional: — B Perry, second — R Cecil
Vote:
Yea: K Alder, R Cecil, B Perry
Nay:

41

1 Abstained: J Chambers
2 Excused: L Banda, M Fortune
3

4 THEREFORE be it ordained by the Providence City Council

- 5 • The zone for the southeast portion of parcel no. 02-101-0001 containing approximately 6.10
6 acres shall be changed from SFL to SFT based on the recommendation of the Planning
7 Commission and the findings of fact, conclusions of law, and conditions listed above.
- 8 • This ordinance shall become effective immediately upon passage and posting or 30 days after
9 final passage, whichever is closer to the date of final passage.

10
11 Passed by vote of the Providence City Council this 16 day of September 2020.
12

13 Council Vote:

14 Eck, Kristina	(X) Yes	() No	() Excused	() Abstained	() Absent
15 Kirk, Carrie	(X) Yes	() No	() Excused	() Abstained	() Absent
16 Paulsen, Joshua	(X) Yes	() No	() Excused	() Abstained	() Absent
17 Sealy, Jeanell	(X) Yes	() No	() Excused	() Abstained	() Absent
18 Speth, Brent	(X) Yes	() No	() Excused	() Abstained	() Absent

19
20 Signed by Mayor John Drew this 22nd day of September 2020.

21
22 Providence City

23
24
25 John Drew, Mayor

26
27 Attest:

28
29 Skarlet Bankhead, Recorder
30
31

