

1 **Ordinance No. 03-2023**

2
3 AN ORDINANCE GRANTING THE ANNEXATION PETITION AND ASSIGNING
4 THE ZONE OF R-1-12, FOR PARCEL 02-117-0022 LOCATED IN THE GENERAL
5 AREA OF 600 S GARDEN DR. PROVIDENCE UT AND CONSISTING OF +/- 10 AC.
6

7 **WHEREAS**, Ty Cameron, the duly appointed and acting City Recorder of Providence City,
8 Cache County, Utah did hereby receive a Petition for Annexation which was filed with the City
9 by Michael Jewell, representative of Providence 10 LLC.

10
11 **WHEREAS**, the property described in the annexation petition contains Parcel No. 02-117-0022
12 Boundary Description as follows:

13
14 **02-117-0022**

15
16 **Legal Description: ALL LOT 2 BLK 3 PLAT D PROVIDENCE FARM SVY NW/4 SEC 15 T**
17 **11N R 1E 10 AC B994**

18
19
20 **WHEREAS**, the Petition was accepted by the Providence City Council for further consideration
21 pursuant to UTAH CODE ANN. § 10-2-405 by Resolution 05-2023 adopted and passed by the City
22 Council on March 15th, 2023; and

23
24 **WHEREAS**, Ty Cameron did certify, based on information received from Cache County and in
25 consultation with the Providence City Attorney, that the Petition met the requirement of UTAH
26 CODE ANN. Subsections 10-2-403(3), (4), and (5), and on March 31st, 2023, did give Notice to the
27 Providence City Council, the Contact Sponsor for said Petition, and Cache County of
28 Certification; and

29
30 **WHEREAS**, pursuant to UTAH CODE ANN. § 10-2-406, Ty Cameron did give Notice of
31 Certification of Annexation Petition to each affected entity; and

32
33 **WHEREAS**, the Notice of Annexation was posted on the City's website, State Public Notice
34 Website, City Offices, City Post Office, and Vons Baer City Park on March 31st, 2023.

35
36 **WHEREAS**, No formal protests were made during the 30 day objection period

37
38 **WHEREAS** the Providence City Council advertised and held a public hearing, in accordance
39 with UTAH CODE ANN. § 10-2-407(7), on May 17th, 2023; and

40
41 **WHEREAS**, Providence City desires to provide for the health, safety, and welfare, and promote
42 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
43 and its present and future inhabitants and businesses, to protect the tax base, to secure economy in
44 governmental expenditures, to foster the state's agricultural and other industries, to protect both
45 urban and nonurban development, to protect and ensure access to sunlight for solar energy
46 devices, to provide fundamental fairness in land use regulation, and to protect property values in
47 areas that may be considered sensitive, including but not limited to fire danger, slope, soil
48 content, by following its Annexation Policy Plan and its General Plan; and
49

1 **WHEREAS**, Utah Code Ann. § 10-9a-506(1) states that the legislative body of each municipality
2 shall assign a land use zone or a variety thereof to territory to territory annexed to the
3 municipality at the time the territory is annexed; and Providence City Code 10-3-6:A. states that
4 new areas annexed into the City shall be annexed into the City as agricultural, or as an already
5 defined zone per the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the
6 City of Providence, Utah;" any other zoning proposal shall be submitted to the Planning
7 Commission for consideration and recommendation to the City Council; and

8
9 **WHEREAS**, the Petitioner’s are requesting the zone designation of Single-Family Traditional
10 (R-1-12) and Multi-Family Medium (R-M-12)

11
12 **WHEREAS**, the Planning Commission held a public hearing regarding the zoning of this parcel
13 on April 12th, 2023, and came to the following motion and recommendation:

14
15 *Motion to recommend to the City Council that Providence 10 LLC parcel 02-117-0022*
16 *be zoned as R-1-12 in its entirety – Joe Chambers. 2nd – Shelly Nazer.*

17 *Vote:*
18 *Yea- Shelly Nazer, Brian Marble, Michael Fortune, Bob Washburn & Joe Chambers.*

19 *Ney-*

20 *Abstained-*

21 *Absent- Tyler Riggs*

22

23 *Motion passes.*

24

25 **THEREFORE, BE IT ORDAINED** that the Providence City Council:

- 26 • Grants the Petition for Annexation filed by Providence 10 LLC.; and
- 27 • The Providence City Corporate limits will be modified to include said property as
- 28 described above; and
- 29 • The annexed parcel shall be zoned as R-1-12, and
- 30 • The Providence City Zoning Map shall also be changed to include the properties as
- 31 described and zoned above; and
- 32 • This Ordinance will become effective immediately upon passage and certification from
- 33 the Lt. Governor’s Office.

34

35 Passed by vote of the Providence City Council this 17th day of May 2023.

36

37 Council Vote:

38 Nebeker, Jeff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
39 Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
40 Paulsen, Joshua	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
41 Sealy, Jeanell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
42 Speth, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

43

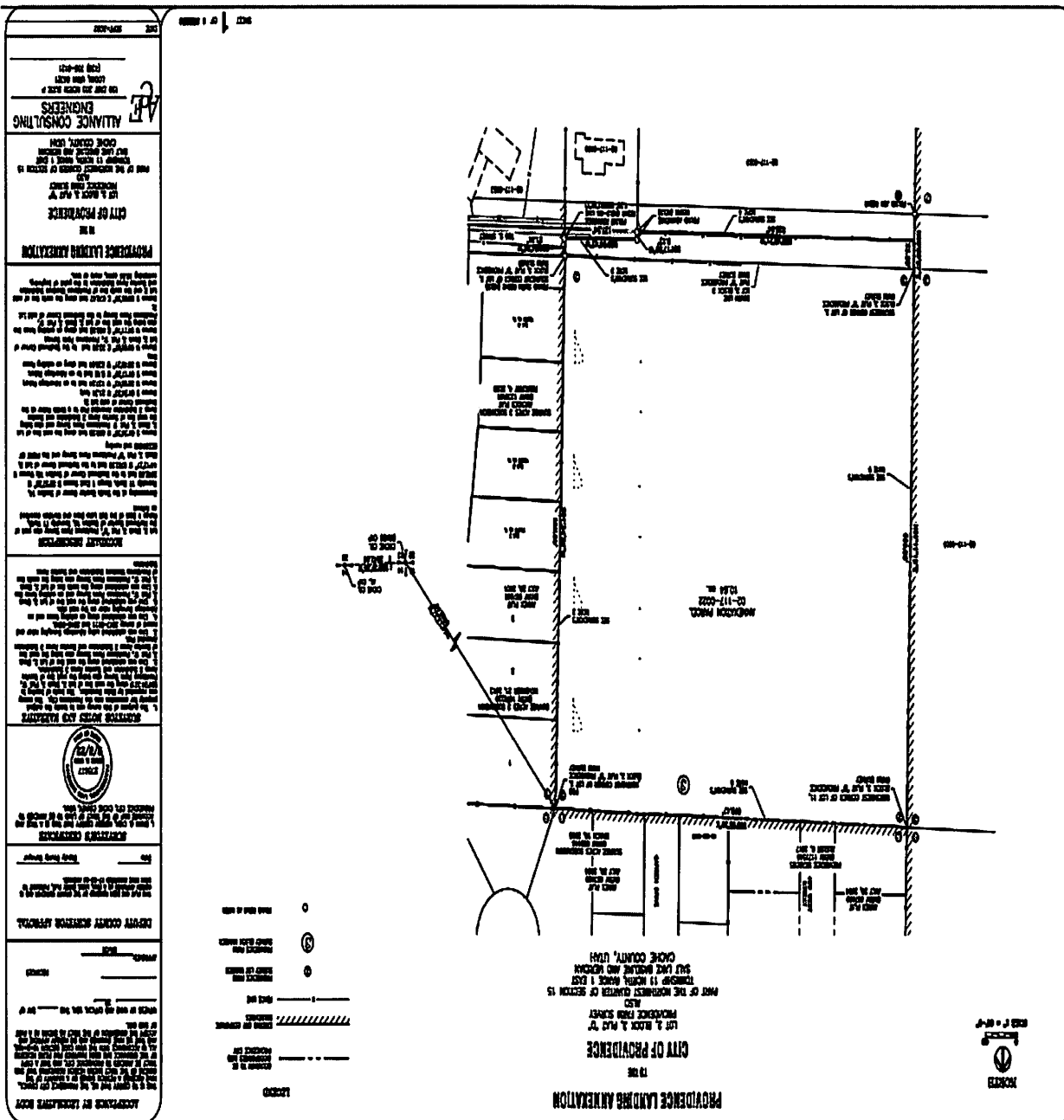
44

45 Providence City

46

47 

48 _____
49 Kathleen W Alder, Mayor



PROVIDENCE LANDMARKS ANNEXATION
 CITY OF PROVIDENCE
 CHOCOMA A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
 LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

7
6
5
4
3
2
1

Tyler Cameron, City Recorder

Attest: