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3 **Ordinance No. 2016-012**

4 AN ORDINANCE AMENDING THE PROVIDENCE CITY ZONING DISTRICT(S) AND ZONING MAP BY CHANGING  
5 THE ZONE OF PARCEL NO. 02-115-0022, GENERALLY LOCATED AT 1100 SOUTH 400 EAST, FROM  
6 AGRICULTURAL (AGR) TO SINGLE-FAMILY LARGE.

7 WHEREAS on March 01, 2016, Sierra Homes, LLC filed an application requesting the Agricultural (AGR)  
8 Zone be changed to Single-Family Medium for Parcels No. 02-115-0022, generally located at 1100 South  
9 400 East.

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

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

- 21 • UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a  
22 proposed land use ordinance or zoning map; and prepare and recommend to the legislative body  
23 a proposed land use ordinance and zoning map that represent the planning commission's  
24 recommendation.
- 25 • Planning Commission studied the proposed amendment and held a public hearing on April 13,  
26 2016, prior to making a recommendation.
- 27 • The Planning Commission considered the following:

28 FINDINGS OF FACT:

- 29 ○ Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning  
30 Title shall be done in accordance with state law.
- 31 ○ UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has  
32 jurisdiction into zoning districts of a number, shape, and area that it considers  
33 appropriate to carry out the purposes of this chapter.
- 34 ○ UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement  
35 for a zone designation. (b) Neither the size of a zoning district nor the number of  
36 landowners within the district may be used as evidence of the illegality of a zoning  
37 district or of the invalidity of a municipal decision.
- 38 ○ UCA § 10-9a-102 Purposes -- General land use authority.
- 39 ○ *The purposes of this chapter are to provide for the health, safety, and welfare, and*  
40 *promote the prosperity, improve the morals, peace and good order, comfort,*  
41 *convenience, and aesthetics of each municipality and its present and future inhabitants*  
42 *and businesses, to protect the tax base, to secure economy in governmental*  
43 *expenditures, to foster the state's agricultural and other industries, to protect both*  
44 *urban and nonurban development, to protect and ensure access to sunlight for solar*  
45 *energy devices, to provide fundamental fairness in land use regulation, and to protect*  
46 *property values.*
- 47 ○ *To accomplish the purposes of this chapter, municipalities may enact all ordinances,*  
48 *resolutions, and rules and may enter into other forms of land use controls and*  
49 *development agreements that they consider necessary or appropriate for the use and*  
50 *development of land within the municipality, including ordinances, resolutions, rules,*  
51 *restrictive covenants, easements, and development agreements governing uses, density,*  
52 *open spaces, structures, buildings, energy efficiency, light and air, air quality,*  
53 *transportation and public or alternative transportation, infrastructure, street and*

1 building orientation and width requirements, public facilities, fundamental fairness in  
2 land use regulation, considerations of surrounding land uses and the balance of the  
3 foregoing purposes with a landowner's private property interests, height and location of  
4 vegetation, trees, and landscaping, unless expressly prohibited by law.

- 5 ○ UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning  
6 map consistent with the purposes set forth in in this chapter.
- 7 ○ UCA § 10-9a-502 Requires the planning commission provide notice and hold a public  
8 hearing on a proposed land use ordinance or zoning map; and prepare and recommend  
9 to the legislative body a proposed land use ordinance and zoning map that represent  
10 the planning commission's recommendation.
- 11 ○ UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the  
12 zoning district; or (c) any other provision of a land use ordinance.

13 CONCLUSIONS OF LAW:

- 14 ○ The proposed code amendment has been processed consistent with the above Findings  
15 of Fact.

16 CONDITIONS:

- 17 ○ None
- 18 • Providence City Planning Commission took the following action on April 27, 2016:  
19 *Motion to recommend to city council that the rezone of the 18.81 acres owned by Benstock, LLC*  
20 *be rezoned from AGR to no smaller than SFL: R James, second – R Cecil*  
21 *S Bankhead said lot size flexibility is allowed, so some lots will be smaller than 20,500 sf,*  
22 *but none will be smaller than 12,000 sf.*

23 *Vote: Yea: R Cecil, M Harbin, R James, L Raymond, W Simmons*  
24 *Nay: None*  
25 *Abstained: None*  
26 *Excused: None*  
27

28 THEREFORE be it ordained by the Providence City Council:

- 29 • The request for rezone for Parcels No. 02-115-0022, generally located at 1100 South 400 East,  
30 from AGR to SFM shall be denied and the AGR zone shall be changed to Single-Family Large (SFL)  
31 based on the findings of fact, conclusions of law, and conditions listed above and the  
32 recommendation of the Providence City Planning Commission.
- 33 • This ordinance shall become effective immediately upon passage and posting.  
34

35 Ordinance adopted by vote of the Providence City Council this 10 day of May 2016.

36 Council Vote:

37 Allen, Kirk	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
38 Baldwin, Jeff	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
39 Drew, John	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
40 Giles, Dennis	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
41 Sneddon, Roy	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

42  
43 Signed by Mayor Don W Calderwood this 22 day of July 2016.

44  
45 Providence City

46   
47  
48 Don W. Calderwood, Mayor

49  
50 Attest:

51   
52 Skarlet Bankhead, Recorder



SW<sup>4</sup>Section 14 Township 11 North Range 1 East

02  
118

Scale 1 Inch = 200 FEET

TAX UNIT 09

