

**ORDINANCE 21-04**

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 16 “SUBDIVISION REGULATIONS”, SECTION 16.04.050 “GENERAL RESPONSIBILITIES”, SECTION 16.04.070 “REQUIRED CERTIFICATES, PERMITS AND REVIEWS”, SECTION 16.04.080 “FEES”, SECTION 16.06.010 “GENERAL PURPOSE”, SECTION 16.07.020 “CONCEPT PLAN”, SECTION 16.07.030 “PRELIMINARY PLAN”, SECTION 16.05.040 “SUBDIVISION TECHNICAL REVIEW COMMITTEE (STRC) AND TITLE 17 “ZONING REGULATIONS”, SECTION 17.84.030 “SUBDIVISION REQUIREMENTS”, SECTION 17.88.090 “APPROVAL PROCESS”, SECTION 17.88.100 “APPROVAL OF CONCEPTUAL PLAN REVIEW AND PUD OVERLAY ZONE” AND SECTION 17.88.130 “FINAL PUD PLAN APPROVAL”.**

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

**16.04.050 GENERAL RESPONSIBILITIES**

- A. The subdivider shall prepare ~~concept~~ plans and plats consistent with the standards contained in the most current version of the [Smithfield City Manual of Design and Construction Standards](#) and shall pay for the design, construction and inspection of the public improvements required. The city shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the subdivider has obtained the necessary approvals as outlined herein.

**16.04.070 REQUIRED CERTIFICATES, PERMITS AND REVIEWS**

- A. **Application:** Applications for each of the separate stages of subdivision approval (~~concept plan~~, preliminary plat, and final plat) shall be made to the city's planning department. Applications shall be made on the respective forms provided and shall be accompanied by the proper fee and by the documents and information required by this chapter.

#### **16.04.080 FEES**

Any and all persons requesting approval on a subdivision ~~concept plan~~, preliminary plat, final plat, minor subdivision, and plans and specifications for the construction of improvements shall first have paid all fees according to the most current prevailing fee schedule adopted by resolution of the Smithfield City council. Said fee schedule is an office checking and field engineering fee to be payable to the city at the time of each of the above named submittals. In the event the original submittal is not approved and a second, third, etc., submittal is required, a fee shall be paid to the city on an hourly basis for time incurred in checking and approving said submittal.

#### **16.06.010 GENERAL PURPOSE**

The intent of the minor subdivision process is to allow for small subdivisions to be processed as quickly as possible. In this process, ~~the concept plan~~, preliminary and final plats required of major subdivisions, are either eliminated, simplified or combined.

#### **~~16.07.020~~ CONCEPT PLAN**

~~Before dividing any tract of land into lots, a subdivider shall first prepare a concept plan meeting the requirements of SMC 16.05 of this title. The concept plan shall be submitted to the planning commission for consideration and approval.~~

#### **16.07.030 PRELIMINARY PLAT**

After receiving approval of the concept plan from the ~~planning commission~~ **STRC (Subdivision Technical Review Committee)**, the subdivider shall file an application for preliminary plat approval on a form prescribed by the city, together with one (1) electronic version and one (1) 24" x 36" hard copy of the preliminary plat and one (1) reduced eleven by seventeen inch (11 x 17") hard copy to the Smithfield planning department for approval by the planning commission. Submittals shall be made with the appropriate filing fee and must be made a minimum of twenty (20) days prior to the next regularly scheduled meeting of the planning commission. The preliminary plat must be prepared in accordance with the provisions of such plats as outlined in SMC 16.09 of this title.

#### **17.84.030 SUBDIVISION REQUIREMENTS**

- A. For intrablock developments, the provisions of the subdivision ordinance shall be satisfied upon obtaining the approval of a final plat as required under SMC 16.12 of this code. The submitting and approval of a ~~concept drawing~~ or preliminary plat shall not be required.

**17.88.090 APPROVAL PROCESS**

A PUD is reviewed in a ~~three (3)~~ **two (2)** step process: ~~conceptual plan review and overlay zoning,~~ preliminary plan review **and overlay zoning**, and final plan review.

**17.88.100 APPROVAL OF CONCEPTUAL PLAN REVIEW AND PUD OVERLAY ZONE**

- A. ~~Any request for the approval of a PUD overlay zone designation must be made concurrently with the review of a conceptual PUD plan.~~
- B. ~~The conceptual PUD plan review examines the PUD concept plan with respect to such items as density, including the number, type, and location of dwelling and nondwelling units; parking and circulation; adequacy of services; and the impact of the proposed PUD on surrounding areas.~~
- C. ~~All requests for a PUD overlay zone by the planning commission shall be in accordance with SMC 17.08.040 of this title. Following the planning commission's review of the PUD overlay zone request and the conceptual plan, the planning commission shall forward a recommendation to the city council.~~
- D. ~~The city council shall review the proposed rezone and conceptual PUD plan request in accordance with SMC 17.08.040 of this title.~~
- E. ~~Conceptual approval and PUD overlay zoning will only be granted when there is a reasonable certainty that the PUD will fulfill the requirements of the general plan, this code and the city development guidelines and design standards.~~
- F. ~~The conceptual plan shall be submitted to and approved by the planning commission and city council as outlined above and shall contain the following information:~~
  - 1. ~~A legal description.~~
  - 2. ~~Lot configurations, lot area, lot slope and buildable area if applicable.~~
  - 3. ~~Contour lines.~~
  - 4. ~~Street configuration, centerline slope, and cross section.~~
  - 5. ~~Location of all cuts and fills.~~
  - 6. ~~Existing public utilities.~~
  - 7. ~~Proposed stormwater, culinary and irrigation water, and sanitary sewer systems.~~
- G. ~~Approval of a conceptual PUD plan shall require the following findings:~~
  - 1. ~~The proposed development is consistent with the standards of the general plan;~~
  - 2. ~~In cases of a residential PUD, the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the provisions of the underlying residential zone;~~

3. ~~The proposed development creates no detriment to adjacent properties nor to the general area in which it is located; and it will be in substantial harmony with the character of existing development in the area;~~
4. ~~The PUD project will provide more efficient use of the land and more usable open space than a conventional development permitted by the underlying zone;~~
5. ~~Any variations allowed from the development standards of the underlying zone will not create increased hazards to the health, safety, or general welfare of the public within the proposed planned unit development or adjacent areas; and~~
6. ~~The application of a density bonus of up to fifty percent (50%) will be compensated by better site design and by increased amenities.~~

<b>17.88.130</b>	<b>FINAL PUD PLAN APPROVAL</b>
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- B. Any failure to receive final PUD plan approval from the city council within two (2) years of the approval of the ~~conceptual~~ preliminary PUD plan shall terminate all proceedings and render the ~~conceptual~~ preliminary PUD plan null and void.

<b>16.05.040</b>	<b>SUBDIVISION TECHNICAL REVIEW COMMITTEE (STRC)</b>
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Meeting with Representatives:

The applicant is provided an opportunity to meet with representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the concept application. At this meeting the applicant will also receive written comments from the city staff, detailing the extent to which the plans are required to be revised. Once revised and approved by the STRC, the ~~concept~~ or preliminary plan will be forwarded to the planning commission for their consideration. Extensive revisions caused by the STRC comments or by voluntary action of the applicant, may require additional STRC meetings.

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 10th day of March, 2021

**SMITHFIELD CITY CORPORATION**

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Jeffrey H. Barnes, Mayor

**ATTEST:**

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Justin B. Lewis, City Recorder