

ORDINANCE NO. 19-15

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 ADDING IN ITS ENTIRETY TO THE CURRENT SMITHFIELD CITY MUNICIPAL CODE TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.81 “MASTER PLANNED COMMUNITY (MPC) ZONE”, SECTIONS 17.81.010 “PURPOSE”, 17.81.020 “ALLOWED USES”, 17.81.030 “DEFINITIONS”, 17.81.040 “REZONE REQUIRED”, 17.81.050 “DEVELOPMENT STANDARDS”, 17.81.060 “OPEN SPACE”, 17.81.070 “STREETS, CIRCULATION & PARKING”, 17.81.080 “WALKING/BIKING TRAILS”, 17.81.090 “LANDSCAPING”, 17.81.100 “DENSITY BONUSES”, 17.81.110 “APPROVAL PROCESS”, 17.81.120 “FAILURE TO PROGRESS”, 17.81.130 “DEVELOPMENT AGREEMENT” AND 17.81.140 “MODIFICATION OF APPROVED PLAN”.

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

1. The following Chapter and Sections shall be added:

CHAPTER

17.81 Master Planned Community (MPC) Zone

SECTIONS

17.81.010 Purpose
17.81.020 Allowed Uses
17.81.030 Definitions
17.81.040 Rezone Required
17.81.050 Development Standards
17.81.060 Open Space
17.81.070 Streets, Circulation & Parking
17.81.080 Walking/Biking Trails
17.81.090 Landscaping
17.81.100 Density Bonuses
17.81.110 Approval Process
17.81.120 Failure to Progress
17.81.130 Development Agreement
17.81.140 Modification of Approved Plan

17.81.010 Purpose

The purpose of the Master Planned Community (MPC) zone is to encourage imaginative and efficient utilization of land, develop a sense of community, and ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, creating and consolidating open spaces, and clustering dwelling units. The regulations contained in this Chapter are intended to create vibrant, sustainable, and walkable neighborhoods with integrated streets, attractive landscaping and a mixture of housing options.

An MPC is a residential development with a well-defined development theme which includes usable open spaces, diversity in lot design and housing types, a variety of amenities, and a well-planned circulation system. The combination of all these elements is necessary for the development of an MPC zone.

An MPC is a zone which may be located in a variety of areas throughout Smithfield City, if it can be demonstrated that such a project will demonstrate and fulfill the goals of this Ordinance in that area.

17.81.020 Allowed Uses

The permitted, conditional and not permitted uses in an MPC zone are outlined in the SMC 17.120, "Use Matrix Table."

17.81.030 Definitions

The terminology contained in this Chapter shall have those definitions found in SMC 17.04.070, "Definitions."

Acreage, Gross: The total amount of developable land in an MPC development. Land with slopes in excess of 30% shall be considered undevelopable and shall not be counted into the gross acreage when calculating the base density. Land with slopes below 30% and above 10% should have decreased density.

Acreage, Net: The total amount of developable land, exclusive of any public or private right-of-way and parking.

Common Area: All land, buildings and/or structures intended or reserved for the private use of the residents and owners of the development.

Density, Base: The maximum number of residential units per acre of developable land outlined in this Ordinance, prior to the awarding of any density bonuses.

Density, Bonus: The allowable units in excess of the base density, which shall be awarded when the project complies with the bonus density design requirements of this chapter.

Developable Land: Land under thirty percent (30%) slope which can effectively be used in conjunction with landscaping, recreational facilities, buildings, or parking. Land with slopes below 30% and above 10% should have decreased density.

Driveway: A private, paved area used for ingress or egress of vehicles, and allowing access from a street to a building, structure, or facility.

Dwelling: As defined in SMC 17.04.070

Open Space: An area of land within a development, located on a parcel independent of residential structures which is designed and intended for the use or enjoyment of the development's residents, their guests and, possibly, the general public. Open space shall include improvements as necessary and appropriate for use as usable outdoor space or privately held common space, so long as the open space maintains its intended use. Open spaces should be interconnected within a development, using biking/walking trails and landscape. Stormwater facilities may qualify as usable outdoor space if the physical characteristics are functional as usable areas for the intended purpose of usable outdoor space.

Private Open Space: Areas reserved for use by the development's resident and guests. These areas must be clearly labeled as open space on the plat and all other associated legal instruments. Open spaces should be interconnected within a development, using biking/walking trails and landscape. A mechanism must be established to fund and maintain all private open space.

Parking Lot Aisle: The traveled way by which automobiles enter and depart parking spaces. Aisle width standards are set forth in SMC 17.24.020 of this title. Parking aisles shall not be considered streets for purposes of this Chapter.

Parking Lot: A paved open area, other than a street or alley, used for the parking of more than four (4) automobiles whether for free, or for compensation. Parking lots shall not be located within the required front, street or side setback.

Twin Home: Two single family homes that share an adjoining or communal wall, with separate and individual yard space.

17.81.040 Rezone Required

While not all areas in Smithfield will be suitable for the MPC designation, it is intended that the MPC be used throughout Smithfield City. Those who wish to petition the City for a rezone of their property to an MPC shall follow the procedure set forth in SMC 17.08.040, "Rezoning." A site plan detailing the developer's intent for the entire parcel under consideration for rezone and the subsequent phasing plan shall be submitted and reviewed as part of the rezone request.

In evaluating a request for an MPC rezone, the Planning Commission and City Council shall consider the criteria outlined in SMC 17.81.050, "Development Standards."

Additionally, as part of the rezone request, a developer shall demonstrate to the Planning Commission and City Council how the proposal addresses and fulfills the specific goals and values

related to architecture, site design and walkability, which are found in the Smithfield City General Plan and in the purpose statement of this Chapter.

17.81.050 Development Standards

The following are the minimum development standards and regulations for an MPC zone. Developers are encouraged to go above and beyond these requirements, but these are the minimums required to obtain approval of an MPC.

- A. **Project Size:** An MPC shall not be less than fifteen (15) acres in size.
- B. **Primary Use:** An MPC shall be residential.
- C. **Housing Types:** Developers are encouraged to provide a mix of housing types in an MPC. Such types may include, but are not limited to single-family detached, single-family attached, multi-family duplex/triplex/four-plex, five-plex, six-plex, etc.
 - 1. Developers are required to have at least two types of housing, one of which must be single-family detached. Single-family detached housing must make up at least forty percent (40%) of the total housing units in the project but shall not make up more than sixty percent (60%) of the total housing units in an MPC.
 - 2. Developers may reduce the percentage of required single-family detached housing, in exchange for an increase in open space, as outlined in SMC 17.81.060. In no case shall the percentage of single-family detached housing be less than thirty-five percent (35%) of the total required housing units.
- D. **Base Density:** The base density shall be six (6) units per acre, exclusive of any property in the development which is needed for rights-of-way. Density bonuses shall be calculated by first determining the allowable number of units. The allowable number of units shall be calculated as follows:

$$\text{Net Acreage} * 6 = \text{Base \# of dwelling units}$$

- E. **Single Primary Structure Required:** Regardless of the number of dwelling units contained in a primary structure, no lot may contain more than one (1) primary structure. All the dwelling units on the lot shall be contained within that primary structure. No single lot may contain in excess of six (6) dwelling units in the primary structure on that lot.
- F. **Lot Widths/Setbacks:** The primary dwelling structure shall be set back from either the property line or right-of-way lines as shown below. (All measurements are in feet):

	Housing Type	Front Setback	Side Setback	Rear Setback	Side Setback Street
Primary Structure	Single-Family Detached	20'	8'	15'	12'
	Twin Homes	20'	8'	15'	12'
	Multi-Family	20'	8'	15'	12'
Accessory Building	Single Accessory Structures are only allowed in Single family attached. In Multi-family buildings, community accessory structures may be allowed so long as they are not developed as individual storage sheds.				

G. Encroachment into the Setback:

1. The ordinary projection of bay windows, chimneys, awnings, ornamental features, eaves and general building design projections, may encroach into any of setbacks, provided none of the encroachments exceeds twenty-four inches (24”) in depth.
2. Unsheltered decks shall be allowed to project into the rear setback a maximum of ten feet (10’). In no case shall the unsheltered deck be built to a height greater than the uppermost floor level.

H. Dwelling Unit Minimum Size: Each dwelling unit in an MPC shall contain a minimum of eight-hundred fifty (850) square feet of living space, and the ground-floor footprint of any building which contains dwelling units shall not be less than five-hundred (500) square feet per dwelling unit.

I. Building Orientation:

1. No residential dwelling structure in an MPC may face the rear of another dwelling structure on an adjoining/adjacent parcel/lot.
2. Buildings with their front facing each other shall have a minimum of twenty-five feet (25’) between building fronts.

J. Height Regulations: No primary structure shall be erected to a height greater than thirty-five feet (35’), the height being measured from the threshold (finish floor elevation) of the lowest main entrance to the highest point of the main building.

K. Signage: Signage for the MPC should be coordinated and cohesive throughout the entire project. Signs shall comply with the requirements of SMC 17.36, “Signs.”

L. Lighting: All lighting shall conform to SMC 9.24, “Outdoor Lighting.”

M. **Trash:** All community trash containers shall be screened from public view and adjacent properties with a six-foot (6') sight-proof fence or wall. The placement of trash containers and access thereto shall be reviewed and approved by the entity designated by Smithfield City to provide waste management services to the MPC. Unless otherwise required by the waste management provider, openings shall be oriented away from public view or screened with opaque gates and shall provide ease of access for trash collection. No trash containers or enclosures may be located within a required front or street-side yard setback, and no single family attached, or multi-family trash containers or enclosures may be located within setback.

N. **Parking:**

1. Each dwelling unit shall be required to have the following off-street parking spaces:

	Minimum Resident Parking Spaces Per Unit	Guest Parking Spaces Per Unit
Single-Family Detached	2	---
Twin Home/Multi-Family	2	0.50

2. If calculating the required number of parking spaces results in a fraction, the next highest whole number of required parking spaces shall be required. (E.G., 3.25 = 4 required parking spaces.)

3. In order to facilitate better design of an MPC, required off-street parking spaces may be grouped together; however, in no case shall more than twenty-five percent (25%) of the required parking spaces be grouped together. A professional parking study may be used to show acceptable alternate parking configurations.

17.81.060 Open Space

A. Each MPC project shall consist of a minimum of five percent (5%) open space. The required amount of open space shall be calculated based on the net acreage of the property and shall be devoted to landscaping, preservation of natural features and resources, and passive and active recreational features.

B. In exchange for an increase in the amount of open space provided, developers may reduce the required percentage of single-family detached housing. The reduction shall be equal to the increase in open space (i.e. an additional 5% open space would decrease the required single-family detached housing to 35%.) In no case shall the single-family detached housing drop below 35% of the total required housing units.

C. The open space shall be defined as private or common open space for the enjoyment and use of the development's residents or the general public.

17.81.070 Streets

- A. The design of all streets in an MPC project will be public and shall conform to the Smithfield City Construction Design Guidelines & Specifications. This design conformity shall include the surface and above-surface improvements and infrastructure, as well as underground improvements.
- B. **Public Right-of-Ways.** Developers may propose that the rights-of-way within an MPC be dedicated with the standard and all others to be private. The Planning Commission shall recommend to the City Council a determination as to the viability of the rights-of-way being private. The City Council shall make the final determination as to which streets in an MPC shall be private and which shall be public.
- C. **Right-of-Way Width, Streets:** See SCDS 249N 1-6.
- D. **Right-of-Way Width, Alley:** See SMC 17.04.070 “Definitions”.

17.81.080 Walking/Biking Trail Corridors

- A. An MPC shall incorporate paved walking and biking paths into overall trail corridors for the use and enjoyment of residents. The paved pathways may vary in width but shall not be less than eight feet (8’) wide and the overall trail corridor shall not be smaller than (16’) feet wide.

17.81.090 Open Space Landscaping

The following provisions shall apply to the open space in all MPC projects:

- A. A preliminary landscaping plan shall be submitted with the preliminary development plan for the MPC. Said plan shall include the number, type and, size of all proposed plants, trees, and shrubs within the MPC.
 - 1. The plan shall also include a proposal for how the open-space landscaping shall be irrigated and maintained. Areas landscaped with sod shall have a sprinkler or irrigation system, and all other landscaped areas shall have a drip line or other approved irrigation system.
- B. Developers shall prepare a landscaping plan consisting of a variety of trees, shrubs and other plantings suitable for the climate. Developers are encouraged to use trees found on the Smithfield City list of approved large and small trees. Drought-tolerant, low-water plantings are encouraged. Trees shall be a minimum two-inch (2”) caliper.
- C. The developer in an MPC shall be required to landscape open space and the HOA shall provide for the maintenance of the required landscaping, not only within the MPC but also in those areas between the sidewalk and the curb and gutter of a right-of-way, regardless of whether it is a public or private right-of-way.

17.81.100 Density Bonuses

The chart below outlines the requirements and regulations on density bonuses within an MPC. All amenities must be approved by the Planning Commission before the density bonus will be awarded. In no case shall the density bonus exceed fifty percent (50%) of the base density. An amenity or feature may not be used to receive a density bonus under more than one density bonus category.

Amenity	Requirement	Density Bonus	Max % Bonus
Additional Open Space	Provide open space in excess of the base rate (land area only).	2% density bonus for each 1% of open space above the base rate	20
Trails/Bicycle Circulation	Sidewalks less than 8 feet wide do not count as pedestrian/bike trails (land area only).	2% density bonus for each 1% of the gross project size dedicated to trails.	10
Recreational Facilities	Provide recreational facilities such as playground equipment, swimming pools, recreation centers, etc. (also includes development cost of open space and trails).	(Cost of recreational facilities/total project cost) X 1.2 = density bonus	10
Off-Site Infrastructure Improvement	Improve City infrastructure with a reasonable nexus to the project that may be deficient and could be negatively impacted by growth directly related to the development	(Cost of off-site infrastructure improvements/total project cost) X 1.2 = density bonus	30

* **Total project cost** is determined by the cost for infrastructure installation for the development.

17.81.110 Approval Process - Development Agreement

The approval process for an MPC shall be conducted in conjunction with the approval of the subdivision of the land. Except for the concept plan and in addition to the requirements unique to an MPC which are outlined below, the subdivision submittals and review(s) shall follow the procedures outlined in SMC Title 16, “Subdivision Regulations.”

17.81.120 Failure to Progress

Preliminary plan approval shall be valid for eighteen (18) months. If a minimum of one phase has not received final plan approval and been recorded within that time frame, the preliminary plan approval shall be null and void, and the developer shall be required to begin approval proceedings as if no preliminary plan approval had been granted. If, when presenting a phase for final plan review and approval, more than eighteen (18) months has passed since the last phase was submitted for final plan review and approval, the same requirement of resubmittal shall apply.

17.81.130 Development Agreement

- A. As part of the preliminary MPC approval, the City and developer shall prepare and execute a development agreement which, among other things, shall outline the following:
 - 1. By what manner any private roads, open space, or other non-public common areas within the MPC shall be owned, managed, maintained and retain the beneficial use to all owners and occupants of the MPC.
 - a. In the case of private ownership of the open space, said spaces shall be protected against building development by conveying to Smithfield City an open space easement over such areas.
 - 2. How the developer intends to provide financial security for the completion of the project.
 - 3. A projected timeline of the associated phasing, including the infrastructure, facilities and amenities.
- B. Penalties for non-performance on either the City or the developer's part.
- C. Any other conditions of the project which the City Council shall deem appropriate to ensure successful execution of the MPC.
- D. The development agreement shall be given preliminary approval as part of the preliminary plan approval and shall be given final approval as part of the final MPC approval.
- E. In order to ensure the continuity and viability of the development agreement, said agreement shall be recorded against the property at the time the final MPC approval is granted.
- F. No MPC may begin construction until such time as the development agreement has been approved and recorded.

17.81.140 Modification to Approved MPC.

Any modifications shall follow current Utah Code Annotated.

- 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 is 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 14th day of April, 2021

SMITHFIELD CITY CORPORATION

Jeffrey H. Barnes, Mayor

ATTEST:

Justin B. Lewis, City Recorder