

**ORDINANCE NO. 21-13**

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 17 “ZONING REGULATIONS”; AMENDING CHAPTER 17.92 “ACCESSORY APARTMENT”, SECTION 17.92.020 “CONDITIONS”, SECTION 17.92.030 “APPLICATION PROCEDURES”, CHAPTER 17.120 “USE MATRIX TABLE”, SECTION 17.120.010 “USE ALLOWANCE MATRIX”, CHAPTER 17.04 “GENERAL PROVISIONS”, SECTION 17.04.070 “DEFINITIONS”, CHAPTER 2 “ADMINISTRATION AND PERSONNEL”, CHAPTER 2.36 “PLANNING COMMISSION”, SECTION 2.36.040 “DUTIES AND POWERS”, AND CHAPTER 16 “SUBDIVISION REGULATIONS”, CHAPTER 16.09 “PRELIMINARY PLATS”, SECTION 16.09.030 “PRELIMINARY PLAT REQUIRED INFORMATION”, CHAPTER 16.12 “FINAL PLATS”, SECTION 16.12.020 “FILING DEADLINE, APPLICATION AND FEES”, SECTION 16.12.090 “EXPIRATION OF FINAL APPROVAL” AND CHAPTER 17 “ZONING REGULATIONS”, CHAPTER 17.89 “MIXED-USE OVERLAY ZONE”, SECTION 17.89.130 “SITE PLAN REQUIRED”.**

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

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

**17.92.020 CONDITIONS**

- 6. At least **one (1) additional** ~~three (3)~~ off street hard surfaced parking **space is** ~~surfaces are~~ available for use by the ~~owner occupant(s) and~~ tenant(s). Parking not to exceed twenty five percent (25%) of front or side property line.

**17.120.010 USE ALLOWANCE MATRIX**

	<u>Current</u>	<u>New</u>
Accessory Apartment	AC in A, RA, R-1, RM	<b>AC in A, RA, R-1</b>
Institution of Religions	Conditional in All Zones	<b>Permitted in All Zones</b>
Church/Temple	Conditional in All Zones	<b>Permitted in All Zones</b>

### 17.92.030 APPLICATION PROCEDURES

- A. Application for a permit for an accessory apartment shall be made to the zoning administrator in accordance with the conditional use permit procedures given in this title and shall include:
1. A notarized letter accompanying the application from the owner(s) stating that the owner will occupy one of the dwelling units on the premises, except for bona fide temporary absences;
  2. ~~A floor plan of one-fourth inch (1/4") to the foot showing proposed changes to the building;~~
  3. **2.** A site plan;
  4. **3.** A fee as set forth by the most recent prevailing fee schedule adopted by resolution of the city council to cover the costs of processing the application and code inspection.
- B. Within **fourteen (14)** ~~thirty (30)~~ days of the receipt of an application, the zoning administrator shall review and render a decision on the application. If the application fails to meet all of the conditions listed in SMC 17.92.020 of this chapter. ~~or if the zoning administrator determines that there are extenuating circumstances, the application shall be referred to the planning commission for consideration.~~
- D. Where appropriate, the zoning administrator ~~and the planning commission~~ may take steps to expedite approval or to give conditional approval prior to sale in order to protect continued residence by existing tenants.

### 17.04.070 DEFINITIONS

**FAMILY:** **Defined as per Utah State Code Annotated 10-9a-505.5** ~~One of the following groups of individuals, but not more than one at the same time:~~

- A. ~~An individual living alone.~~
- B. ~~Two (2) or more people, all of whom are related to one designated occupant of the dwelling to include spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great grandparent, and great grandchild and their foster children or other legal guardianship and up to two (2) other unrelated persons who do not pay rent, provided:~~
1. ~~One parking stall in addition to that required by SMC 17.24.040 of this title is provided for each unrelated person.~~
  2. ~~Unrelated persons are allowed in single family residential, agricultural, and residential agricultural zones only.~~
- C. ~~The term "related" does not include other, more distant relationships such as cousins.~~

~~Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.~~

### **2.36.040 DUTIES AND POWERS**

The planning commission shall have all of the powers and duties explicitly or impliedly given planning commissions by the laws of the state. **Planning Commissioners must complete four (4) hours of training annually and the municipality will retain and track records of said training.**

1. **One (1) hour must pertain to the general duties and powers of the Land-Use Development Management Act (LUDMA). Newly appointed commission members may not participate in public meetings as an appointed member until the member completes the one-hour training.**
2. **One (1) hour can be met by attending twelve (12) Planning Commission meetings in a calendar year.**
3. **Any other land-use training can be used for required hours.**
4. **Conferences, seminars or in-house training can meet the requirements of this section.**

### **16.09.030 PRELIMINARY PLAT REQUIRED INFORMATION**

B. Existing Conditions: The plat shall show the following:

8. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments; **including water conveyance facility right-of-way and easements and any water conveyance facility located in the plat.**

### **16.12.020 FILING DEADLINE, APPLICATION, AND FEES**

Application for final plat approval shall be made by submitting one (1) hard copy and an electronic version of the proposed final plat together with one (1) reduced eleven by seventeen inch (11 x 17") copy, and one (1) set of construction plans, to the planning department within **eighteen (18)** ~~twelve (12)~~ months after approval or conditional approval of the preliminary plat by the planning commission. This time period may be extended for up to **six (6)** ~~twelve (12)~~ months for good cause if the subdivider petitions the planning commission for an extension prior to the expiration date, however only one extension may be granted. At the time of application, the appropriate fee shall be paid in accordance with the current prevailing fee schedule.

### **16.12.090 EXPIRATION OF FINAL APPROVAL**

If the final plat is not recorded within **eighteen (18)** ~~twelve (12)~~ months from the date of city council approval, such approval shall be null and void. This time period may be extended by the city council for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original **eighteen (18)** ~~twelve (12)~~ months. No extension will be granted if it is determined that it will be detrimental to the city.

**17.89.130 SITE PLAN REQUIRED**

~~B. The following criteria shall be considered by the STRC and the planning commission when reviewing a site plan(s) for uses over 25,000 square feet:~~

- ~~1. Detailed building elevations and color/material boards shall be submitted to and reviewed by the STRC prior to any consideration by the planning commission of an application for site plan approval.~~
- ~~2. Exterior building materials must be approved by the STRC, and shall match the quality, texture, and architectural intent of surrounding buildings, if applicable, and the intent and regulations of any applicable overlay zone design standards.~~
- ~~3. All buildings shall have a minimum of 15% transparency on all floors, which shall consist of windows that provide visibility from the public right of way or adjacent property.~~
- ~~4. Buildings with more than one story shall be designed to have the appearance and function of a multi-story building through the use of windows, doors, awnings, canopies and other appropriate building and architectural elements.~~
- ~~5. The front façade of buildings, visible from the public right of way, shall be designed to have ample bulk and massing and design quality to adequately establish a prominent, pedestrian-oriented streetscape.~~
- ~~6. External unit doors must be screened from neighboring land uses to an extent determined appropriate by the STRC based on the potential impact to surrounding land uses.~~

- 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 hearings 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 12th day of May, 2021

**SMITHFIELD CITY CORPORATION**

\_\_\_\_\_  
Jeffrey H. Barnes, Mayor

**ATTEST:**

\_\_\_\_\_  
Justin B. Lewis, City Recorder