

ORDINANCE NO. 21-26

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”, BY AMENDING CHAPTER 17.44 “ZONES GENERALLY”, SECTION 17.44.010 “ESTABLISHMENT OF ZONES”, CHAPTER 17.100 “SITE DEVELOPMENT AND LANDSCAPING”, SECTION 17.100.030 “LANDSCAPING REQUIREMENTS IN COMMERCIAL ZONES” AND ADDING IN ITS ENTIRETY SECTION 17.100.045 “LANDSCAPING REQUIREMENTS IN MULTI-FAMILY ZONES”.

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.

17.44.010 ESTABLISHMENT OF ZONES

MPC Master Planned Community

17.100.030 LANDSCAPING REQUIREMENTS IN COMMERCIAL ZONES

I. The area within the public right of way between the sidewalk and the curb and gutter shall also be landscaped. Said landscaping and street trees shall be according to the city tree warden. Said trees located within the public right of way shall not be in addition to the minimum tree requirement described in SMC G of this section. **If curb, gutter and sidewalk are not present they must be installed for the full length of the frontage and new asphalt from existing to new curb.**

17.100.045 LANDSCAPING REQUIREMENTS IN MULTI-FAMILY ZONES

A. **Access:** One access, minimum width of thirty feet (30') shall be required per each multi-family development. Minimum distances between accesses shall be one hundred feet (100').

B. **Screening:** All parking areas shall be visually screened from main roadways by appropriate landscaping except for required clear view at intersections as provided in SMC 17.12 of this title.

C. **Plan Approval:** No plans for any building, structure, or other improvement shall be approved unless there shall also have been submitted separate site development and landscape plans satisfactory to the planning and zoning staff. Landscaping and site development in accordance with the plans submitted shall be installed within thirty (30) days following occupancy of the building. If said completion is impossible due to adverse weather conditions, a mutually agreed upon completion day shall be determined by the planning commission and applicant but in no case shall the completion date be more than one hundred twenty (120) days from the date of occupancy. The building contractor shall deposit a performance bond which meets the provisions of SMC 16.20.010 of this code as security to assure his compliance with all landscaping and parking requirements. If the contractor or his agent fails to comply with the above provisions, the bond shall be forfeited to the city.

D. **Storage Prohibited:** No storage of equipment or materials shall be visible from the public right-of-way. Storage areas shall be screened appropriately and be within setback lines.

E. **Areas to be Landscaped:** All yards and setback areas not occupied by building, parking, or service areas shall be landscaped as herein required.

F. **Public Right-Of-Way Landscaping:** The area within the public right-of-way between the curb and gutter or road shoulder and sidewalk shall also be landscaped and maintained by adjacent property owner. Said landscaping and street trees shall be according to the city tree warden. Said trees located within the public right-of-way shall not be in addition to those required in SMC J of this section.

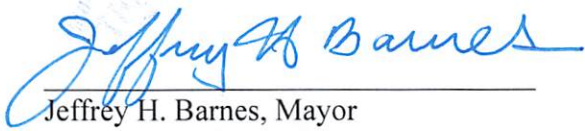
G. **Curbing:** A concrete curb shall be provided along all interior roadways and walkways to prevent vehicular intrusion. Where no curb and gutter or sidewalk exists along frontage streets, said curb and gutter and sidewalk shall be installed in accordance with city standards.

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.

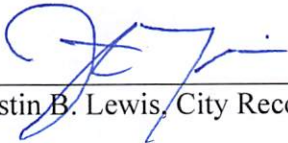
Approved and signed this 8th day of September, 2021

SMITHFIELD CITY CORPORATION



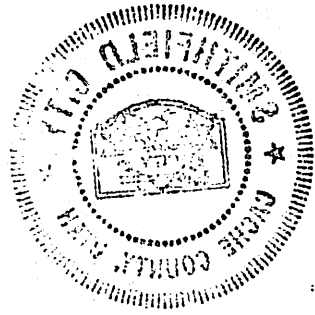
Jeffrey H. Barnes, Mayor

ATTEST:



Justin B. Lewis, City Recorder





[Handwritten signature]

CERTIFICATE OF ORDINANCE POSTING

State of Utah)
) ss
County of Cache)

I, the duly appointed and acting recorder for the City of Smithfield, hereby certify that copies of the foregoing **ORDINANCE 21-26**.

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was posted at three places within the municipality.

The places are:

1. Post Office Lobby
2. Library Entrance
3. City Office Bulletin Board

Dated: September 9, 2021

Justin B. Lewis, City Recorder

Yes Vote: Wall, Anderson, Wells, Campbell

No Vote: None

Absent: Hunsaker