

ORDINANCE NO. 21-30

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 17.88 “PLANNED UNIT DEVELOPMENTS”, SECTION 17.88.090 “APPROVAL PROCESS”, SECTION 17.88.110 “SUBDIVISION CONCURRENT WITH (PUD) APPROVAL”, SECTION 17.88.120 “PRELIMINARY PUD PLAN APPROVAL”, CHAPTER 17.81 “MASTER PLANNED COMMUNITY (MPC) ZONE”, SECTION 17.81.040 “REZONE REQUIRED”, SECTION 17.81.110 “APPROVAL PROCESS”, AND TITLE 16 “SUBDIVISION REGULATIONS”, CHAPTER 16.09 “PRELIMINARY PLATS”, SECTION 16.09.040 “APPROVAL OF PRELIMINARY PLAT”.

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.

17.88.090 APPROVAL PROCESS ~~BLANK~~

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

17.88.110 SUBDIVISION CONCURRENT WITH PUD APPROVAL PROCESS

~~Subdivision approval may be considered concurrent with the PUD review and approval process. Subdivision review shall follow all subdivision standards as outlined in SMC 16 of this code and the development standards and design guidelines.~~

Preliminary site and landscape plans will be submitted and reviewed concurrently with a rezone request. The Planning Commission shall review the preliminary plan and rezone with any attached conditions and forward said plans to the City Council with their recommendation.

The City Council will review the plans and determine whether they are approved or disapproved. The City Council may not approve an application for rezone to any of these zones unless a preliminary plat for property being rezoned has already been approved on condition of successful rezone.

The subdivision submittals and review shall follow the procedures outlined in SMC 16, “Subdivision Regulations.”

17.88.120 PRELIMINARY PUD PLAN APPROVAL

- A. ~~The~~ Preliminary PUD plan(s) shall be submitted to the planning commission for consideration. ~~Following their review, the planning commission shall forward the preliminary PUD plan to the city council with their recommendation.~~ Said preliminary PUD plan shall contain the following information:

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, “Rezones.” ~~A site plan~~ A preliminary site and landscape 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.” ~~If the rezone is approved with conditions, the preliminary plan must return to the city council, showing the proposed changes.~~

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.

17.81.110 APPROVAL PROCESS

~~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.”~~

Preliminary site and landscape plans will be submitted and reviewed concurrently with a rezone request. The Planning Commission shall review the preliminary plan and rezone with any attached conditions and forward said plans to the City Council with their recommendation.

The City Council will review the plans and determine whether they are approved or disapproved. The City Council may not approve an application for rezone to any of these zones unless a preliminary plat for property being rezoned has already been approved on condition of successful rezone.

The subdivision submittals and review shall follow the procedures outlined in SMC 16, “Subdivision Regulations.”

16.09.040 APPROVAL OF PRELIMINARY PLAT

- B. The planning commission may (1) approve, (2) approve subject to modifications or conditions, or (3) disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy, noncompliance with city regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the planning commission to evaluate the preliminary plat. The subdivider shall be notified in writing of the action taken by, and the findings of, the planning commission regarding the submitted preliminary plat.
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 December, 2021

SMITHFIELD CITY CORPORATION

Jeffrey H. Barnes, Mayor

ATTEST:

Justin B. Lewis, City Recorder