

ORDINANCE NO. 24-17

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”, CHAPTER 17.81 “MASTER PLANNED COMMUNITY (MPC) ZONE”, SECTION 17.81.130 “DEVELOPMENT AGREEMENT” AND 17.81.040 “REZONE REQUIRED”, CHAPTER 17.84 “INTRABLOCK DEVELOPMENT”, SECTION 17.84.040 “DEVELOPMENT PLAN” AND CHAPTER 17.88 “PLANNED UNIT DEVELOPMENTS”, SECTION 17.88.150 “FAILURE TO PERFORM”.

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.

17.81.130 DEVELOPMENT AGREEMENT

A. As part of the ~~preliminary~~ **final** 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.

17.84.040 DEVELOPMENT PLAN

The developer or owner shall prepare an intrablock development plan ~~and schedule to meet with the Subdivision Technical Review Committee (STRC) as outlined in Section 16.05.040,~~ **which shall be reviewed by the Administrative Land-Use Authority,** prior to submittal to the Smithfield City planning commission and city council. The proposed plan shall provide the following information:

17.88.150 FAILURE TO PERFORM

In case of failure or neglect to comply with any and all of the conditions and regulations herein established, and as specifically made applicable to a PUD, such failure or neglect shall be cause for termination of the approval of the project. Failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this chapter.

The approved PUD rezone directly corresponds to the approved preliminary plan(s). If said plan(s) are altered, modified or unused, the Smithfield City Planning Department will start the process of rezoning the parcel(s) to the original zoning classification before the PUD overlay zone was approved.

Changes to the approved plans which will prompt a rezone by the city include the following: plans which change the number or size of any new lot(s), the calculations of density bonuses, the location of approved amenities and any conditions set by the Planning Commission or City Council.

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 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.

An approved MPC rezone directly corresponds to the approved preliminary plan(s). If said plan(s) are altered, modified or unused, the Smithfield City Planning Department shall start the process of rezoning to the original zoning classification which existed on the parcel(s) before the MPC rezone was approved.

Changes to the approved plans which will prompt a city rezone include the following: plans that change the number or size of any new lot(s), the calculations of density bonuses, the location of approved amenities and any conditions set by the Planning Commission or City Council.

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 28th day of August, 2024

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Dana Lazcanotegui, City Recorder

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 following **ORDINANCE NO. 24-17**;

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.81 “MASTER PLANNED COMMUNITY (MPC) ZONE”, SECTION 17.81.130 “DEVELOPMENT AGREEMENT” AND 17.81.040 “REZONE REQUIRED”, CHAPTER 17.84 “INTRABLOCK DEVELOPMENT”, SECTION 17.84.040 “DEVELOPMENT PLAN” AND CHAPTER 17.88 “PLANNED UNIT DEVELOPMENTS”, SECTION 17.88.150 “FAILURE TO PERFORM”.

was posted at three places within the municipality.

The places are:

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

Dated: August 29, 2024

/s/ Dana Lazcanotegui
Dana Lazcanotegui, City Recorder

Yes Vote: Campbell, Hyer, Orme, Staker, Stokes
No Vote: None
Absent: N/A