

**ORDINANCE NO. 2025-03**

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 16 “SUBDIVISION REGULATIONS”, CHAPTER 16.12 “FINAL PLATS”, SECTION 16.12.030 “PREPARATION AND REQUIRED INFORMATION”, TITLE 17 “ZONING REGULATIONS”, CHAPTER 17.81 “MASTER PLANNED COMMUNITY (MPC) ZONE” SECTIONS 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 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.

**16.12.030 PREPARATION AND REQUIRED INFORMATION**

**B. Description And Delineations:** The final plat shall show:

- 7. The dedication to the city of all streets and highways included in the proposed subdivision, **with exception of approved private roads and alleys;**

**C. Standard Forms For The Final Plat:** ~~The final plat shall include:~~

- ~~1. A registered land surveyor's certificate of survey in the form required by state law;~~
- ~~2. The owner's certificate of dedication;~~
- ~~3. A notary public's acknowledgment;~~
- ~~4. The City Planning Manager's certificate of approval;~~
- ~~5. The City Engineer's certificate of approval;~~
- ~~6. The City Attorney's certificate of approval;~~
- ~~7. A space for the Cache County Recorder's use;~~
- ~~8. The Planning Commission approval [if required by SMC 16.04.050 (I)];~~
- ~~9. The City Council approval [if required by SMC 16.040.050 (I)]~~
- ~~10. City Manager's certificate of approval~~

**1. Final Plats for Commercial, Industrial, Manufacturing, Condominium, Mixed-Use, Multi-Family and Intrablock Developments must include the following:**

- a. A registered land surveyor's certificate of survey in the form required by state law.
- b. The owner's certificate of dedication.
- c. A notary public's acknowledgment.
- d. The City Engineer's certificate of approval.
- e. The City Attorney's certificate of approval.
- f. A space for the Cache County Recorder's use.
- g. The Planning Commission certificate of approval.
- h. The City Council certificate of approval.

**2. Final Plats for Single-family, Two-family and Townhome Subdivisions must include the following:**

- a. A registered land surveyor's certificate of survey in the form required by state law.
- b. The owner's certificate of dedication.
- c. A notary public's acknowledgment.
- d. The City Planning Manager's certificate of approval.
- e. The City Engineer's certificate of approval.
- f. The City Attorney's certificate of approval.
- g. A space for the Cache County Recorder's use.
- h. The City Manager's certificate of approval.

**17.81.130**

**DEVELOPMENT AGREEMENT COMPLIANCE**

- ~~A. As part of the 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.
 
    - ~~1. 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.~~

Amenities Shall be installed and usable by residents at the same rate as housing development occurs, i.e. fifty percent (50%) area developed equates to fifty percent (50%) usable amenities.

Smithfield City shall have the right, but not the duty, to require, and if necessary, perform or cause to be performed, at the expense of the owner of the open space and other private area(s), including clubhouse, pool and other recreation facilities, (HOA, hereafter), all landscaping, snow removal, and other upkeep and maintenance services, as applicable, within the open space area(s), if the HOA fails adequately to perform such tasks. The city may take these actions when asked to assume responsibility for such upkeep and maintenance tasks by the HOA and the city council may also take such actions when it determines the need based on a pattern of neglect and lack of maintenance and after meeting the procedures outlined in the Covenants, Conditions and Restrictions (CC&Rs), recorded concurrently with this final plat. In the event Smithfield City exercises this right, the city shall be entitled to assess and collect the necessary fees and/or HOA fees and recover any associated costs and attorney fees. This notation shall not be amended or deleted without the approval of Smithfield City.

<b>17.81.140</b>	<b>MODIFICATION OF APPROVED PLAN</b>
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Any modifications shall follow ~~the current Utah Code Annotated.~~ **SMC 17.81.040**

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 March, 2025

**SMITHFIELD CITY CORPORATION**

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Kristi Monson, Mayor

**ATTEST:**

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Dana Lazcanotegui, City Recorder