

ORDINANCE NO. 17-15

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” SECTION: 16.09.020 “APPLICATION AND FEES”; 16.09.030 “PRELIMINARY PLAT REQUIRED INFORMATION”; 16.12.020 “FILING DEADLINE, APPLICATION, AND FEES”; 16.12.090 “EXPIRATION OF FINAL APPROVAL” AND TITLE 17 “ZONING REGULATIONS” SECTIONS: 17.48.060 “MODIFYING REGULATIONS”; 17.52.050 “MODIFYING REGULATIONS”; 17.56.050 “MODIFYING REGULATIONS”; 17.60.050 “MODIFYING REGULATIONS”; 17.92.020 “CONDITIONS”; 17.92.030 “APPLICATION PROCEDURES”;

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 shall be added.

16.09.020 APPLICATION AND FEES

The subdivider of a subdivision, after receiving approval of the concept plan required in SMC 16.05 of this title, shall file an application for preliminary plat approval with the city planning department on a form prescribed by the city, together with ~~two (2)~~ **one (1)** hard **copy** and ~~one (1)~~ **an** electronic **copies version** of the preliminary plat. At the same time, the subdivider shall pay the appropriate filing fee as provided in the current prevailing fee schedule.

16.09.030 PRELIMINARY PLAT REQUIRED INFORMATION

A. Contents: The preliminary plat shall contain the following information:

~~6. Signature block containing signatures of representatives for each of the four (4) public utilities (gas, power, telephone, cable TV) indicating that they have been made aware of the pending development.~~

16.12.020 FILING DEADLINE, APPLICATION, AND FEES

Application for final plat approval shall be made by submitting ~~two (2) copies~~ **one (1) hard copy** and **an electronic version** of the proposed final plat together with ~~two (2)~~ **one (1)** reduced eleven

by seventeen inch (11 x 17")-copies copy, and two (2)-sets one (1) set of construction plans, to the planning department within 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 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 six (6) 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 six (6) twelve (12) months. No extension will be granted if it is determined that it will be detrimental to the city.

17.48.060 MODIFYING REGULATIONS

- A. **Side Yards:** Main buildings other than dwellings shall have a minimum side yard of twenty feet (20') and the total of the two (2) side yards shall be at least forty feet (40'). Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side yard of three feet (3') five feet (5'), except the street side yard of a corner lot shall be a minimum of thirty feet (30') for main and accessory buildings.
- B. **Rear Yards:** Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear yard of three feet (3') five feet (5'), provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten feet (10').

17.52.050 MODIFYING REGULATIONS

Modifying regulations in the RA residential agricultural zone are as follows:

- A. **Side Yards:** Main buildings other than dwellings shall have a minimum side yard of twenty feet (20') and the total of the two (2) side yards shall be forty feet (40'). Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side yard of three feet (3') five feet (5'), except that the street side yard on a corner lot shall be a minimum of thirty feet (30') for main and accessory buildings.
- B. **Rear Yards:**
 - 1. Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear yard of three feet (3') five feet (5'), provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten feet (10').

17.56.050 MODIFYING REGULATIONS

Modifying regulations in the R-1 single-family residential zone are as follows:

- A. **Side Yards:** Main buildings other than dwellings shall have a minimum side yard of twenty feet (20') and the total of the two (2) side yards shall be forty feet (40'). Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side yard of ~~three feet (3')~~ **five feet (5')**, except that the street side yard on a corner lot shall be a minimum of twenty feet (20') for main and accessory buildings.
- B. **Rear Yards:**
 - 1. Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear yard of ~~three feet (3')~~ **five feet (5')**, provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten feet (10').

17.60.050 MODIFYING REGULATIONS

Modifying regulations in the ~~R-1 single~~ **RM multiple**-family residential zone are as follows:

- B. **Side Yards:** Main buildings other than dwellings shall have a minimum side yard of twenty feet (20'). Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side yard of ~~three feet (3')~~ **five feet (5')**, except that the street side yard on a corner lot shall be a minimum of thirty feet (30') for main and accessory buildings.
- C. **Rear Yards:**
 - 1. Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear yard of ~~three feet (3')~~ **five feet (5')**, provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten feet (10').

17.92.020 CONDITIONS

- A. A conditional use permit will be granted for a use to be known as an accessory apartment rental in owner occupied single-family dwellings, provided that the following standards and criteria are met:
 - 5. The design and size of the apartment conforms to all applicable standards in the ~~health, building and other codes. Certification by the health department must be issued stating that the waste disposal system is sized according to total available bedrooms in the house before a permit is granted.~~
 - 7. Other conditions for accessory apartment:
 - a. Building Permit;
 - b. ~~Termination of conditional use permit upon sale of property.~~ Upon sale of property, new owner(s) must provide an updated, signed notarized letter, stating that the owner will occupy one of the dwelling units on the premises. No Building Permit is required for those properties that have existing conditional use permits.

17.92.030 APPLICATION PROCEDURES

- C. The purchasers of a home that ~~had~~ **has** a conditional use permit for an accessory apartment who want to continue renting their apartment must ~~reapply for a permit and must demonstrate that all conditions of the existing conditional use permit prerequisite to obtaining the relevant permit, in particular their residence in the home,~~ have been met.
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 day of , 2017

SMITHFIELD CITY CORPORATION

Darrell Simmons

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis

Justin B. Lewis, City Recorder