

ORDINANCE NO. 18-09

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 9, ‘PUBLIC PEACE AND WELFARE’ IN PARTICULAR 9.16.030 “DEFINITIONS”; TITLE 17 “ZONING REGULATIONS” SECTIONS: 17.36.160 “ZONING LOCATIONS”; 17.44.010 “ESTABLISHMENT OF ZONES” AND CHAPTER 17.63 “CP COMMERCIAL PROFESSIONAL ZONE” IN ITS ENTIRETY

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.

9.16.030 DEFINITIONS

Terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

COMMERCIAL ZONE: Any area zoned as, CC (community commercial), GC (general commercial) CB (central business district) ~~CP (commercial professional)~~ by title 17 of this code.

17 ZONING REGULATIONS

17.36.160 ZONING LOCATIONS

The signs described in this chapter shall be allowed as specified in table 17.36.160 of this section.

TABLE 17.36.160

Zoning Window, wall, projecting Freestanding	Zoning Canopies Awnings
Commercial: CB, CP , CC, GC	Commercial: CB, CP , CC, GC

Manufacturing: M-1	Manufacturing: M-1
Institutional: I-1	Institutional: I-1

17.44.010 ESTABLISHMENT OF ZONES

For the purpose of this title, the following zones are created to be applied as necessary to regulate the development of the land in Smithfield, Utah:

CP	Commercial Professional zone
Gateway	Gateway overlay zone
Airport	Airport limitation overlay zones
PUD	Planned Unit Development overlay zone
MU	Mixed-Use Overlay Zone

2. The following chapter shall be deleted in its entirety.

17.63 CP COMMERCIAL PROFESSIONAL ZONE

- ~~17.63.010 PURPOSE~~
- ~~17.63.020 ALLOWED USES~~
- ~~17.63.030 AREA, WIDTH AND YARD REGULATIONS~~
- ~~17.63.040 HEIGHT REGULATIONS~~
- ~~17.63.050 DEVELOPMENT STANDARDS~~
- ~~17.63.060 SPECIAL PROVISIONS~~

17.63.010 PURPOSE

~~The commercial professional zone is established to provide a buffer zone between the typical commercial zones and the residential zones. Where it is common to see commercial uses transition into residential use the commercial professional provides a location for uses which are more compatible with residential uses. Less impactful in nature, commercial professional uses typically generate less traffic and noise, are more heavily landscaped especially when adjoining residential neighborhoods and are more visually compatible with residential neighborhoods.~~

~~Adopted by Ord. 15-20 on 11/11/2015~~

17.63.020 ALLOWED USES

~~Those uses which are allowed in the CP commercial professional zone either as a permitted use or a conditional use shall be as specified in SMC 17.120, "Use Matrix Table", of this title.~~

Adopted by Ord. 15-20 on 11/11/2015

17.63.030 AREA, WIDTH AND YARD REGULATIONS

Area, width and yard regulations in the CP commercial professional zone are as follows:

- A. Area: No minimum.**
- B. Width: One hundred feet (100').**
- C. Front yard: Thirty feet (30').**
- D. Side yard: None except ten feet (10') where the side yard abuts a residential zone.**
- E. Rear yard: None except thirty feet (30') where the rear yard abuts a residential zone.**

Adopted by Ord. 15-20 on 11/11/2015

17.63.040 HEIGHT REGULATIONS

A Height regulations in the CP commercial professional zone are as follows:

- A. No building or structure shall be erected to a height greater than two and one half (2^{1/2}) stories or thirty five feet (35').**

Adopted by Ord. 15-20 on 11/11/2015

17.63.050 DEVELOPMENT STANDARDS

- A. Before any building is constructed, enlarged, expanded, or experiences a change in land use, a site development plan shall be prepared and approved in accordance with SMC 17.100 of this title.**
- B. Whenever possible, parking lots shall be located to the rear of businesses and away from any adjoining residential areas or uses.**
- C. Perimeters of parking lots, driveways, sidewalks, and planter areas shall be bound by a minimum six inch (6") concrete curb.**
- D. All parking lots and driveways shall be constructed of new bituminous asphalt or concrete of sufficient thickness to adequately accommodate the loads anticipated.**
- E. Driveways from adjoining businesses shall be consolidated when possible.**
- F. Trash storage and dumpsters shall be located in an area convenient for pick up and shall be screened from view by a six foot (6') sightproof fence.**
- G. All new utility transmission lines shall be placed underground. Transformers, meters and similar apparatus shall be at or below ground level and shall be screened from public view by a wall or fence, landscaping, earth berming, or an acceptable architectural treatment.**
- H. This zone is established as a buffer between more intense commercial uses and residential uses. As such, buildings should be constructed in harmony with the character of the adjacent residential neighborhoods. Heavier landscaping should be incorporated into site plans for those developments which border neighborhoods including such features as berms, rows of trees, and automotive headlight plantings.**

Adopted by Ord. 15-20 on 11/11/2015

17.63.060 SPECIAL PROVISIONS

Special provisions in the CP commercial professional zone are as follows:

- A. The uses, stores, shops or businesses specified in this chapter shall be permitted only under the following conditions:**
 - 1. Such uses and businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, where allowed, and except for periodic, reasonable sidewalk displays and sales.**

- ~~2. All products, whether primary or incidental, shall be sold and displayed inside main building on the premises except as provided in SMC A1 of this section.~~
 - ~~3. There shall be no outside storage of materials or equipment except as specifically approved by the planning commission in conjunction with a conditional use permit.~~
 - ~~4. All uses shall be free from objectionable or excessive odor, dust, smoke, noise, radiation or vibration.~~
- ~~B. A single family or multiple family dwelling unit shall be allowed with a conditional use permit in this zone only if the dwelling is part of a new or preexisting commercial building and if the following conditions are met:~~
- ~~1. The dwelling area shall be constructed in conformance with all applicable codes, ordinances, rules and regulations, whether of this city or other applicable agency.~~
 - ~~2. The dwelling area use shall be secondary, subordinate and incidental to the primary, permitted or conditional commercial use of the building, and cannot exceed more than fifty percent (50%) of the total footage.~~
 - ~~3. The dwelling area or unit and such use shall be made and kept separate from the commercial area and use of the building and the dwelling area and unit shall be used exclusively for dwelling purposes.~~
 - ~~4. Entrances separate from the commercial entrances shall be provided for each dwelling unit.~~
 - ~~5. A minimum one hundred fifty (150) square feet of landscaped open space per multiple family dwelling unit and three hundred (300) square feet for each single-family dwelling unit, in addition to that required by SMC 17.100 of this title, shall be provided. The open space shall be combined in such a manner as to enhance its use and enjoyment by the residents of the development.~~
 - ~~6. There shall be no outside storage of vehicles including RVs and other equipment, except for a maximum of two (2) cars and/or light duty trucks per dwelling unit.~~
 - ~~7. A minimum of two (2) parking stalls per dwelling unit shall be required in addition to any parking stalls required by SMC 17.24 of this title for the commercial uses. Each parking stall shall be a minimum nine feet by twenty feet (9' x 20'), one hundred eighty (180) square feet.~~

Adopted by Ord. 15-20 on 11/11/2015

3. 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.
4. 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.
5. 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 11th of July, 2018

SMITHFIELD CITY CORPORATION

Jeffrey H Barnes

Jeffrey H. Barnes, Mayor

ATTEST:

J. B. Lewis

Justin B. Lewis, City Recorder

