

## ORDINANCE NO. 16-06

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 MUNICIPAL CODE TITLE 16 “SUBDIVISION REGULATIONS” IN PARTICULAR SECTION 16.09.040 “APPROVAL OF PRELIMINARY PLAT” AND TITLE 17 “ZONING REGULATIONS” IN PARTICULAR SECTIONS 17.14.130 “PERMIT REQUIRED” 17.16.040 “NONCONFORMING USES; SUBSTITUTION; EXTENSION; DISCONTINUANCE”; “17.32.030 APPLICATION PROCEDURES”; 17.32.060 “NOTICE OF PLANNING COMMISSION ACTION”; 17.080.040 “CHANGES AND AMENDMENTS”; 17.88.120 “PRELIMINARY PUD PLAN APPROVAL”**

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

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.

### 16.09.040 APPROVAL OF PRELIMINARY PLAT

~~B. The planning commission shall hold a public hearing on the proposed preliminary plat after providing notice of the date, time and place of the public hearing. Such notice shall be mailed not less than three (3) calendar days before the public hearing and addressed to the record owner of each parcel adjacent to the external boundary of the subdivision. In lieu of mailed notices to adjacent property owners a notice may be posted not less than three (3) calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers by. In the event of a proposed multiple unit residential development or a commercial or industrial development, a mailed notice of the date, time, and place of the public hearing shall be addressed to each affected entity.~~

~~C.~~ **B.** The planning commission may approve, approve subject to modification, or 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.

~~D.~~ **C.** If the planning commission denies preliminary plat approval, no further review of the proposed subdivision shall be made by the planning commission, and a new preliminary plat shall be required to reinitiate the subdivision process.

- Ⓔ. **D.** If the preliminary plat is approved, the planning commission shall return one copy of the plat signed by the planning commission chairman to the subdivider together with any conditions that may be attached. Other signed copies shall be forwarded to each of the interested city departments. The planning commission shall retain one signed copy of the plat for its files. If the preliminary plat is disapproved, the planning commission shall indicate its disapproval by distributing signed copies of the plat bearing the reasons for disapproval.
- Ⓕ. **E.** Granting of a preliminary plat approval by the planning commission shall not constitute a final acceptance of the subdivision by the planning commission. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements.

#### **17.08.040 CHANGES AND AMENDMENTS REZONES**

The ordinance codified in this title, including the maps, may be amended from time to time by the Smithfield City council. All proposed amendments shall be first submitted to the planning commission for its recommendation. The ~~city council and~~ planning commission shall ~~each~~ hold a public hearing after providing notice in conformance with section 10-9a-205, Utah Code Annotated or as said section may be amended. The planning commission's recommendation shall be placed on the next available agenda of the legislative body. ~~returned to the Smithfield City council for its consideration within thirty (30) days. Failure of the planning commission to submit its recommendation within the prescribed time shall be deemed approval by such commission of the proposed change or amendments. The Smithfield City council may overrule the planning commission's recommendations by a majority vote of its members.~~ The Smithfield City council will review and consider the recommendation of the planning commission and vote to approve or deny the rezone request at a regular council meeting.

#### **17.14.130 PERMIT REQUIRED**

Those wishing to establish animal rights for a particular lot or parcel shall first obtain an animal rights permit from the planning commission. ~~Prior to considering a request for a permit, the city shall attempt to contact adjacent property owners to notify them of the pending action.~~

#### **17.16.040 NONCONFORMING USES; SUBSTITUTION; EXTENSION; DISCONTINUANCE**

3. Buildings and structures which are determined to be nonconforming in respect to setbacks or height may be continued. Additions or structural alterations may be made to the extent that they are required by law. In addition, the planning commission, ~~after holding a public hearing,~~ may allow an enlargement or structural alteration provided such change is in harmony with the surrounding neighborhood and meets the intent of the general plan and this title. Reasonable conditions may be attached to the approval in order to ensure neighborhood compatibility.

#### **17.32.030 APPLICATION PROCEDURES**

- ~~C. Surrounding Property Owners:~~ The applicant shall provide with the application, the names and addresses of all property owners within three hundred feet (300') from the boundary of the subject property as listed in the current records of the Cache County recorder.
- ~~D.C.~~ **Permit Fee:** The applicant shall pay the applicable conditional use permit fee as established in the ~~most recent~~ prevailing fee schedule, ~~adopted by resolution of the Smithfield City council~~

~~E. Public Hearing: A public hearing need not be held; however, a hearing may be held when the planning commission shall deem a hearing to be necessary to serve the public interest.~~

**17.32.060 NOTICE OF PLANNING COMMISSION ACTION**

Within a reasonable time ~~following the public hearing~~, the applicant shall be given written notification of the planning commission's action. If the application is approved, the notice shall outline conditions attached to the approval, if any, the procedures to be followed prior to obtaining a business license or building permit, and the expiration date of the approval.

**17.88.120 PRELIMINARY PUD PLAN APPROVAL**

~~B. In considering the preliminary PUD plan, the planning commission shall hold a public hearing after giving notice as required under section 10-9a-207 of Utah Code Annotated for the purpose of gathering public input prior to rendering a decision on the final plan request.~~

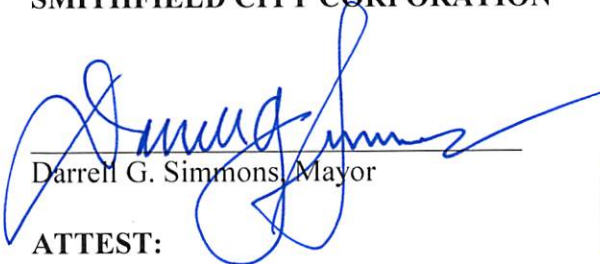
~~B.~~ The planning commission may impose such conditions on a preliminary PUD plan as it may deem appropriate to meet the ~~goals and objectives~~ purpose of this chapter and ~~the goals and objectives of~~ the general plan.

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent a 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 ~~the its~~ posting ~~as required by law~~ **in three (3) public places within the corporate limits of Smithfield or by notice on the Smithfield City official website as a substitute for physical posting of notice at three physical locations.**

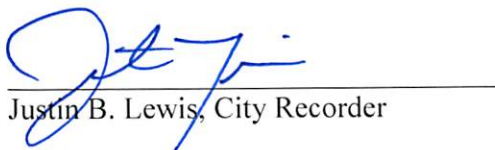
THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 11<sup>th</sup> day of January, 2017

**SMITHFIELD CITY CORPORATION**

  
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Darrell G. Simmons, Mayor

**ATTEST:**

  
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Justin B. Lewis, City Recorder

