

ORDINANCE NO. 17-18

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”: ADDING CHAPTER 17.89 “MIXED-USE OVERLAY ZONE” IN ITS ENTIRETY.

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

1. The following ordinance shall be added in its entirety:

Chapter 17.89 MIXED-USE OVERLAY ZONE

- 17.89.010 Objectives/Purposes
- 17.89.020 Allowed Uses
- 17.89.030 Definitions
- 17.89.040 Maximum height of structures
- 17.89.050 Maximum lot coverage
- 17.89.060 Development standards
- 17.89.070 Minimum lot size
- 17.89.080 Setbacks, yards, and other requirements
- 17.89.090 Use of existing structures
- 17.89.100 Lighting
- 17.89.110 Screening
- 17.89.120 Landscaping requirements
- 17.89.130 Site plan required
- 17.89.140 Signage requirements
- 17.89.150 Conflicts

17.89.010 OBJECTIVES AND PURPOSES

The objective in establishing the Mixed-Use Overlay Zone (MU overlay zone) is to provide an environment within the City which is characterized by a variety of uses including residential, commercial, and offices. Residential densities may vary from 2 to 24 units per acre. The MU overlay Zone is characterized by wide, clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting, and well-maintained shops, stores, offices, theaters, and cultural buildings, as well as single and multi-

family residential dwellings are also characteristic of this zone. Representative of the uses in this zone are specialty retail, lodging, all types of residential, professional offices, theaters, restaurants, and a wide variety of retail outlets.

A. The purposes of the MU overlay zone are to provide areas in the city for a mix of uses, including mixed-use developments with commercial, institutional, office and service uses apportioned on-site in a manner sensitive to the street environment and adjacent uses; to support an urban village where amenities are focused on a local main street; to encourage and support transit-oriented development by allowing transit supportive density, where desired; and to enhance the accessibility of the area and the Gateway Overlay Zone.

B. The MU overlay zone is intended to achieve cohabitation of uses, while ensuring that negative impacts on residents are minimized. The spaces created in the MU overlay zone are intended to encourage a diminished need for motorized travel and shall possess characteristics (accomplished through roads, passages, and sidewalks) that serve the needs of pedestrians, bicyclists and motor vehicle users while still allowing casual encounters of human beings at an intimate, or pedestrian, scale.

C. The MU overlay zone does not have a maximum allowed floor area for most uses. Such deregulation is intended to encourage those proposing larger commercial and residential developments to consider creating a mixed-use development rather than a regional commercial type development.

D. Any applicant requesting an increase in height or decrease in setbacks which are standard in the MU overlay zones, or any other variation based on permitted planning commission approval under this chapter, shall require a conditional use permit.

17.89.020 ALLOWED USES

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

17.89.030 DEFINITIONS

Mixed-use development: means any urban, suburban or village development, or even a single building, that blends a combination of residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections.

Mixed-use self-storage facility: means building(s) with multiple uses where one of the uses (but not the primary use) is for self-storage that is located in an area where different types of land uses are in close proximity.

17.89.040 MAXIMUM HEIGHT OF STRUCTURES

Structures in an MU overlay zone shall not exceed a height of two stories, or 35 feet, whichever is less. The planning commission, after receiving favorable recommendation from the Subdivision Technical Review Committee (STRC), may increase the maximum height of a structure in an MU overlay zone to no more than three stories, upon a finding that such increased

height will not adversely affect the public health, safety, or welfare.

17.89.050 MAXIMUM LOT COVERAGE

In an MU overlay zone, buildings shall not occupy more than sixty-five percent (65%) of the lot area.

17.89.060 DEVELOPMENT STANDARDS

Any development in the MU overlay zone shall conform to the city’s general plan, the standards of the city’s Gateway Overlay Zone (if applicable), and the standards of this chapter. The maximum density of any development in the MU overlay zone shall not exceed 24 units per acre.

17.89.070 MINIMUM LOT SIZE

Except as may be required to meet minimum setbacks and any requirements providing for a minimum square footage of a building or structure, there are no minimum lot size requirements, provided that the density requirements of this chapter are met.

17.89.080 SETBACKS, YARDS, AND OTHER REQUIREMENTS

A. Yards and setbacks.

1. The minimum front or side yard along a street shall be 10 feet; however, the planning commission may reduce or eliminate the setback if it abuts CB (Central Business District), CC (Community Commercial) & (General Commercial) GC -zoned properties and finds that the reduction or elimination helps create a better designed development, and that the reduction or elimination will not adversely affect the public health, safety, or welfare.
2. Minimum side and rear yards of 25 feet shall be required for side or rear yards of a lot in an MU overlay zone abutting a residential zone. For lots adjacent to a non-residential zone, the minimum setback shall be ten feet for side and rear yards not on a street; however, the planning commission may reduce the setback if it finds that the reduction helps to create a better designed development, and that the reduction will not adversely affect the public health, safety, or welfare.

B. Building orientation.

1. All single-family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/courtyard entrances; or
2. All single-family attached homes and multi-family residential complexes may have their primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than 20 feet from the curb line of the street.

C. Design guidelines and standards.

All mixed-use developments shall comply with the provisions of the city’s design guidelines.

D. Vehicle and Driveway Access

No curb cuts are allowed for lots that abut alleys.

E. Off-Street Parking.

No off-street parking is required for nonresidential uses in MU overlay zones unless such uses exceed (2,500) square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of (2,500) square feet.

F. No outside storage of vehicles, boats, motor homes, RVs or any other materials or equipment shall be allowed at or around any mixed-use facility.

G. Commercial moving truck rentals shall be prohibited at mixed-use self-storage facilities.

A mixed-use self-storage facility shall be allowed to have no more than two private moving trucks owned and operated by the facility and available only to the renters of units within the facility. Moving trucks meeting the above regulation shall be stored out of sight of the public way.

17.89.090 USE OF EXISTING STRUCTURES

The continued use of an existing structure in the MU overlay zone is permitted, provided that the structure meets the requirements of this chapter and any other applicable ordinances.

17.89.100 LIGHTING

A. Uniformity of lighting is desirable to achieve an overall objective of continuity and to avoid objectionable glare and shall meet the requirements of SMC 9.24.050

B. Pedestrian walkways shall be lighted.

C. All lighting next to residential zones, or where the planning commission requires, shall meet the SMC 9.24.050 requirements.

17.89.110 SCREENING

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with a gate that obscures the view of refuse containers from the surrounding area, or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential or agricultural zone boundary or property containing a residential or agricultural use.

B. All ground-mounted mechanical equipment (including, without limitation, heating, and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

C. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as such roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require STRC approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and residential or rural residential zoned property. Landscaping and/or rooftop patio equipment and screening may be used to screen mechanical and other rooftop equipment, as approved as part of a site plan. The landscaped area may not be enclosed or screened in such a way so as to create permanent

occupancy space.

D. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.

E. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

F. All development located in a Gateway Overlay Zone shall comply with the stated goals and standards of that zone.

17.89.120 LANDSCAPING REQUIREMENTS

All developments one acre or more in size shall dedicate at least 15% of the lot to landscaping, including, without limitation, landscape buffers, seating areas, natural walking paths separate from sidewalks, and so on. Drought resistant plants are encouraged. Further,

A. All developments in the MU overlay zone shall provide a landscaped buffer between any commercial development and any adjoining residential zone. The landscaped buffer shall be at least eight feet wide, and shall include trees planted at least every 30 feet on center. This requirement may be included within the side and rear setbacks of the MU overlay zone.

B. Developments in the MU overlay zone are intended to blend with the surrounding land uses, whether they are residential or non-residential. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but instead should provide a landscaped transition between uses and pedestrian walkways and trails.

17.89.130 SITE PLAN REQUIRED

Developments in the MU overlay zone must submit a site plan, which is subject to planning commission approval.

In this chapter, a “site plan” means a plan or set of plans for a single building or series of buildings containing the primary land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. Uses in the MU overlay zone are intended to contain a mix of uses, including general, professional office, medical or dental offices, retail and/or residential dwelling units uses.

A. Uses in the MU overlay zone over 25,000 square feet shall be reviewed for building design, scale, and architectural compatibility with established design principles by the city’s Subdivision Technical Review Committee (STRC) and the planning commission

B. The following criteria shall be considered by the STRC and the planning commission when reviewing a site plan(s) for uses over 25,000 square feet:

1. Detailed building elevations and color/material boards shall be submitted to and reviewed by the STRC prior to any consideration by the planning commission of an

application for site plan approval.

2. Exterior building materials must be approved by the STRC, and shall match the quality, texture, and architectural intent of surrounding buildings, if applicable, and the intent and regulations of any applicable overlay zone design guidelines.

3. All buildings shall have a minimum of 15% transparency on all floors, which shall consist of windows that provide visibility from the public right-of-way or adjacent property.

4. Buildings with more than one story shall be designed to have the appearance and function of a multi-story building through the use of windows, doors, awnings, canopies and other appropriate building and architectural elements.

5. The front façade of buildings, visible from the public right of way, shall be designed to have ample bulk and massing and design quality to adequately establish a prominent, pedestrian oriented streetscape.

6. External unit doors must be screened from neighboring land uses to an extent determined appropriate by the STRC based on the potential impact to surrounding land uses.

17.89.140 SIGNAGE REQUIREMENTS

Approval of signage is subject to the applicant meeting the regulations of the SMC 17.36, "Signs".

17.89.150 CONFLICTS

This Chapter provides additional provisions to those set forth in the other Chapters of the City's Zoning Ordinance. In the event of conflict between other provisions of the Zoning Ordinance and this Chapter, the provisions of this Chapter shall apply.

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 15th day of November, 2017

SMITHFIELD CITY CORPORATION

Darrell Simmons

Darrell G. Simmons, Mayor

ATTEST:

Justin Lewis

Justin B. Lewis, City Recorder