

ORDINANCE NO. 22-11

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”, CHAPTER 17.92 “ACCESSORY APARTMENT”, SECTIONS 17.92.010 “PURPOSE OF CHAPTER”, 17.92.020 “CONDITIONS” AND ADDING IN ITS ENTIRETY 17.92.040 “DEFINITIONS”.

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

- 1. The attached table shall be amended as indicated. Those portions which are ~~struck out~~ shall be deleted and those that are highlighted in yellow shall be added.

17.92 ACCESSORY APARTMENT DWELLING UNIT

17.92.010 PURPOSE OF CHAPTER

The purpose of permitting an accessory ~~apartment~~ dwelling unit is to:

- E. Allow more efficient use of existing single-family dwellings and public infrastructure.

17.92.020 CONDITIONS

- A. A permit ~~conditional use permit~~ dwelling unit 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:
 - 1. ~~The apartment will be a separate housekeeping unit that can be isolated within the original unit.~~
 - 2. ~~Only one apartment will be created within a single family house.~~
 - 3. ~~The owner(s) of the residence in which the accessory apartment is created shall occupy at least one of the units in the dwelling, except for bona fide temporary absences determined by the zoning administrator.~~
 - 4. ~~The accessory apartment shall be designed so that the appearance of the building remains that of a one family residence. Any new entrances shall be located on the side or in the rear of the building.~~

- ~~5. The design and size of the apartment conforms to all applicable standards in the health, building and other codes.~~
- ~~6. At least three (3) off street hard surfaced parking surfaces are available for use by the owner-occupant(s) and tenant(s). Parking not to exceed twenty five percent (25%) of front or side property line.~~
- ~~7. Other conditions for accessory apartment:~~

~~a. Building permit;~~

~~b. 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.~~

~~8. Any other appropriate or more stringent conditions deemed necessary by the zoning administrator to protect public health, safety and welfare, and the single family character of the neighborhood.~~

1. The original unit, including any accessory dwelling unit, shall all be considered a single-family residence rather than a “duplex” or “multi-family” as defined by the applicable building codes.

2. A detached accessory dwelling unit shall not be connected to, and served by, the same water and sewer services that serve the primary building. See SMC 13.04.140 “Separate Connections” and 13.16.150 “Separate Building Connections Necessary”.

3. Any new construction, remodeling or renovation of an existing structure to accommodate an accessory dwelling unit shall conform to the setbacks, height restrictions, health, fire, building and other code requirements current at the time of application. Additionally,

a. An accessory dwelling unit must have its own entryway with eating, sleeping, and sanitation facilities that can be isolated from the original unit.

b. Any wall of a detached accessory dwelling unit shall be a minimum of ten feet (10') away from any wall of the primary structure.

4. There shall be no more than one attached accessory dwelling unit and one detached accessory dwelling unit, for a maximum of two accessory dwelling units, per single-family residence.

5. An accessory dwelling unit shall not exceed the lesser of fifty percent (50%) of the size of the original dwelling unit or fifteen hundred (1,500) livable square feet.

6. The owner(s) of the residence shall occupy at least one (1) of the units on the lot.

7. Parking:

- a. A single-family residence with one or more accessory dwelling units must have at least one (1) dedicated off street hard surfaced parking area, per accessory dwelling unit, available for use by the owner-occupant(s) and tenant(s). See Utah Code Annotated 10-9a-530 "Internal accessory dwelling units".

8. Other conditions for an accessory dwelling unit:

- a. An accessory dwelling unit shall not be sold separately or subdivided from the original single-family dwelling unit.

17.92.040 DEFINITIONS

A. Definition of Accessory dwelling unit: A subordinate dwelling, which has its own eating, sleeping, and sanitation facilities which is:

1. Within or attached to a single-family residential building, or
2. Within a detached accessory structure on the same lot as the associated single-family residence.

B. Accessory dwelling units may go by different names including accessory apartments, extended living areas, over-the-garage or basement living spaces, mother-in-law apartments, casitas, guest houses, tiny homes, etc.

C. Accessory dwelling units are permanent structures. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an accessory dwelling unit.

D. Definition of Owner: An individual who is listed on a recorded deed as an owner of the property; any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as an owner of the property; or an individual who is a trustor of a family trust who possesses legal ownership of the property.

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 24th day of August, 2022

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder