

ORDINANCE NO. 22-18

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”, CHAPTER 17.92 “ACCESSORY APARTMENT”, SECTION 17.92.030 “APPLICATION PROCEDURES”, CHAPTER 17.12 “SUPPLEMENTARY AND QUALIFYING REGULATIONS”, SECTION 17.12.180 “YARD REGULATIONS”, CHAPTER 17.56 “R-1 SINGLE-FAMILY RESIDENTIAL ZONE”, SECTION 17.56.030 “AREA, WIDTH AND YARD REGULATIONS”, AND CHAPTER 17.120 “USE MATRIX TABLE”, SECTION 17.120.010 “USE ALLOWANCE MATRIX”.

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.

17.92.030 APPLICATION PROCEDURES

- A. Application for a permit for an accessory apartment shall be made to the zoning administrator in accordance with the conditional use permit procedures given in this title **and, if required,** shall include:
 - ~~1. A notarized letter accompanying the application from the owner(s) stating that the owner will occupy one of the dwelling units on the premises, except for bona fide temporary absences;~~
 - ~~2. A site plan.~~ **1. A new construction zoning clearance.**
 - 2.** A fee as set forth by the most recent prevailing fee schedule adopted by resolution of the city council to cover the costs of processing the application and code inspection.
- B. Within fourteen (14) days of the receipt of an application, the zoning administrator shall review and render a decision on the application. If the application fails to meet all of the conditions listed in SMC 17.92.020 of this chapter.
- C. The purchasers of a home that ~~has a conditional use~~ **have a** permit for an accessory apartment who want to continue renting their apartment must demonstrate that all conditions of the existing ~~conditional use~~ permit have been met.
- ~~D. Where appropriate, the zoning administrator may take steps to expedite approval or to give conditional approval prior to sale in order to protect continued residence by existing~~

tenants.

17.12.180 YARD REGULATIONS

- A. ~~The minimum depth of front yard for main residential buildings and for private garages (which have a minimum side yard of 10 feet) shall be thirty feet (30'), or the average of the existing buildings where fifty percent (50%) or more of the frontage between two (2) street intersections is developed, but in no case less than twenty feet (20').~~ Reference individual zones for specific setbacks.
- B. On corner lots, the least of the two (2) front yards shall be a minimum of twenty feet (20') and the combination of the two together shall total a minimum of ~~fifty feet (50')~~ forty feet (40').

17.56.030 AREA, WIDTH AND YARD REGULATIONS

Area, width and yard regulations in the residential zones are as follows:

District	Corner Side (In Feet)
R-1-10	20
R-1-12	20
R-1-20	20

17.120.010 USE ALLOWANCE MATRIX

The following uses shall be designated as AC, "administrative conditional"; C, "conditional"; or P, "permitted"; (dash -), "not allowed".

See SMC 17.91.060 of this title for uses in the airport limitation overlay zones.

TABLE 17-1 USE ALLOWANCE MATRIX

Zoning Districts	CB	CC	GC	Gateway Overlay	Mixed-Use Overlay
Residential/domestic:					
Accessory, residential unit	C	C	€	€	C

- 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 14th day of September, 2022

SMITHFIELD CITY CORPORATION

Kristi Monson, Mayor

ATTEST:

Justin B. Lewis, City Recorder