

**ORDINANCE NO. 23-33**

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”; AMENDING CHAPTER 17.92  
“ACCESSORY DWELLING UNIT”, SECTION 17.92.020 “CONDITIONS”.**

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.

<b>17.92.020</b>	<b>CONDITIONS</b>
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- A. A permit will be granted for a use to be known as an accessory dwelling unit, provided that the following standards and criteria are met:
  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; except for bona fide temporary absences of three (3) years or less for activities such as:
    - a. A temporary job assignment, sabbatical, or voluntary service.
    - b. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
    - c. City staff will require written documentation verifying the temporary absence.

d. The owner(s) shall apply for a continuance of their accessory dwelling unit permit during their absence by notifying the Planning Department in writing. They shall include in the request their anticipated length of absence and estimated return date, a forwarding address, phone number and email address where they may be contacted by the city, and the names, phone numbers and email addresses of those who will act in their stead as the “surrogate” owners of the property in their absence.

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.

B. Accessory ~~apartments~~ **dwelling units** are allowed in “A” (agricultural zone), “RA” (residential agricultural zone) and “R-1” (single-family residential zone).

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 5th day of December, 2023

**SMITHFIELD CITY CORPORATION**

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Kristi Monson, Mayor

**ATTEST:**

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Justin B. Lewis, City Recorder