

**ORDINANCE NO. 24-20**

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 DWELLING UNIT”, SECTION 17.92.040 “DEFINITIONS”.**

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.

**17.92.040 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 **as a parent, parent in-law, child or stepchild** ~~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and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.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

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as required by law.

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

Approved and signed this 11th day of September, 2024

**SMITHFIELD CITY CORPORATION**

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Kristi Monson, Mayor

**ATTEST:**

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Dana Lazcanotegui, City Recorder