

ORDINANCE # ZA-23-02
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 7, SECTION 7.3 ACCESSORY USES AND STRUCTURES TO ALLOW TWO
ACCESSORY STRUCTURES PER RESIDENTIAL LOT.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 7, Section 7.3 Accessory Uses and Structures to allow two accessory structures per residential lot.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Revise Article 7, Section 7.3 to allow two accessory structures per residential lot and reorder moving fence regulations after accessory building regulations and before satellite dish antennas regulations.]

PART 1

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

SECTION 7.3 ACCESSORY USES OR STRUCTURES.

7.3.1. Structures such as storage sheds, garden sheds, and similar structures shall be considered accessory buildings, even though they may be capable of being lifted or disassembled and removed from the property.

7.3.2. No tent, mobile home, camper, travel trailer, nor any other temporary, portable, or removable trailer, container, vehicle or structure of any kind may be considered an accessory building, whether or not the wheels, axles, and/or tongue have or has been removed and whether or not the container, structure, or vehicle as described herein has been placed on a foundation, except as hereinafter described.

7.3.3. Accessory buildings may occupy 10% of the gross lot area, must be built a minimum of ten (10) feet from any lot line, and except for attached garages, must be built to the rear of the principal building in accordance with Section 8.13.2.

7.3.5. Accessory buildings shall not be erected within ten (10) feet of any other accessory building.

7.3.6. No accessory building or use may be erected or installed on any lot where a principal building does not exist.

7.3.7. No lot shall have in excess of one two accessory building buildings, except that granny pods not exceeding three hundred (300) square feet and pool houses not exceeding one hundred fifty (150) square feet are permitted. Accessory building numbers limitation on property are exempt if the property is identified as having farm tax identification number. Properties greater than 1/2 acre in size in the R20-A zoning district may have up to two (2) accessory structures with a valid zoning permit. The side and rear setbacks for farm property shall be the same as other accessory buildings.

7.3.8. The accessory structures shall be in accordance with Article 10, Part VI Stormwater Management.

7.3.9. A zoning permit shall be obtained prior to placement or construction of any accessory structures on any lot.

7.3.10. Fences

Fences and walls that meet these requirements are permitted as accessory uses and shall comply with the following:

7.3.10.1. For the purposes of this Section of this ordinance, a fence is a barrier composed of wire, wood, metal, plastic, or a similar material and a wall is a barrier composed of brick, stone, rock, concrete block, or a similar masonry material. Electric fences and fences constructed with razor or barbed wire are prohibited except when used to enclose livestock on bona fide farm, for public or quasi-public institutions for public safety or security purposes, or for industrial uses in the Light or Heavy Industrial Zoning District for security purposes.

7.3.10.2. No fence or wall more than 48 inches in height, which is more than seventy-five percent (75%) solid, may be placed in the front of a principal structure.

7.3.10.3. Fences shall be installed such that exposed framing faces the interior yard and not toward adjacent properties or public rights-of-way.

7.3.10.4. Fences and walls may not exceed seven (7) feet in height, except that in commercial and industrial districts, a fence may not exceed ten (10) feet in height. Fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron. Fences and walls may exceed the height requirements of this Section if required or specifically authorized in another Section of this ordinance or with a special use permit.

7.3.10.5. Fences and walls are exempt from the setback requirements of this ordinance.

7.3.10.6. No fence or wall shall impede vision as regulated in Section 2.21 of this ordinance.

7.3.10.7. Fences and walls approved with a special use permit shall not adversely impede light or airflow to adjoining properties.

7.3.10.8. Fences, if replaced, shall meet the requirements of this Section.

7.3.10.9. Fences and walls seven (7) feet or less in height meeting the requirements of this ordinance shall not require a zoning permit.

~~**7.3.4.** Accessory buildings may occupy 10% of the gross lot area, must be built a minimum of ten (10) feet from any lot line, and except for attached garages, must be built to the rear of the principal building in accordance with Section 8.13.2.~~

~~**7.3.5.** Accessory buildings shall not be erected within ten (10) feet of any other accessory building.~~

~~**7.3.6.** No accessory building or use may be erected or installed on any lot where a principal building does not exist.~~

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PART 3

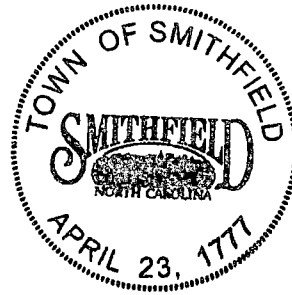
That these amendments of the Unified Development Ordinance shall become effective upon adoption.

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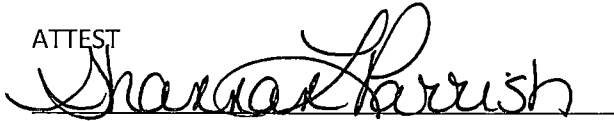
Duly adopted this the 4th day of April, 2023.



M. Andy Moore, Mayor



ATTEST



Shannan L. Parrish, Town Clerk