

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
October 6, 2020 – WORK SESSION

*Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

City Building  
55 South State Street  
Multi Purpose Room  
Second Floor  
Clearfield City, Utah

**6:00 P.M. WORK SESSION**

Discussion on the General Plan Update and Introduction to the Project Consultants

Discussion on the Possibility of Allowing Accessory Dwelling Units within the City

Discussion on the City's Land Use Regulations and Standards for Commercial Storage Facilities

**\*\*ADJOURN AS THE CITY COUNCIL\*\***

Dated this 1<sup>st</sup> day of October, 2020.

/s/Wendy Page, Deputy Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.



## STAFF REPORT

**TO:** Mayor Shepherd and City Council Members  
**FROM:** Spencer W. Brimley, Community Development Director  
**MEETING DATE:** Tuesday, October 6, 2020  
**SUBJECT:** Consultant introduction, project scope and Q & A General Plan update

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### **RECOMMENDED ACTION**

Provide a timeline for the project and present the Council with the overall scope of the project, answer questions and obtain any additional feedback necessary from the Council.

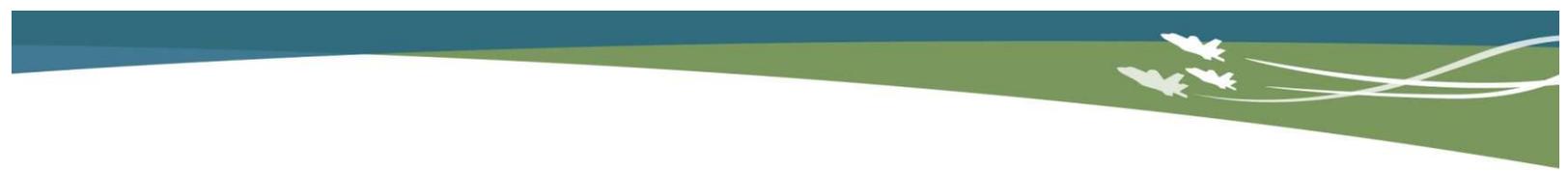
### **DESCRIPTION / BACKGROUND**

As a best practice community General Plans are updated every 5-10 years. The last major update to the General Plan occurred within the last decade. Since then the City has performed some minor updates as requested by the Council, or necessary because of new plans or required items from the State Legislature. There have been many new regulations passed to the cities for compliance by the Legislature that will affect the City's ability to obtain state or federal funds as well. These changes along with the creation of FBC and the downtown area have necessitated this most recent request to perform a comprehensive update to the City's General Plan. Since that time staff has crafted a project scope, provided the scope to 10 groups for response, and as recent as last week staff from WFRC and the City reviewed 7 RFPs for the general plan update. This process has concluded with the City selecting VODA Landscape and Planning as the consultant for this project, with their sub-consultants.

### **CORRESPONDING POLICY PRIORITY (IES)**

The update of the Clearfield City General Plan will address the Policy Priority of *Improving Clearfield's Image, Livability, and Economy; and Providing Quality Municipal Services* in the following way:

- The use of and update of the General Plan encourages high quality economic development with increased development standards and a mix of uses to create a livability in the City and will provide a clear vision for the community to help blend the new development and with existing and established uses.
- The update will create a framework and context for conversations and collaboration with transportation agencies and other local/regional partners to create a community that planned and prepared for future growth.

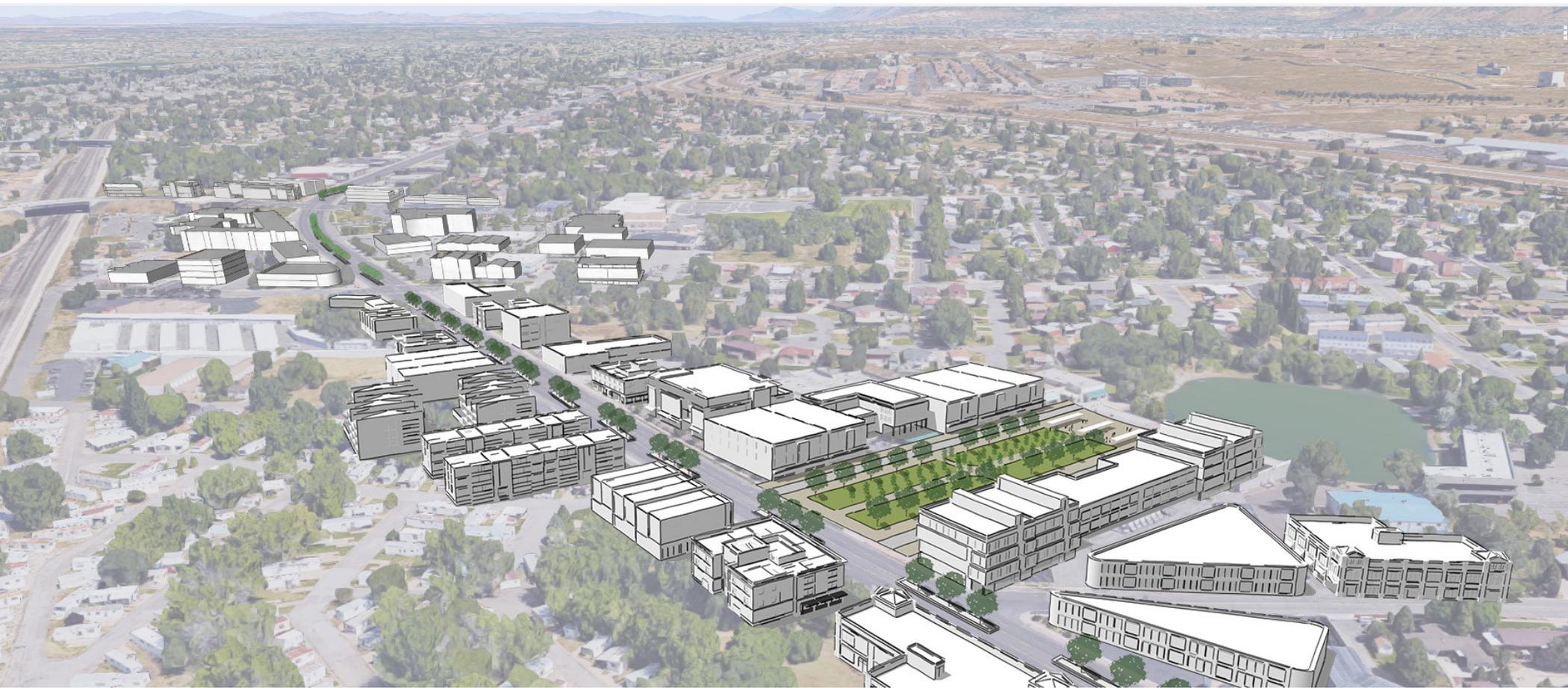


**FISCAL IMPACT**

Clearfield City contributed \$95,000 to this project. Pairing this contribution with the WFRC TLC grant of \$55,000 from the total project budget will be \$150,000.

**SCHEDULE / TIME CONSTRAINTS**

The tentative plan is September 2020 - May 2021.



# **CLEARFIELD CITY**

## **GENERAL PLAN UPDATE**



**CITY COUNCIL & PLANNING COMMISSION MEETING**

# MEETING AGENDA

- 1. PROJECT TEAM**
- 2. STATE REQUIREMENTS**
- 3. GENERAL PLAN ELEMENTS**
- 4. EXISTING CONDITIONS**
- 5. PUBLIC ENGAGEMENT**
- 6. PROJECT TIMELINE**
- 7. NEXT STEPS**



# TEAM



**MARK MORRIS, PLA, LEED AP**  
VODA LANDSCAPE + PLANNING

Principal -in-charge



**ANNALIESE EICHELBERGER**  
VODA LANDSCAPE + PLANNING

Project Manager



**BRYCE BUSHMAN**  
Urban Designer &  
Planner



**JEFF ALLS**  
Landscape Designer



**LAUREN LEYDSMAN**  
Community Planner



**MARIA VYAS, AICP**  
FEHR & PEERS  
Transportation Planner



**TIM BAIRD**  
FEHR & PEERS  
Transportation Planner



**SUSAN BECKER, AICP**  
ZIONS BANK PUBLIC FINANCE  
Financial Analyst



**BENJAMIN BECKER**  
ZIONS BANK PUBLIC FINANCE  
Financial Analyst



# STATE REQUIREMENTS

- **MODERATE INCOME HOUSING (MIH) ELEMENT**
  - **AFFECTED COMMUNITIES SHALL PLAN AND ADOPT A MIH ELEMENT INCLUDING STRATEGIES FROM A ‘MENU’ OF OPTIONS**
- **LAND USE ELEMENT**
  - **MUST CONSIDER LONG-TERM GOALS, DISTRIBUTION, & LOCATION OF HOUSING FOR RESIDENTS OF VARIOUS INCOME LEVELS**
- **TRANSPORTATION AND TRAFFIC CIRCULATION ELEMENT**
  - **PROVIDE GENERAL LOCATION OF ACTIVE TRANSPORTATION FACILITIES**
  - **PLAN DEVELOPMENT AROUND “MAJOR TRANSIT INVESTMENT CORRIDORS”**
  - **CORRELATE TRANSPORTATION PLAN WITH POPULATION, EMPLOYMENT PROJECTIONS, & LAND USE ELEMENT**
  - **CONSIDER REGIONAL TRANSPORTATION PLAN DEVELOPED BY WFRC**
- **PARKS AND OPENS SPACE ELEMENT**
  - **CONSIDER AN ENVIRONMENTAL ELEMENT THAT ADDRESSES NATURAL RESOURCES**
- **VULNERABLE COMMUNITIES ELEMENT**

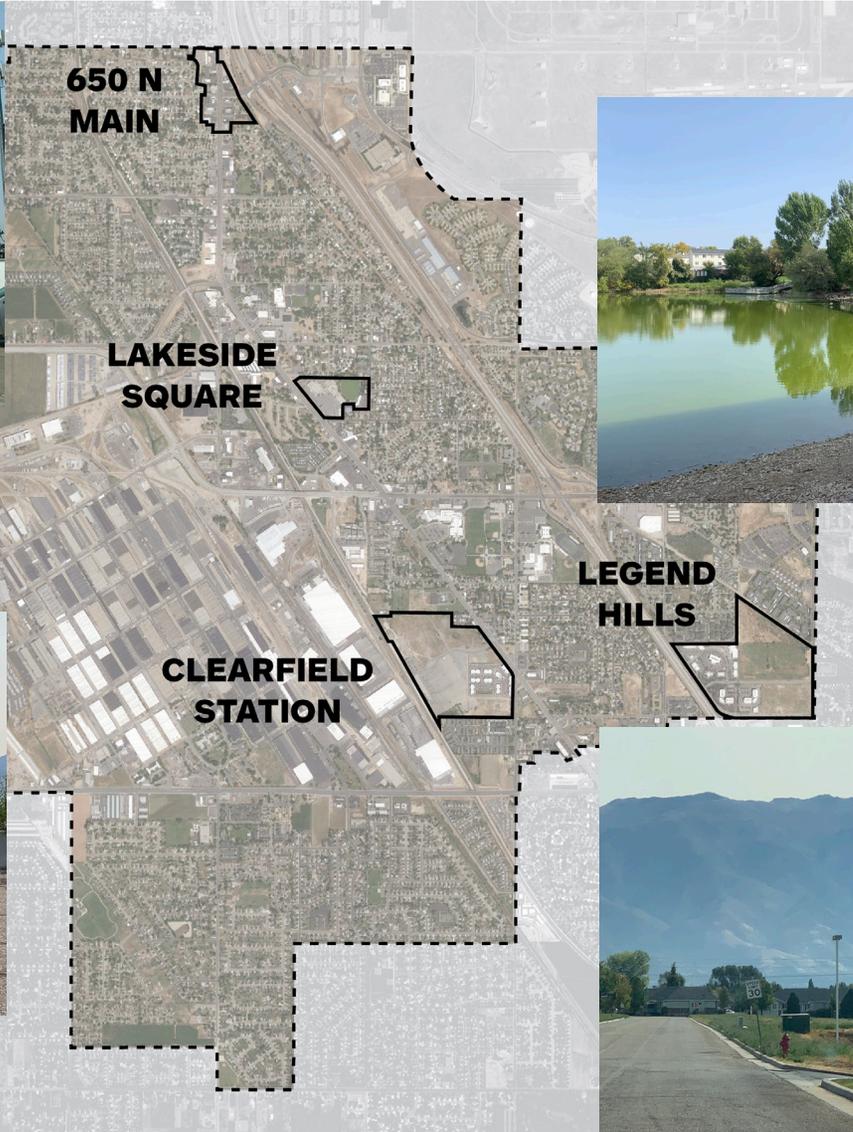


# GENERAL PLAN ELEMENTS

- **LAND USE**
- **TRANSPORTATION**
- **HOUSING**
- **ECONOMIC DEVELOPMENT**
- **OPEN SPACE AND TRAILS**
- **ENVIRONMENT**



# EXISTING CONDITIONS



# **PUBLIC OUTREACH**

## **1. OCTOBER- PUBLIC OUTREACH #1**

### **VISIONING SURVEY/VIRTUAL OPEN HOUSE**

- **EDUCATE ON PLAN PARAMETERS AND SCOPE**
- **PUBLICIZE EXISTING CONDITIONS INFORMATION**
- **CREATE PROJECT OWNERSHIP WITHIN COMMUNITY**

## **2. JANUARY- PUBLIC OUTREACH #2- FEEDBACK ON INITIAL PLANNING CONCEPTS VIRTUAL OPEN HOUSE**

- **FEEDBACK FROM COMMUNITY REGARDING INITIAL PLAN CONCEPTS**
- **INITIAL PLANNING CONCEPTS**
- **IDENTIFIED GENERAL PLAN GOALS**

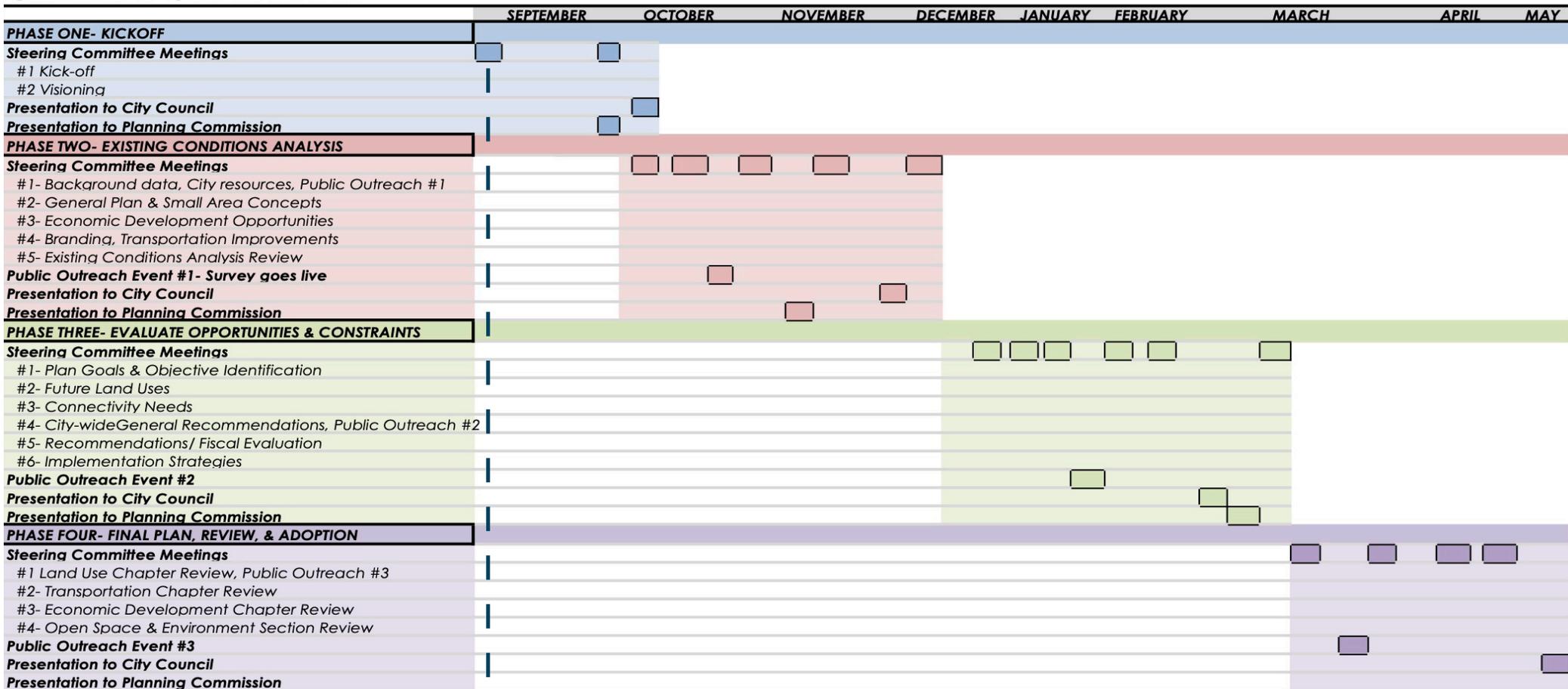
## **3. MARCH- PUBLIC OUTREACH #3- LAND USE, BROAD POLICY UPDATES IN-PERSON-DISTANCED OPEN HOUSE**

- **PRESENT EXISTING ZONING INFORMATION AND GATHER INPUT FROM THE PUBLIC**
- **PRESENT DRAFT ZONING/CODE UPDATES**
- **ILLUSTRATE HOW ORDINANCE AMENDMENTS IMPLEMENT COMMUNITY VISION**
- **EDUCATE COMMUNITY COMPONENTS OF CURRENT ZONING ORDINANCE AND HOW IT MAY BE AMENDED**



# PROJECT TIMELINE

## CLEARFIELD GENERAL PLAN



●  
WE ARE  
HERE





## STAFF REPORT

**TO:** Mayor Shepherd and City Council Members  
**FROM:** Brad McIlrath, Senior Planner  
**MEETING DATE:** Tuesday, October 6, 2020  
**SUBJECT:** Discussion on Accessory Dwelling Units (ADUs) within Clearfield City

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### **RECOMMENDED ACTION**

Staff is seeking direction from the City Council regarding an ordinance that would permit and regulate ADUs within Clearfield City. Staff recommends that the City Council review the information included with this staff report and provide direction regarding the creation of an ordinance.

### **DESCRIPTION / BACKGROUND**

On July 30, 2019 the Planning Commission and City Council reviewed a draft ADU ordinance prepared by the City's management intern. This review and discussion included references to municipal codes in Murray and North Salt Lake, Utah; Durango, Colorado; and Portland, Oregon. Based upon that discussion staff has concluded that if an ordinance is created, it should be simple and tailored to the local context of this community. Since that time, City staff have responded to many requests to allow ADUs within the City.

#### **Regional Context**

As shown with the attached "Utah Accessory Dwelling Unit Survey: 2020 Update," Salt Lake County Regional Planning Staff compiled information about municipalities that do or do not regulate ADUs and the types that are allowed of which Clearfield City was included. Out of the eighty eight (88) municipalities that were included in the survey, 65.12% allow ADUs. The types of ADUs that were identified in this survey were attached (inside or a part of the house) or detached (accessory type structure) with a slight deference between allowing attached ADUs more than detached ADUs. With State Code requirements for communities to address housing affordability, ADUs may be a viable choice to provide affordable housing options with minimal impact.

#### **Essential Regulations**

Should the Council choose to direct staff to create an ordinance for the regulations of ADUs, there are some standards that should be considered. Staff suggests that the following elements be included as essential regulations for an ADU ordinance in our community there are also some regulations that could be considered, but not required.

- Property owner occupancy requirement (Main Dwelling or ADU)
- Only one ADU per lot
- No separate utility meters or address for ADU
- ADU entrance on side or rear façade only
- Two (2) additional parking spaces required for ADU. Required to be on permanent impermeable surface to match main driveway.
- Attached ADUs should have smoke alarms hardwired and interconnected
- Compliance with Building Code Standards

### **Regulations to Consider**

- Allowed Only in Single-Family Zones
- Allowed Zones (Single-Family Only?)
- Setbacks for Detached ADUs
- Bedroom Limits
- Square Footage Limits / Ratio to Main Dwelling
- Approval Process
- Lot Area for Detached ADUs
- Types of ADUs
  - Attached: Basement, Ground Level, Second Story
  - Detached: Stand Alone Structure, Loft
- Length of Use: Long Term, Short Term, etc.

### **CORRESPONDING POLICY PRIORITY (IES)**

#### ***Improving Clearfield's Image, Livability, and Economy***

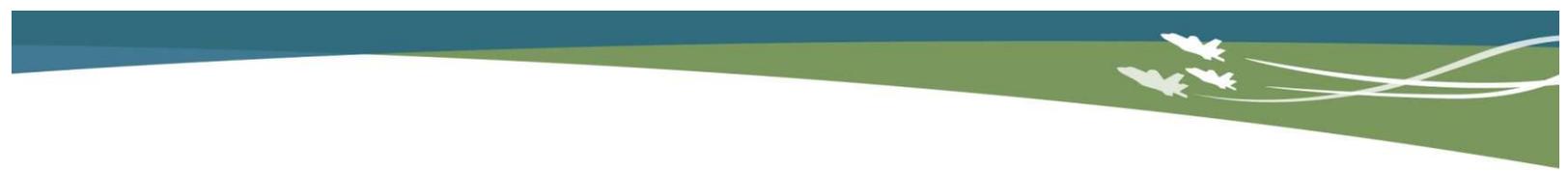
If an ordinance is adopted, accessory dwelling units may provide flexibility to home owners by providing a way to increase their property value, gain passive income, allow residents to age in place or provide living accommodations for family. This increase in livability would support the local economy with additional residents and increased property values.

### **FISCAL IMPACT**

Depending on the type of ordinance that is adopted, if additional enforcement and regulation is needed, this may create a need for additional resources to be allocated to those efforts.

### **ALTERNATIVES**

The City Council may choose to not pursue ADUs at this time.



## **LIST OF ATTACHMENTS**

- Utah ADU Research Report – 2020 Update
- Farmington City ADU Regulations
- Fruit Heights City ADU Regulations
- Murray City ADU Regulations
- North Salt Lake City ADU Regulations

# Utah Accessory Dwelling Unit Survey 2020 Update



# Q1: Location of Participating Towns, Cities, and Counties

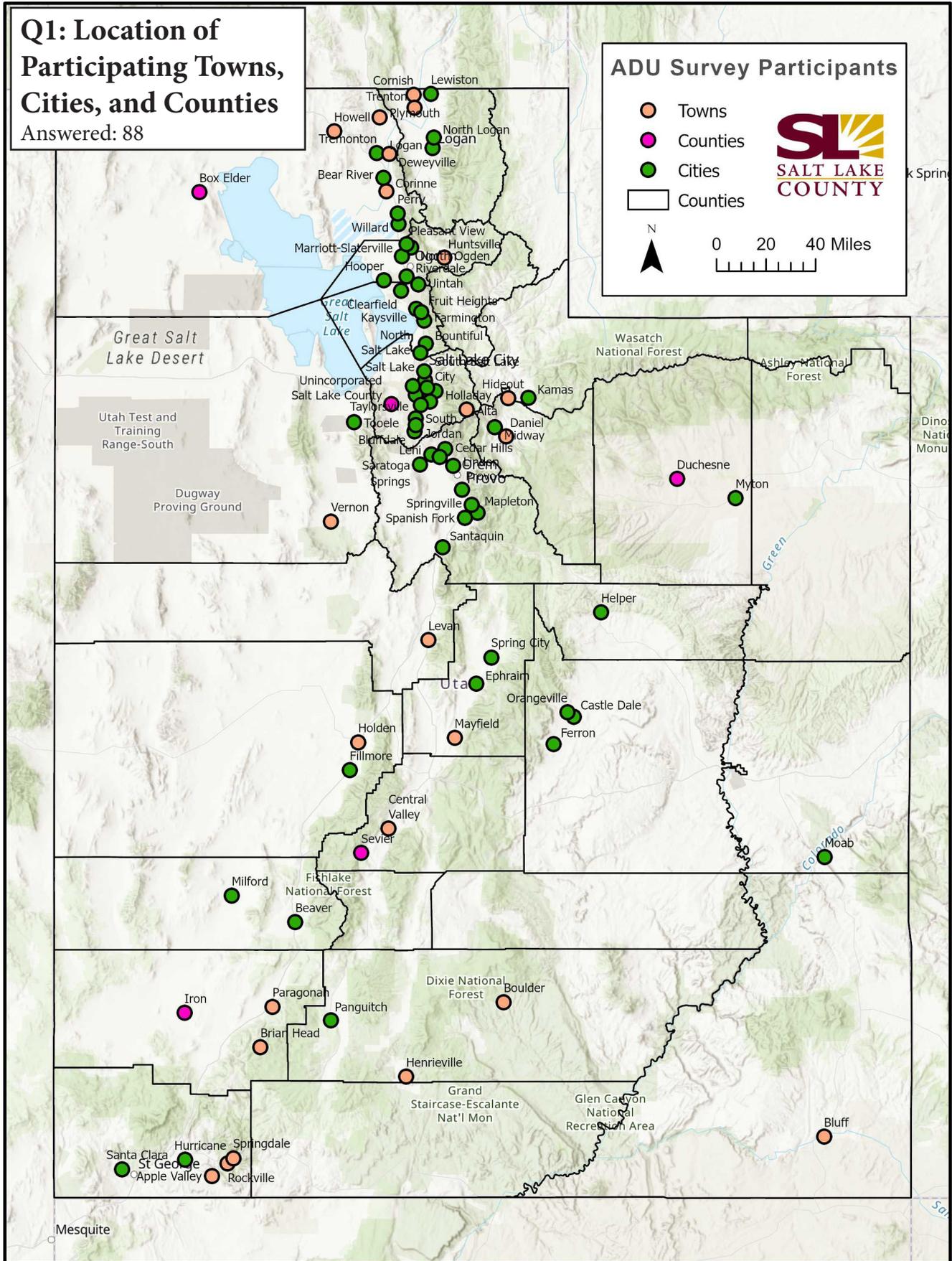
Answered: 88

## ADU Survey Participants

- Towns
- Counties
- Cities
- Counties



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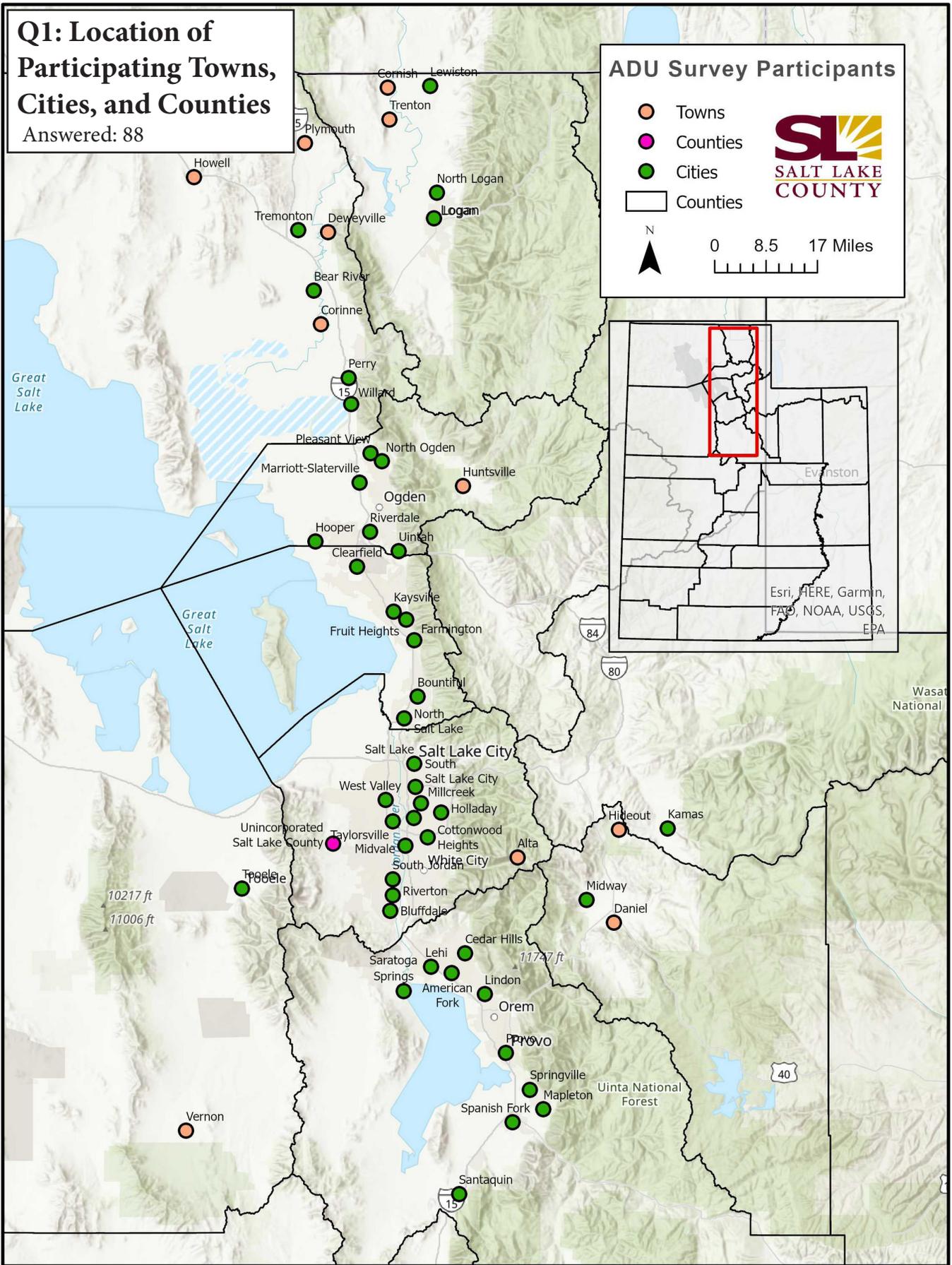
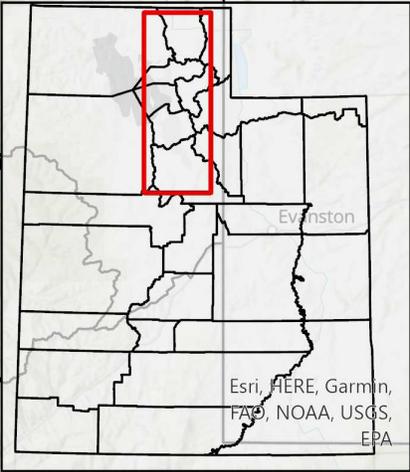
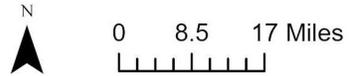


# Q1: Location of Participating Towns, Cities, and Counties

Answered: 88

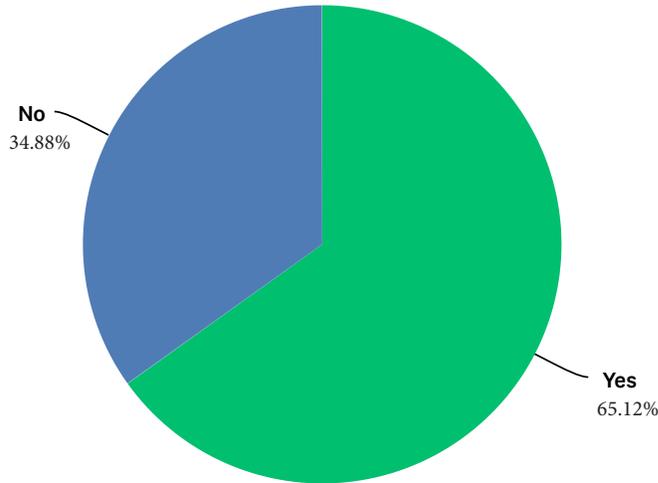
## ADU Survey Participants

- Towns
- Counties
- Cities
- Counties



## Q2 Does your city, town, or county permit Accessory Dwelling Units (ADU) in 1 or more zones?

Answered: 86 Skipped: 2



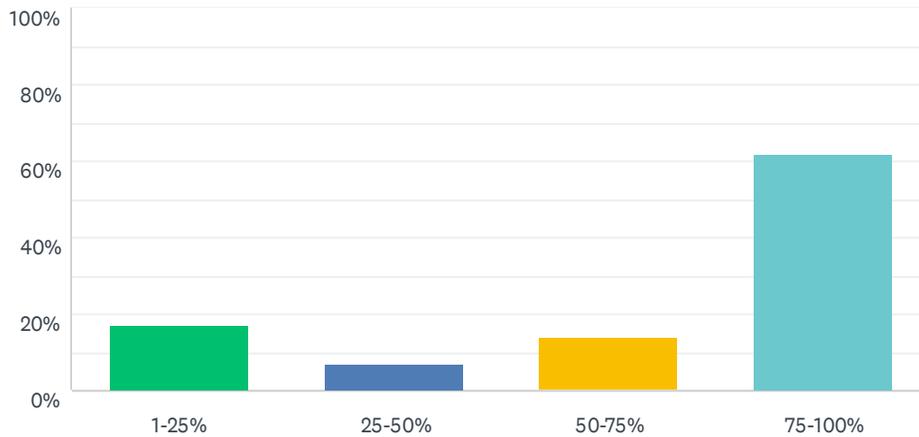
ANSWER CHOICES	RESPONSES	
Yes	65.12%	56
No	34.88%	30
TOTAL		86

**Comments:**

- We have overlays for ADUs.
- Beacon Pointe Community Plan.
- In the process of creating an ordinance to allow ADU as a conditional use.
- Not permitted in current code.
- We allow guest houses in half acre or larger zones but they can't be rented — yet.
- Single-Family with Single-Family Rental Unit Residential (R-2) Zone.
- Commercial zone only.
- All residential single family zones.
- Not currently, but it is being evaluated for presentation to the PC and CC.
- In 3 zones, but they require a conditional use permit.

### Q3 If ADU's are permitted what approximate percentage of residential zones allow them?

Answered: 58 Skipped: 30



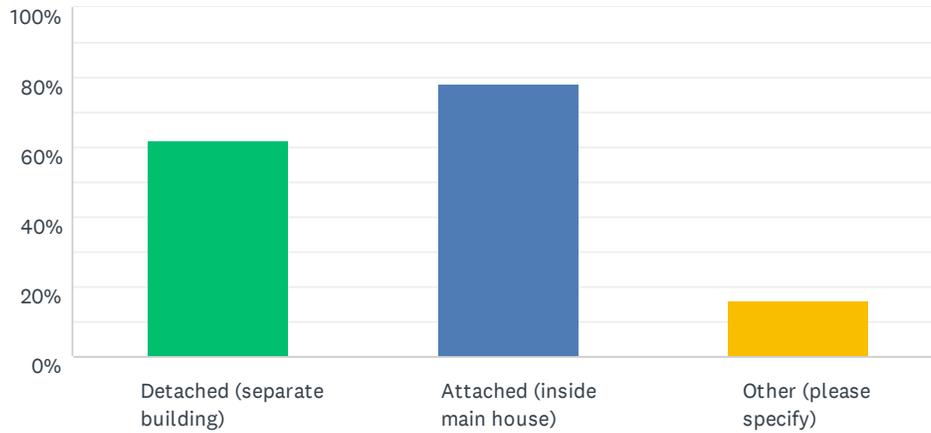
ANSWER CHOICES	RESPONSES	
1-25%	17.24%	10
25-50%	6.90%	4
50-75%	13.79%	8
75-100%	62.07%	36
TOTAL		58

**Comments:**

- Not permitted.
- We have 5 zones and 4 allow ADUs. But if you mean percentage within the zones, that's the 1-25% response.
- In the process of creating an ordinance to allow ADU as a conditional use.
- If approved by code will be allowed in three zones only.
- Approximately 35-40% of residential zoning in City is currently R-2 zone.
- Not allowed in residential zones.
- Single-family residential zones only, not multi-family zones.
- No multi-family zones.
- Permitted only in single family dwellings located in R1 (single family) classifications.
- Cottonwood Heights does not permit ADUs. The city does allow short-term rentals in very limited areas of the city (multi-family or mixed-use areas meeting ordinance criteria).

### Q4 If ADU's are permitted what type (check all that apply)?

Answered: 68 Skipped: 20



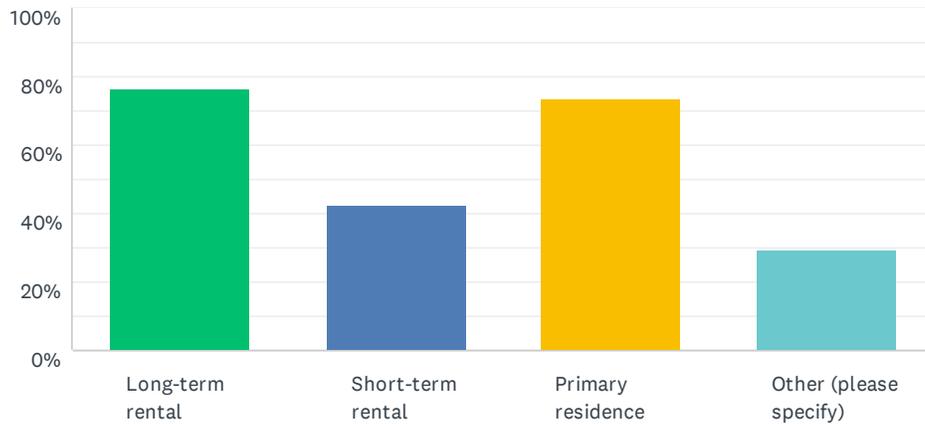
ANSWER CHOICES	RESPONSES	
Detached (separate building)	61.76%	42
Attached (inside main house)	77.94%	53
Other (please specify)	16.18%	11
Total Respondents: 68		

**Comments (Responses from the “Other” category):**

- In the process of creating an ordinance to allow ADU as a conditional use.
- If allowed these will be the two forms that will be allowed.
- Not permitted.
- Owner-occupied homes allow for 50% of residence as rental use with conditional use permit approval.
- Basement.

## Q5 If ADU's are permitted what occupancy types are allowed (check all that apply)?

Answered: 68 Skipped: 20



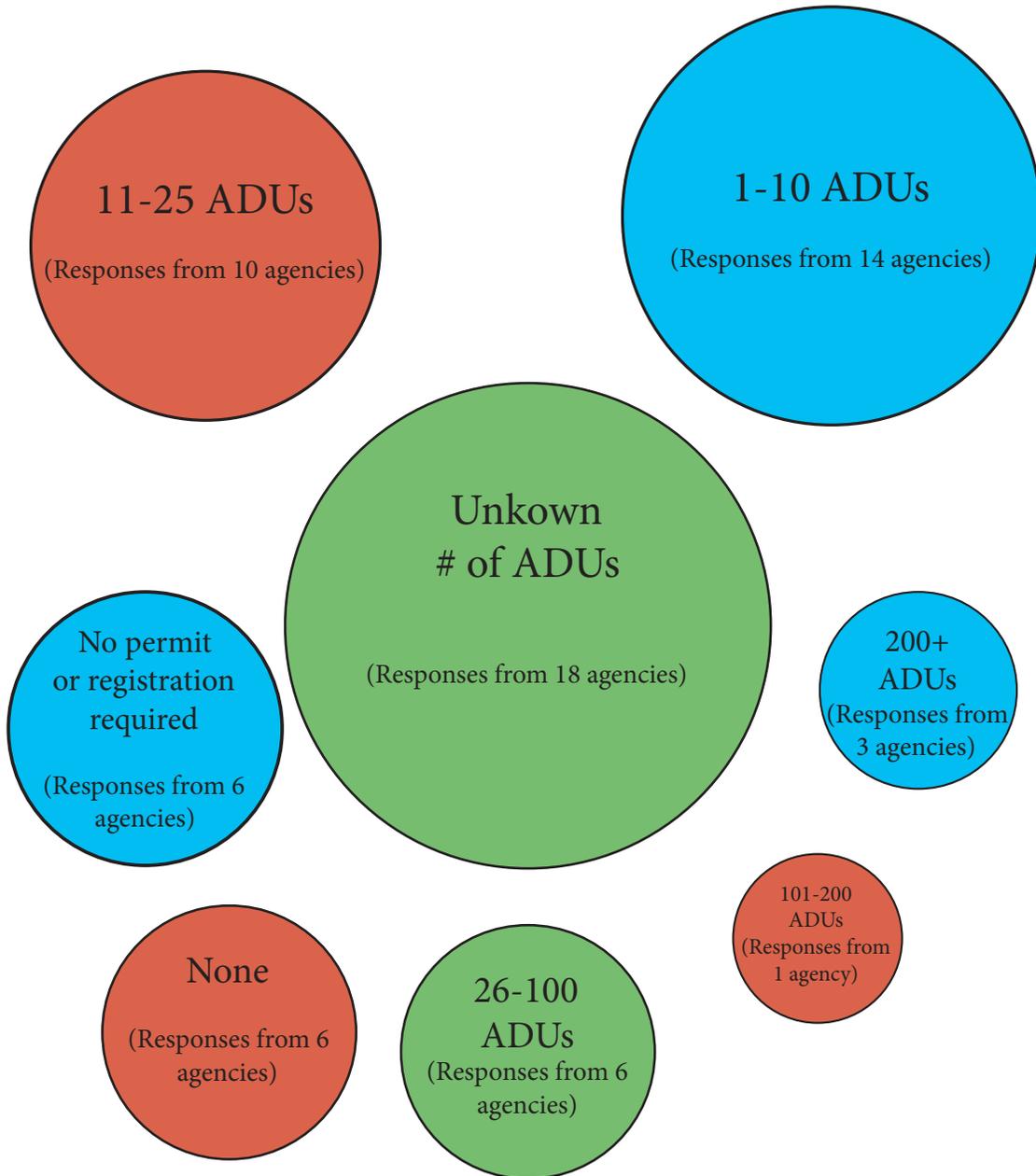
ANSWER CHOICES	RESPONSES	
Long-term rental (rental)	76.47%	52
Short-term rental (vacation)	42.65%	29
Primary residence (for owner)	73.53%	50
Other (please specify)	29.41%	20
Total Respondents: 68		

### Other Responses:

- Short term rental requires a CUP.
- STRs limited to a max per portion of town plus CUP required.
- Mother in law type.
- In the process of creating an ordinance to allow ADU as a conditional use.
- Single room occupancy
- Not allowed yet.
- The owner has to live in the primary dwelling.
- Not permitted.
- Either the ADU or the principal dwelling must be occupied by an owner or relative of the owner.
- Rentals are not expressly permitted, but they are not prohibited either. So, they are allowed.
- Guest home, non-rental.
- Short-Term Rental Units require Conditional Use Permit.
- Casita or mother in law residence.
- If attached then owner occupancy is not required, if detached then owner occupancy is required. Short-term rental is only allowed in the Transient Rental Overlay Zone so not all units qualify for short-term rental.
- The city permits short-term rentals in very limited multi-family and mixed-use areas, but does not consider these 'ADUs'.

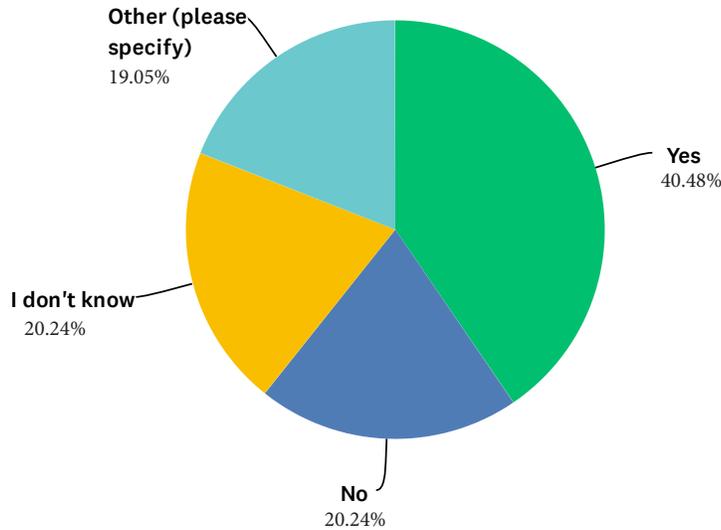
## Q6 If ADU's are permitted how many registered or confirmed do you have in your city, town or county?

Answered: 64 Skipped: 24



**Q7 Does your city have illegal ADU's currently in the city, town or county?  
If so please list comments below regarding issues.**

Answered: 84 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	40.48%	34
No	20.24%	17
I don't know	20.24%	17
Other (please specify)	19.05%	16
<b>TOTAL</b>		<b>84</b>

**Comments (Responses from the “Other” category):**

- Most likely there are some we aren't aware of. Every city/county has them. We haven't encountered any issues with them or we would know about them. Issues that arise are generally with trailers/RVs and people trying to live in those.
- Many property owners try to establish ADU's without obtaining building permits and meeting code requirements.
- We receive frequent calls from neighbors about parking issues, traffic and, in some cases, loud and late parties.
- Yes, ADUs in place prior to ordinance that may or may not be legally remitting sales tax to state but are unpermitted (CUP) within the town.
- Only that they haven't registered. There could be some issues with compliance with certain building codes.

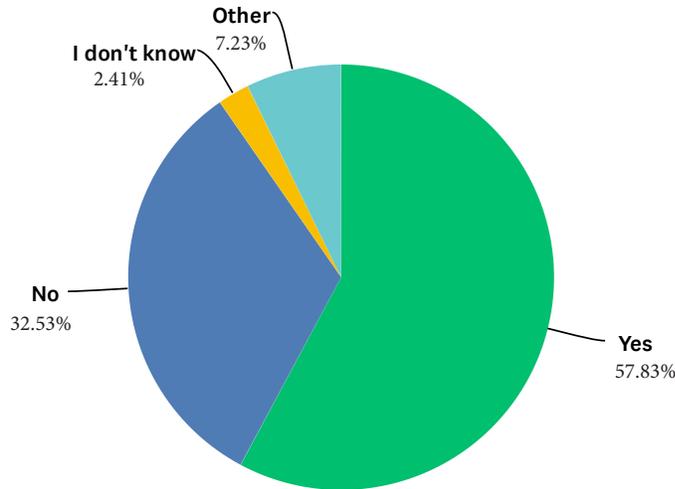
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## Q7 Continued Comments (Responses from the "Other" category):

- Our PC and TC are still grappling with this. We don't allow two dwellings on one lot but most property owners will add living spaces in a remodel without telling us. We are trying to define what constitutes a dwelling unit. The only definitive answer per ordinance is that it needs to be attached to the house and it can't be rented for long or short term.
- Illegal is only proved by the courts, but it appears there may be some ADU type things in detached garages which aren't allowed by city code.
- Yes (survey doesn't allow you to select yes and provide comments). We generally find out about illegal or non-permitted ADUs from complaints to code enforcement. Usually these complaints stem from parking issues in their neighborhoods.
- We are not aware of any illegal ADU's, if we come across one being built we make them come in to get a building permit.
- I'm not aware of any, but there may be.
- I'm assuming we have numerous basements that are used as rentals but we don't know for sure. Difficult to know unless a neighbor reports them.
- Logan is home to Utah State University. The use of ADU's in this setting would enable students and landlords to skirt occupancy limitations in residential zones creating additional problems with over occupancy, traffic, parking, noise, etc., all those things that tend to accompany students.
- Not sure but likely.
- The City estimates that there are hundreds of unlicensed ADUs in the City. We have permitted ADUs in Taylorsville since 2012 but rarely receive official applications.
- Several (possibly many) single-family dwellings have been converted to duplexes without building permits being issued, no water rights have been dedicated to the city, and impact fees have not been paid. We receive complaints from neighbors next to illegal ADUs because of the increased impact of parking and traffic.

## Q8 Are ADU's part of your housing plans (Moderate Income Housing, General Plans Housing Element, etc)?

Answered: 83 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	57.83%	48
No	32.53%	27
I don't know	2.41%	2
Other	7.23%	6
TOTAL		83

### Comments (Responses from the “Other” category):

- They have not been in the past but are expected to be in the future.
- I do not believe that it is one of the listed strategies.
- Not yet but likely will be part of our MIH plan.
- Not permitted at this time.
- Bear River City zoning allows them without a full kitchen within the owners home which they must occupy Does not have a full scale MIH plan. General Plan is incomplete on housing element we are working a updating the GP this year.
- At this time they are not but FHC is currently updating our housing plan and looking into this need more closely.

## Q9 Does your city, town or county have an interest in reviewing your ADU ordinances, strategies and increasing their potential in the housing market?

Explanation: This question was intended to gauge the level of interest that each city, town, or county had in reviewing ADU ordinances specific to their organization. Measured on a scale from 0 (no interest) to 100 (most interested),.

**The average level of interest among respondents was 48.  
There were 85 recorded responses to this question.**

### 9. Does your city, town or county have an interest in reviewing your ADU ordinances, strategies and increasing their potential in the housing market?

No interest in reviewing or updating ADU ordinances

Very interested in reviewing and updating ADU ordinances



48

[Clear](#)

## Q10 What are the most significant challenges to the viability of ADUs of in your city, town or county (check all that apply)?

Answered: 84 Skipped: 4

ANSWER CHOICES	RESPONSES	
current ordinance issues or not allowed	38.10%	32
public interest and/or education	30.95%	26
code enforcement	44.05%	37
financing for ADU construction/remodels	9.52%	8
building code compliance	39.29%	33
parking	41.67%	35
nimby-ism (public or neighbors against it)	40.48%	34
administration	19.05%	16
not offered by builders and/or trades not offering remodel services	2.38%	2
fees	13.10%	11
utilities	25.00%	21
assuring owner occupies one of the units (if required)	51.19%	43
Other (please specify)	15.48%	13
Total Respondents: 84		

### Comments (Responses from the “Other” category):

- Town not interested.
- Huntsville Town Residents want to use accessory dwellings to have family members come and either live with them or visit them. But they don't want nightly or long term rentals. The administration is worried that we would become a rental/resort community.
- That we don't allow them in detached garages.
- Fire code compliance.
- Has per the state mandate we just updated our moderate affordable housing for our general plan Allowing detached structures, casitas and home remodels to allow for second dwellings.
- Cost of remodeling an attached ADU to comply with fire separation, HVAC, access code requirements.
- Getting the word out about the option.
- The entire town of Spring City is on the National Historic Register. We do not want to jeopardize that classification by allowing more than single family dwellings and the occasional guest house.
- There is only a slight interest in ADU's.
- Would be abused by unscrupulous landlords to create more cheap student housing. We tried a formal ADU program 10 - 12 years ago and that was the result. We are challenged with a large number of illegal conversions of SFR's to multi-family units and they just degrade the neighborhoods. There is no appetite in this community for ADU's.
- Bringing currently illegal units into compliance is almost impossible.
- Taxes: We may lose the resort tax that Midway can charge if we increase in population (impact of allowing ADUs). The resort tax is a large percent of our entire budget and to lose the resort tax would have a negative communal impact.
- It's on our to-do list. Unfortunately our to-do list is too long.

## Q11 List additional comments or suggestions below.

### Responses:

1. Duchesne County does not see a large demand for accessory dwelling units, compared to larger cities.
2. There are many bedrooms used as ADUs. (multiple families in one single family home). There are no detached ADUs, but almost impossible to enforce. Those who comply have to pay 150% of water bill, so lots just don't say anything or say they are grandfathered and then they have only one water bill.
3. Lindon City has had a very positive experience with accessory apartments. The City Council has reviewed the ordinance yearly to see how it can be modified to make sure that meets current trends and homeowner needs. Lindon has had an ordinance for nearly 20 years. Political leaders and residents are very supportive of the program and providing housing choice. ADU's significantly help Lindon meet some of its affordability goals.
4. Detached ADUs are not going to just happen on their own. The general public who have property big enough or property which even qualifies for having a detached ADU are not going to construct a detached ADU because they can. If detached ADUs are going to happen, an effort to educate the public will need to happen. Only then will they realize the incredible flexibility and supplementary income that can be created. Detached ADUs will not only be a great housing type to address affordability, but they will be a great investment for the current land owners. If ULCT could create an educational tool in partnership with a financial institution (how to get a loan for an ADU) to help layout the way to actually build detached ADUs, this would really help make this affordable housing type a reality.
5. Bountiful approves ADU as conditional uses by the Administrative.
6. The short term rental issues are fast becoming issue with these units.
7. ADUs have played a great role in North Logan City and have been widely accepted by the planning commission, and city council.
8. It can be difficult to find out who has been permitted legally and who has just done the work without a permit. If they do it right and no one complains about it, the City may never even know it's happening. We generally would allow them to be permitted, and we don't get many complaints about them. We just want to make sure people do it right and that their homes are safe.
9. We allow attached, owner-occupied ADUs in all residential zones. Detached or non-owner occupied ADU's are only allowed where multi-unit housing is allowed. Owner occupied requirements has solved most problems/complaints in the low density zones. However, allowing non-owner occupied units has generated some complaints because tenants only generally do not value or care for the property like the owner does.
10. Approval process is a burden on planning staff, planning commission. Requires a full FTE to regulate when not permitted by right.
11. A detached ADU is only allowed on properties of 1 acre or more.
12. Small towns find it hard to make changes.
13. How to communicate to developers and builders the availability and desirability of ADUs in new developers, where the cost to construct is lowest.
14. Farmington has had an ADU ordinance on the books since 2002. The City approved 16 ADUs between 2002 and 2018. Since 2018, Farmington City has approved an additional 9 ADUs.
15. We get lots of calls but few takers.

## Continued Responses:

16. While we don't allow adu's we do allow and encourage "caretaker units" which are separate apartments within single family homes which provide for more affordable housing, mostly for employees, very similar to adu's.

17. Beaver City Code currently allows for Secondary Dwelling (ADU) with Residential-1 Zone: The owner may be allowed one secondary dwelling on the same lot, provided the structure does not exceed one thousand (1,000) square feet, unless authorized by the planning commission. All structures shall conform to height, setbacks, health requirements and lot size must be a minimum of twenty one thousand seven hundred eighty (21,780) square feet (0.50 acre).

18. It is imporant to note that FHC allows ADU's but they can only be rented out to blood relatives and the owner of the home must occupy the home. Truthfully this is difficult to inforce because "everyone" is a blood relative when the City responds to complaints by neighbors.

19. Don't force some State level idea or decision onto a City. If it is important to our residents, it will rise to the top. We don't need another state mandated idea forced upon us.

20. We are in the process of discussing this specific issue in Midway. There are positives and negatives that have been identified and need to be considered. ADUs may help with affordable housing (if the rents are low enough) but they most certainly will have a negative impact on the community regarding taxes. There are many other issues that we have identified on this issue and that we are currently analyzing.

21. Within the next two year I anticipate Perry adopting an ADU ordinance. We just need a little more time.

22. We updated our ordinance and feel good about the standards but few people have inquired about having an ADU.

23. In the last two years, the city considered an ordinance to permit ADUs with certain regulations. Approval was recommended by staff and by the planning commission. The City Council ultimately voted to deny the ordinance.

**Accessory Dwelling Unit – Utah Research Survey prepared by Salt Lake County Regional Development.**

This research survey document was prepared by Salt Lake County Regional Development from the departments of Housing and Planning and Transportation. The research survey was distributed to cities and counties via email through Utah League of Cities and Towns (ULCT) and Utah American Planning Association (APA). The survey was open and volunteer based and has not been confirmed by a survey agency. The purpose of the survey was to understand some of the basic characteristics of Accessory Dwelling Units (ADU) in Utah. These questions include: permitting, illegal use, types of ADUs, uses and related items. The survey received 88 responses, with approximately 2 duplicates; thus, the survey represents 86 Utah communities (towns, cities, and counties).

## 11-28-200: SECONDARY DWELLING UNITS:

Secondary dwelling units may be allowed as a permitted or conditional use in various zones as designated in this title.

A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.

2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.

3. Terms And Conditions: To set forth standardized terms and conditions for secondary dwellings and procedures for review and approval of the same.

B. Conditional Use Permit: Secondary dwellings may be permitted as a conditional or a permitted use as designated by the underlying zone found in this title. In those zones where a secondary dwelling unit requires conditional use permit approval, applications for a secondary dwelling shall be submitted and reviewed as a conditional use permit in accordance with chapter 8 of this title.

C. Standards: The following standards and conditions shall apply to all secondary dwellings, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process:

1. Location: A secondary dwelling shall only be allowed as part of a single-family dwelling and shall be secondary and subordinate to such single-family dwelling.

2. Number: A maximum of one secondary dwelling shall be allowed per single-family home. Secondary dwellings shall contain no more than one dwelling unit.

3. Parking: At least one off street parking stall shall be provided for the secondary dwelling. Such parking stall shall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

4. Design And Character: The secondary dwelling shall be clearly incidental and secondary to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the secondary dwelling and such secondary dwelling shall not adversely affect the residential character of the surrounding neighborhood. A secondary dwelling shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. Size: The secondary dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single-family dwelling.

6. Construction Codes: The secondary dwelling shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.

7. Occupants: The secondary dwelling shall be occupied exclusively by one family.

8. Ownership: Either the single-family dwelling or secondary dwelling shall be owner occupied.

9. Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the secondary dwelling and the primary dwelling.

D. Site Development: Upon approval of a conditional use permit for a secondary dwelling, an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title. (Ord. 2018-18, 5-15-2018)

**10-11-21: ACCESSORY DWELLINGS:**

- A. Purpose: The purpose of this section is to establish use and development regulations for accessory dwelling units (ADU). These regulations are adopted for the following purposes:
1. To allow city residents to house elderly parents, disabled relatives, and other family members under conditions where those family members can enjoy a degree of independence while also having assistance readily available when needed.
  2. To accommodate such housing in single-family residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion, and compatible scale and appearance of residential buildings.
  3. To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations, and associated decline in quality of single-family residential neighborhoods.
  4. To establish uniform standards for ADUs.
- B. Scope: The requirements of this section shall apply to any ADU within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, and other laws.
- C. Permitted Use: An ADU that conforms to the development standards shall be a permitted use in all R-1 zones subject to the issuance of a permit.
- D. Development Standards; Permitted Use: The development standards set forth in this subsection shall apply to any ADU allowed as a permitted use:
1. Location: An accessory dwelling unit (ADU) shall be allowed only within or attached to an owner occupied single-family dwelling. In addition, an ADU shall not be allowed on a lot or parcel which fronts onto a street (whether a public or private street) which has a paved roadway less than thirty feet (30') wide.
  2. Number Of Accessory Dwelling Units: A maximum of one ADU shall be allowed within or attached to each owner occupied single-family dwelling. No lot or parcel shall contain more than one ADU.

3. **Parking:** A single-family dwelling with an ADU shall provide adequate off street parking as determined by the city. No more than two (2) parking stalls shall be within the side or rear yard setbacks adjacent to a street. No parking for the ADU shall be allowed within the front yard setback area. Parking stalls shall be paved with concrete, masonry, or concrete pavers.

4. **Utility Metering:** No separate utility metering for the ADU shall be allowed, and all utility services shall be in the property owner's name.

5. **Minimum And Maximum Size Of Accessory Dwelling Unit:** An ADU shall not be larger than the single-family dwelling to which it is accessory. An ADU is not subject to other minimum or maximum square footage requirements; provided that dimensions and sizes of living areas, kitchen areas, sleeping areas and bathroom facilities shall comply with applicable provisions of the current building codes adopted by the city.

6. **Construction Codes:** An ADU shall comply with the construction housing codes in effect at the time the ADU is constructed, created as a separate dwelling, or subsequently remodeled. This shall include the obtaining of a building permit and/or other permits as the codes may require.

7. **Building Entrances:** An ADU that is added onto an existing single-family dwelling or is part of an approved new single-family dwelling shall not have a separate entrance the sole purpose of which is to provide access to the ADU at the front or side of the building facing a street.

8. **Architecture:** An ADU that is added onto an existing single-family dwelling or a new single-family dwelling that is designed to accommodate an ADU shall not resemble a multi-family structure in terms of the scattered placement of garage doors, carports, or number or location of outside entries or porches. The architectural design and materials of an addition for an ADU shall match the existing single-family dwelling so that the addition appears to be part of the original building.

9. **Access Between Units:** An unrestricted passage shall exist between an ADU and the principal single-family dwelling in which it is located. Use of such passage shall not require going out of doors, or passing through a garage or unfinished part of the dwelling.

10. Compensation: The property owner shall not charge any rent for the use of the ADU by any occupant thereof.

- E. Notice: Upon approval of an accessory dwelling unit permit by the city, the owner of the property where the ADU is located shall execute a notice of accessory dwelling unit approval. The permit will expressly state that the use will terminate upon sale or transfer of the property. (Ord. 2010-01, 6-1-2010)

## Chapter 17.78

# ACCESSORY DWELLING UNITS

### 17.78.010: PURPOSE:

The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:

- A. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
- B. Provide for affordable housing opportunities;
- C. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
- D. Provide opportunities for additional income to offset rising housing costs;
- E. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and
- F. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs. (Ord. 09-23 § 2)

### 17.78.020: DEFINITIONS:

**ACCESSORY DWELLING UNIT (ADU):** A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

**OWNER OCCUPANCY:** When a property owner, as reflected in title records, makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means. (Ord. 09-23 § 2)

### 17.78.030: CONDITIONAL USE PERMIT REQUIRED:

An ADU meeting the development standards, as specified in section [17.78.040](#) of this chapter, may be

allowed in any single-family residential zone after approval of a conditional use permit by the planning commission. (Ord. 09-23 § 2)

### **17.78.040: DEVELOPMENT STANDARDS:**

- A. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include evidence of owner occupancy as provided in section [17.78.020](#) of this chapter.
- B. Only one ADU may be created per lot or property in single-family zones.
- C. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- D. Installing separate utility meters and separate addresses for the ADU is prohibited.
- E. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- F. The total area of the ADU shall be less than forty percent (40%) of the square footage of the primary residence and in no case shall exceed one thousand (1,000) square feet.
- G. ADUs shall not contain more than two (2) bedrooms.
- H. ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
- I. In addition to the parking required for the primary unit, two (2) additional off street parking spaces shall be provided. In no case shall fewer than four (4) total off street parking spaces be provided. Any additional occupant vehicles shall be parked on site. On street parking shall be reserved for visitors only.
- J. The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.
- K. Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.
- L. Any detached ADU located in a required side yard must comply with the setbacks for the principal residence, and shall have adequate facilities for all discharge from roof and other drainage.

- M. Any additions to an existing building or construction of a detached ADU shall not exceed the allowable lot or rear yard coverage standard for the underlying zone or encroach into the required setbacks.
- N. Detached ADUs shall be compatible with the exterior color and materials of the principal dwelling.
- O. The maximum height for detached ADUs is limited to one story and to twenty feet (20') or the height of the principal structure, whichever is less.
- P. The total floor area of a detached structure containing an ADU shall not exceed one thousand (1,000) square feet.
- Q. Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary residence in the zone and meets the applicable building code.
- R. The planning commission may place other appropriate or more stringent conditions deemed necessary in approving ADUs to protect the public safety, welfare and single-family character of the neighborhood. (Ord. 09-23 § 2)

#### **17.78.050: AFFIDAVIT:**

Applicants for ADUs shall provide an affidavit stating that the owner of the property will live in either the primary or accessory dwelling unit as their permanent residence. Upon approval of the ADU by the planning commission, the affidavit shall be recorded against the property (in the event the property owner decides to sell the home) to alert the future owner of the regulations for the ADU. Upon sale of the property, the new owner shall be required to sign and record a new affidavit and reauthorize the ADU, paying a reauthorization fee of fifty dollars (\$50.00). (Ord. 09-23 § 2)

#### **17.78.060: INSPECTION:**

Following the issuance of a conditional use permit, the community and economic development department shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community and economic development department shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued. (Ord. 09-23 § 2)

#### **17.78.070: TERMINATION:**

In the event that the property owner no longer resides in either the primary or accessory dwelling unit, the ADU must be immediately vacated. Steps must be taken to return the residence or property to a single-family residence. These steps include, but are not limited to: removing stoves and laundry appliances from the ADU; removing electrical connections for stoves and dryers in the ADU; and

removing and/or capping water connections for clothes washers. Proper permits shall be obtained where necessary for restoring the ADU to a single-family residence. (Ord. 09-23 § 2)

### **17.78.080: EXISTING LEGAL NONCONFORMING UNITS:**

Existing ADUs, which were legally established and are nonconforming due to changes in the zoning ordinance, may apply for a conditional use permit in order to become conforming, provided they comply with the standards of this chapter. In approving a conditional use permit for an existing nonconforming unit, the planning commission may allow for ADUs that exceed the one thousand (1,000) square foot limitation, provided the ADU meets all other standards of this chapter. Nothing in this chapter shall authorize an ADU that was illegally created or converted without the proper permit. (Ord. 09-23 § 2)

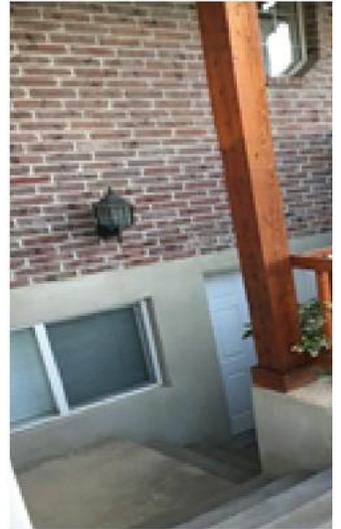
### **17.78.090: VARIANCES:**

Variations to the standards of this chapter may be approved by the appeal authority in accordance with [chapter 17.52](#) of this title. In no case shall a variance be approved for the owner occupancy provisions or number of units allowed per property. (Ord. 14-10: Ord. 09-23 § 2)

**10-1-44: ACCESSORY DWELLING UNITS:**

- 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 associated with a single-family dwelling.
- B. Purpose And Intent: The purpose and intent of this section is to recognize the residential character of the City of North Salt Lake and to provide for supplementary living accommodations in the community, as well as provide for supplementary income opportunities of property owners. These provisions are intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units.
- C. Owner Occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. Owner occupancy for a dwelling with an accessory dwelling unit shall not be required when:
1. The owner cannot live in the dwelling because of a bona fide temporary absence of three (3) years or less for a temporary job assignment, sabbatical, or voluntary service;
  2. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
  3. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical or voluntary service.
- D. Dwelling Unit Occupancy: The occupants of an accessory dwelling unit shall be limited by one of the following family categories:
1. One person living alone; or
  2. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship or foster children; or
  3. Up to four (4) unrelated persons living as a single housekeeping unit.
  4. Any of the above categories plus a temporary guest. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.
  5. For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships.
- E. Zones: An accessory dwelling unit which meets ordinance requirements may be allowed in a single-family dwelling unit or in a detached accessory structure within any zone upon a single family lot. No accessory dwelling unit may be allowed in any multi-family dwelling or multi-family lot, or on any lot that cannot satisfy the parking, setback, or lot coverage requirements.
- F. Number Of Accessory Dwelling Units: A maximum of one accessory dwelling unit shall be allowed in each owner occupied single-family dwelling, or in a detached accessory structure associated with a single-family dwelling.
- G. Location And Type:
1. Within Or Attached To Main Dwelling: Accessory dwelling units may be allowed within or attached to the main residential dwelling (basement or addition), over the garage (attached or detached), or in a detached accessory structure (cottage home, guest house, or tiny home).

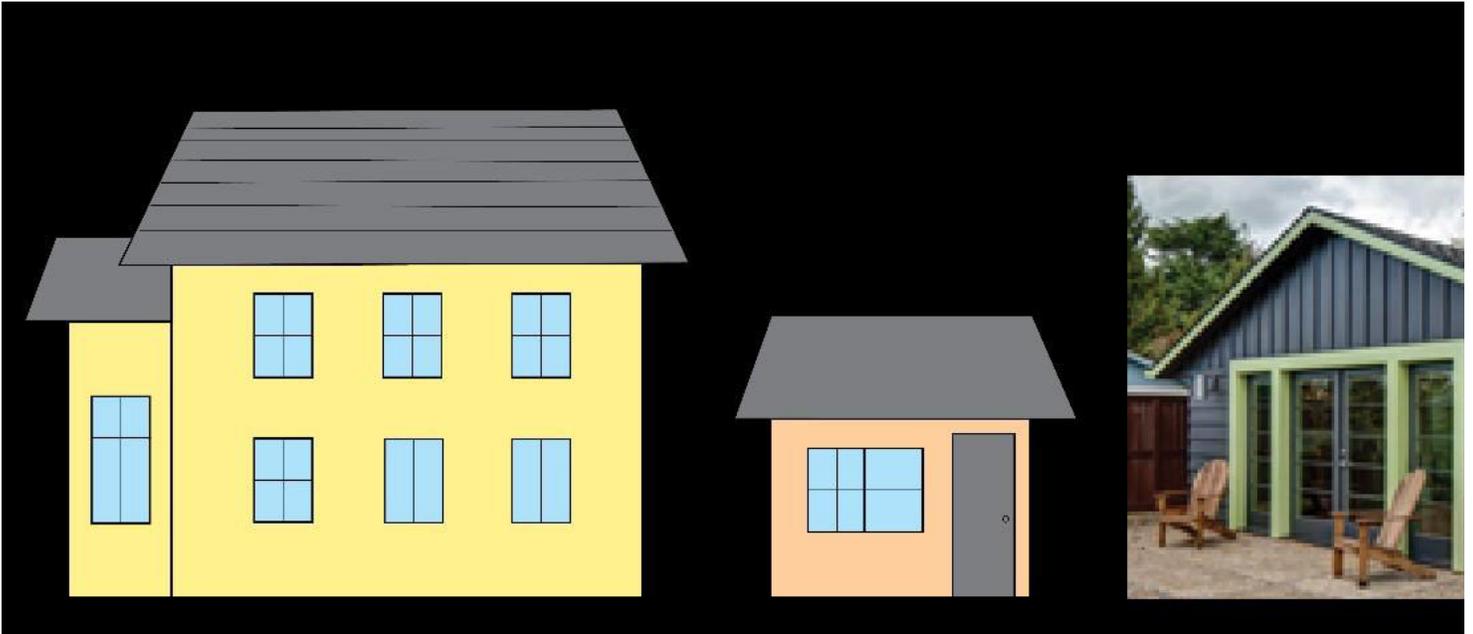
## ADU-Basement



2. Setback Standard Compliance: Accessory dwelling units as an addition to a primary dwelling shall meet all minimum setback standards required for the primary dwelling.



3. Behind The Primary Dwelling: An accessory dwelling unit within an accessory structure must meet the minimum of side yard required by the zone for the primary dwelling and a rear yard setback of ten feet (10'), unless no windows, doors, or other openings are adjacent to the property line, in which case the allowed setback shall be five feet (5').
4. Adjacent To The Primary Dwelling: An accessory dwelling unit within the side yard of the primary dwelling is required to meet the same front, side, and rear yard setback as the primary dwelling.



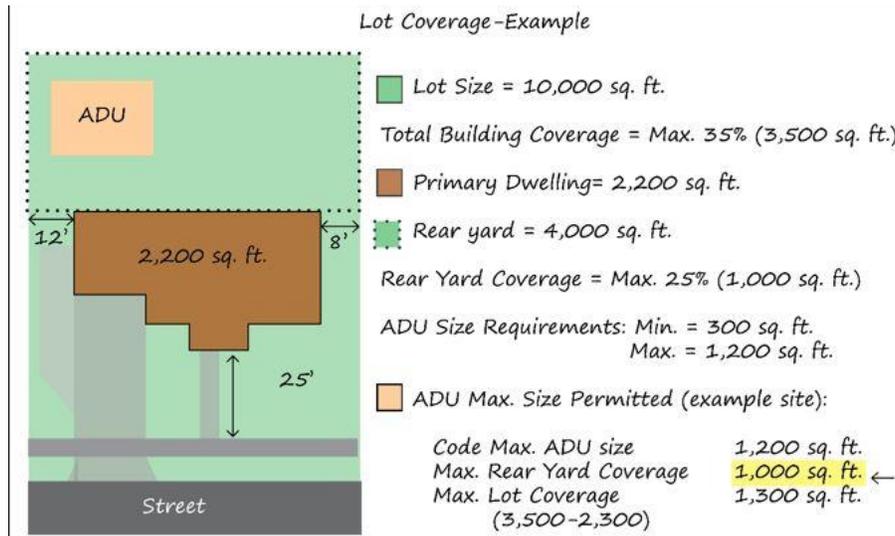
5. Second Story Accessory Dwelling Units: An accessory dwelling unit located in an accessory structure may only be located on a second story if the structure meets the same minimum standards in the zone for height, as well as front, side, and rear setback as the primary dwelling.



H. Appearance: Single family residences with interior accessory dwelling units shall retain the appearance of a single family home. An accessory dwelling unit in an accessory structure shall be designed so that, to the degree reasonably feasible, the appearance of the building is compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).



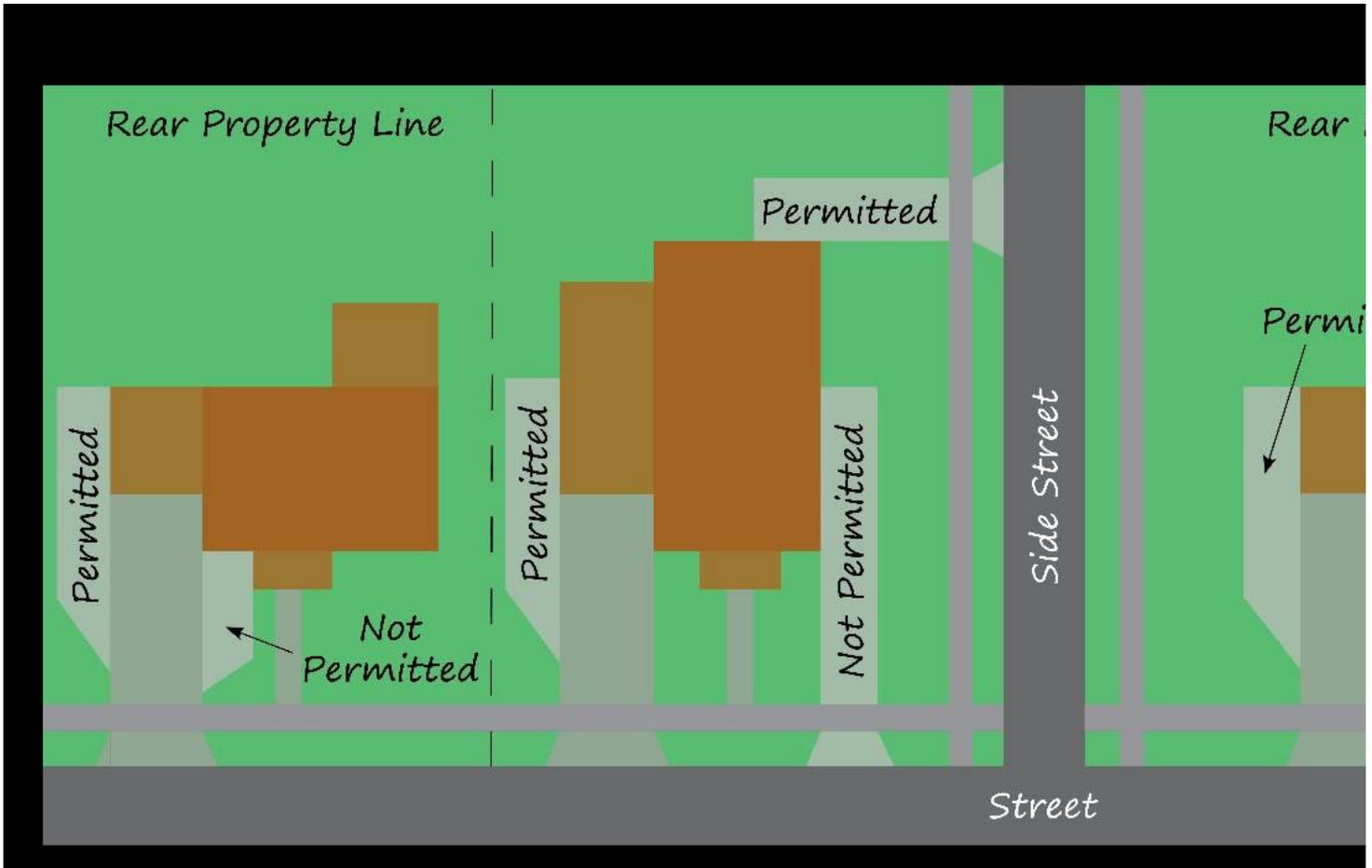
- I. Size:
1. Basement Dwelling Units: Shall be permitted to occupy the entirety of the basement of the primary home regardless of area or bedroom count.
  2. Accessory Dwelling Units (Detached Structures): The size of an accessory dwelling unit shall be at least three hundred (300) square feet and shall not exceed twelve hundred (1,200) square feet and be limited to no more than two (2) bedrooms.
- J. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for the lot and rear yards per section [10-10-3](#) of this title.



- K. Building Entrances: A new single-family structure approved with an accessory dwelling unit attached to or detached from the main dwelling unit, shall have a separate, accessible entrance or stairway. An accessory dwelling unit approved in an existing structure may use existing entrances on any side of the structure that faces a street, or a side or rear entrance. Dwellings with two (2) front doors side by side may not be used to provide separate entrances for each unit with the exception of dwellings where the second door provides direct access to the dwelling basement. The purpose of this requirement is to preserve the single-family residential appearance of the building.
- L. Address: The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home.

M. Parking:

1. A single-family dwelling with an accessory dwelling unit shall provide at least one additional off street parking space for the accessory unit, above the minimum spaces required for a single family dwelling. Accessory dwelling unit parking may not be in tandem with required parking of the main dwelling. One additional off street parking space shall be required for accessory dwelling units with two (2) or more bedrooms. ADUs located within one-quarter ( $\frac{1}{4}$ ) mile of a bus rapid transit route shall be permitted to reduce the parking requirement by one space for the main dwelling unit.
2. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway.
3. The minimum width of parking areas and driveways shall be paved with concrete or asphalt.



- N. Separate Living Areas: An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.
- O. Building Code: All construction and remodeling shall comply with Building Codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah State Code section 10-9a-511.5, changes to dwellings - egress windows.
- P. Utility Meters: A single-family dwelling with an accessory dwelling unit may have separate meters for each water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities. No additional water development or connection fee shall be required, unless a separate utility connection is requested and installed by the property owner.
- Q. Interior Access: An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been determined during an inspection by the Fire Department.
- R. Not Intended For Sale: The accessory dwelling unit shall not be intended for sale or detached by deed and shall only be rented.
- S. Accessory Dwelling Unit Permit: Any person owning an existing accessory dwelling unit that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain a land use permit for the accessory dwelling unit from the Community Development Department. This shall be in addition to any required building permit for the work to be performed. In order to meet the requirements of the land use permit, the applicant shall:
1. Submit a completed application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters,
  2. Include detailed floor plans with labels on rooms indicating uses or proposed uses,

3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges,
  4. Make all corrections identified as necessary to comply with Building Code requirements, as identified by the chief building official or his designee, and provide photos of the life safety items required by Building Code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and
  5. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.
- T. Exceptions To Standards: The Planning Commission may issue a conditional use permit for ADUs which modify the requirements for an ADU with respect to maximum size, minimum parking, or setback.
1. In approving a conditional use permit the Planning Commission may require additional conditions to mitigate the impact of the ADU on surrounding properties. Specifically the Planning Commission may require:
    - a. For ADUs that exceed the maximum size of one thousand two hundred (1,200) square feet: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.
    - b. For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles.
    - c. For ADUs with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.
- U. Failure To Complete To Obtain A Land Use Permit: If the property owner does not obtain a land use permit as outlined above, the accessory dwelling unit shall not be considered legal nor approved. Failure to obtain a land use permit for an existing accessory dwelling unit within two (2) years of the passing of this section may result in a citation for a Code violation as governed by the process in [title 12](#), "Administrative Code Enforcement Hearing Program", of this Code.
- V. Home Occupation Businesses: Home occupation businesses in an accessory dwelling unit shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner.
- W. Accessory Dwelling Units, Tiny Homes:
1. Only one tiny home shall be permitted as an accessory dwelling unit per residential lot.
  2. The tiny home shall be permanently connected to and approved for all required utilities.
  3. The tiny home dwelling structure must be attached to a site built permanent foundation which meets the Building Code. The type of foundation could be a slab on grade or a perimeter foundation.
  4. Building inspections are required for construction of the foundation, as well as to ensure the correct installation of the structure, and to approve the correct connection to the utilities.
  5. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.
  6. The dwelling structure shall be constructed with materials that are weather resistant and aesthetically consistent with the main dwelling.
  7. The Community Development Director may approve deviations from the architectural standards on the basis of a finding that the architectural style proposed provides compensation design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.
  8. The parking shall be the same as subsection M of this section. (Ord. 2018-14, 11-20-2018)



## STAFF REPORT

**TO:** Mayor Shepherd and City Council Members  
**FROM:** Spencer W. Brimley, Community Development Director  
**MEETING DATE:** Tuesday, October 6, 2020  
**SUBJECT:** Commercial storage - Discussion

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### **RECOMMENDED ACTION**

Staff is seeking direction from the Council the preferred approach to regulation to commercial storage. The Council requested a discussion on commercial storage units and how best to address them in the Clearfield City Code. Regulating commercial storage units will require the inclusion of the use in the code and standards to govern such storage.

### **DESCRIPTION**

Commercial storage has been an item of concern for Clearfield for many years. Changes to Title 11 of the Clearfield City Code have been perpetuated as recently as 2010 and as far back as 2002. Most recently an application for indoor climate controlled storage was processed through the City's typical process and denied by the Council. The Council requested a discussion on commercial storage to identify the best approach to allow this use within the code. Staff has provided a brief history of the evolution to this use and its inclusion in Title 11 since 2002, where it seems the initial concerns were voiced on this matter.

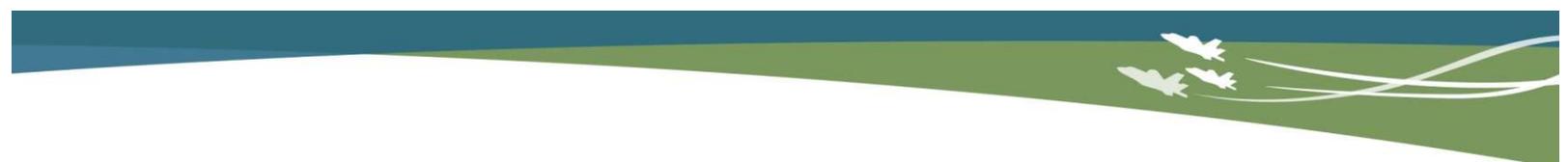
### **BACKGROUND**

#### **January 16, 2002**

- Proposal from staff to eliminate storage sheds in the M-1 zones and references warehousing. The Planning Commission felt warehousing is associated with a business and should go with a business license. Warehouses are not to be used for rental purposes.

#### **January 22, 2002**

- This was the action taken by the Council from the commission recommendation at their January 16<sup>th</sup> meeting. (ordinance included)



**September 22, 2009**

- In a discussion meeting with the Council staff proposed to “overhaul” Title 11 including changes to commercial storage, which would prohibit any additional storage facilities from being constructed.

**November 24, 2009**

- Adoption of Ordinance 2009-40 to limit additional commercial storage with in the City. (ordinance included)

**July 27, 2010**

- Council approved language that would clarify that existing commercial storage facilities are legal non-conforming uses. Additionally, other than existing storage facilities no additional facilities would be permissible under the proposed Title 11 changes. (ordinance included)

**September 8, 2020**

- Request for ZTA to amend CC zone (FBC) to allow for indoor climate controlled storage. The application was denied by the City Council, following the typical hearing and review process.

**ALTERNATIVES**

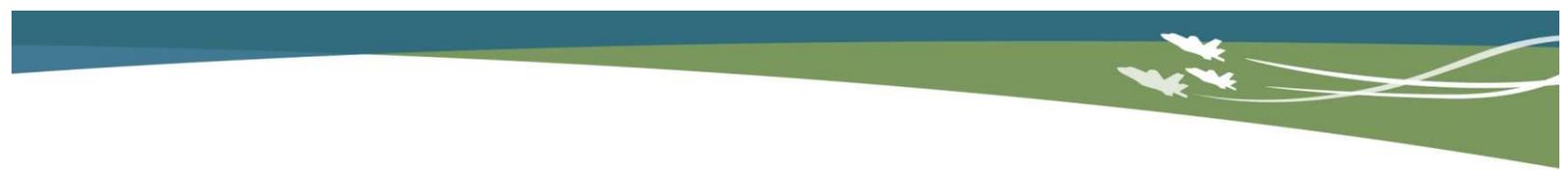
- Require any new commercial storage facilities to be indoor climate controlled in specific zoning district.
  - o Disallow fortress style open storage
  - o Limit the location of storage to areas that may be adjacent to heavily traveled corridors or areas that will limit visual impacts.

**SCHEDULE / TIME CONSTRAINTS**

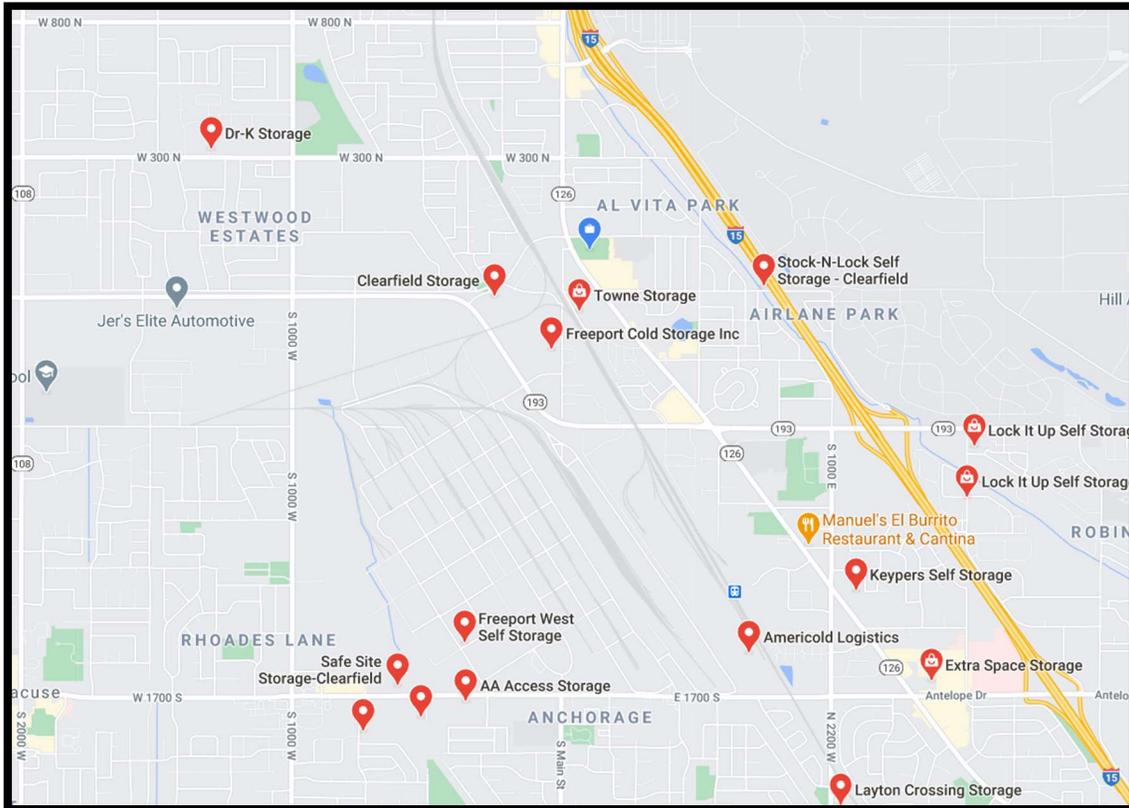
There are not time constraints on this request, however staff believes addressing this issue soon will provide predictability for these future requests.

**LIST OF ATTACHMENTS**

- Attachment #1 Storage facilities in and around Clearfield City boundary
- Attachment #2 Ordinance 2002-02
- Attachment #3 Ordinance 2009-40

- 
- Attachment #4 Ordinance 2010-13
  - Attachment #5 Clearfield City Zoning Map

## STORAGE FACILITIES IN AND AROUND CLEARFIELD



- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Safe Site Storage – 4.528 acres</li> <li>2. Stock-N-Lock Storage – 1.351 acres</li> <li>3. Freeport West Storage – Approx. 5 acres*</li> <li>4. AA Access Storage – 2.996 acres</li> <li>5. Keypers Self Storage – 0.5 acres</li> <li>6. DR. K Storage (formerly King Storage) – 1.474 acres</li> <li>7. Clearfield Storage – 3.21 acres</li> <li>8. Towne Storage – 3.43 acres</li> </ol> | <ol style="list-style-type: none"> <li>9. Lock it up Self Storage -1.5 acres</li> <li>10. Garden Apts. Storage – 1.88 acres</li> <li>11. Extra Space Storage (Layton) - 6.593 acres*</li> <li>12. Layton Crossing (Layton) – 7.15 acres</li> <li>13. Vault Storage (Syracuse) – 6.28 acres</li> <li>14. Gateway Storage (Syracuse) – 4.74 acres</li> <li>15. U-Haul Moving and Storage (Sunset) - 11.68 acres*</li> </ol> |
|--|---|

## CLEARFIELD CITY ORDINANCE 02-02

AN ORDINANCE AMENDING THE CLEARFIELD CITY ZONING ORDINANCE BY PROHIBITING COMMERCIAL STORAGE UNITS AS A PERMITTED OR CONDITIONAL USE EXCEPT WHERE SUCH COMMERCIAL STORAGE UNITS ARE IN PLACE AS OF THE EFFECTIVE DATE HEREOF.

WHEREAS, Clearfield City presently has a number of commercial storage unit facilities throughout the City; and,

WHEREAS, because there is a limited amount of non-developed properties in the City; and,

WHEREAS, those properties are suited for a higher and better use than commercial storage units; and,

WHEREAS, the Clearfield City Planning Commission has reviewed this ordinance and recommends it approval to the Clearfield City Council; and,

WHEREAS, the Clearfield City Council has held a public hearing on the matter and received public input on the matter; and,

WHEREAS, proper notice of the public hearing has been made; and,

WHEREAS, the Clearfield City Council finds that the recommendation of the Clearfield City Planning Commission is proper and that the proposed Ordinance conforms to the Clearfield City General Plan.

NOW, THEREFORE, be it ordained by the Clearfield City Council that the Clearfield City Zoning Ordinance be amended as follows:

Section 1. Amended Ordinance: The Clearfield City Zoning Ordinance is amended by adding the following provision:

### 11-13-20 Storage Units Allowed Only on Specific Properties

Storage Units are allowed only on those properties that had such units on them as of the effective date of this section and are set forth on a zoning map maintained in the Office of the City Recorder and the Public Works Department.

The following provisions are modified as follows:

a. Change the provision "Warehousing and storage units. (Ord. 92-5, 6-23-1992)" from Ordinance 11-11B-3 Conditional Uses to read "Warehousing". (C-2 Zone)

b. Add to Ordinance 11-11D-2A the words "Storage units except as allowed under Ordinance 11-13-20" after the words "Residential occupancies (as defined by the Uniform Building Code)." (M-1 Zone)

Section 2. Effective Date: This Ordinance shall become effective immediately upon posting of it in three public places within Clearfield City.

Dated this 23<sup>rd</sup> day of January 2001, at the regularly scheduled meeting of the Clearfield City Council.



CLEARFIELD CITY CORPORATION

BY: Thomas C. Waggoner  
Thomas C. Waggoner, Mayor

ATTEST:

BY: Nancy R. Dean  
Nancy R. Dean, City Recorder

Vote of the Council

Aye: Councilmembers Anderson, Barlow, Hansen, Monson, Oda

Nay: None

**ORDINANCE POSTING CERTIFICATE**

STATE OF UTAH            )  
                                  )  
COUNTY OF DAVIS        )        ss:

I, Nancy R. Dean, do hereby certify that I am the duly appointed, qualified City Recorder for the City of Clearfield, State of Utah, and do further certify that the foregoing is a true and correct copy of Ordinance No. 02-02 entitled "AN ORDINANCE AMENDING THE CLEARFIELD CITY ZONING ORDINANCE BY PROHIBITING COMMERCIAL STORAGE UNITS AS A PERMITTED OR CONDITIONAL USE EXCEPT WHERE SUCH COMMERCIAL STORAGE UNITS ARE IN PLACE AS OF THE EFFECTIVE DATE HEREOF" duly adopted by the City of Clearfield by the City Council thereof at a meeting duly called and held in Clearfield, Utah, on the 22<sup>nd</sup> day of January, 2002, at the hour of 7:00 o'clock p.m. of said day, and I certify that after its passage I caused to be posted a copy of the Ordinance in the following locations:

1. City Office located at 55 South State
2. Davis County Library, North Branch located at 562 South 1000 East
3. Clearfield Post Office located at 98 North main
4. Freeport Post Office located at Freeport Center

Dated this 25<sup>th</sup> day of January, 2002.

SEAL:



*Nancy R. Dean*  
\_\_\_\_\_  
Nancy R. Dean  
Clearfield City Recorder

# CLEARFIELD CITY ORDINANCE 2009-40

## AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 11 of the Clearfield City Code by amending Chapter 13 – SUPPLEMENTARY REGULATIONS of said title.

**BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

### **Section 1. Enactment:**

*Title 11, Chapter 13, Section 1 of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-1: APPLICABILITY:**

The regulations found in this Chapter supplement or modify the zone regulations appearing elsewhere in this Title. (Ord. 84-06B, 9-11-1984)

*Title 11, Chapter 13, Section 3 of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-3: LOT STANDARDS:**

Except as otherwise provided in this Title, every lot shall have such area, width and depth as is required by this Title for the zone in which such lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right of way approved by the Planning Commission, before a building permit may be issued. (Ord. 84-06B, 9-11-1984)

*Title 11, Chapter 13, Section 7 of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-7: BUILDINGS ON LOT LINES:**

Any main or accessory buildings that are permitted to be located on property lines by the zone regulations in which they are located shall meet the following requirements:

- A. No openings in the building shall be located on the side which is contiguous on the property line.
- B. The building shall be built with one-hour fire resistant construction in the wall contiguous to the property line.
- C. The building shall retain all water on the lot or parcel on which it is located. (Ord. 84-06B, 9-11-1984)

*Title 11, Chapter 13, Section 8 of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-8: PROJECTIONS AND STRUCTURES INTO YARDS:**

A. Allowable Structures: The following structures may be erected on or projected into any required yard area:

1. Fences and walls in conformance with City codes or ordinances.
2. Necessary appurtenances for utility service. (Ord. 84-06B, 9-11-1984)

B. Structures With Restrictions: The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two feet (2'):

1. Cornices, eaves, belt courses, sills, buttresses, cantilevers or other similar architectural features.
2. Fireplace structures and bays; provided, that they are not wider than eight feet (8'), measured generally parallel to the wall of which they are a part. (Ord. 88-11, 8-9-1988)
3. Stairways, balconies, door stoops, fire escapes, awnings and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 99-14, 6-22-1999)

C. Carports, Patios, and Decks: Carports, patios, and decks may project into a rear yard to not less than fifteen feet (15') from the rear property line, into a corner side yard not less than ten feet (10') from the corner side property line, and into a side yard not less than three feet (3') from the side property line. Covered patios shall remain open on three (3) sides, except for necessary supporting columns, snow screens, and customary architectural features.

*Title 11, Chapter 13, Section 9 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-9: FLAG LOTS:**

A. REPEALED.

B. Frontage And Dimensions: Where permitted, the staff or handle portion of the lots shall front on a public street. The minimum width of the staff portion of the flag lot shall be fourteen feet (14') for residential uses and twenty feet (20') for nonresidential uses. The maximum length of the staff shall be two hundred feet (200'). The main or flag portion of the lot shall conform to the minimum lot size requirements of the zone in which the lot is located.

C. Yard Requirements: The front yard shall be considered that side of the flag portion that adjoins the staff. The minimum front yard setback shall be twenty feet (20'). All other yard requirements for buildings in the flag portion of the lot shall conform to the regulations of the zone in which the lot is located.

D. Construction In Staff Portion: No building or construction, except for a driveway, shall be allowed in the staff portion of the lot unless the minimum width thereof is the same or greater than the minimum lot width allowed in the zone. (Ord. 84-06B, 9-11-1984)

*Title 11, Chapter 13, Section 10 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-10: CLEAR VISION:**

A. Corner Lots: In all zones which require a front and corner side yard, no obstruction to view in excess of thirty six inches (36") in height shall be placed on any corner lot within a triangular area formed by the street curb lines and the line connecting them at points sixty feet (60') from the intersection of the curb (see Figure 1 of this Section). Fences may be permitted to seventy two inches (72") in height for non sight-obscuring construction. Where there is no curb, the measurement shall be taken from the edge of the pavement or concrete. Lawn trees are permitted in the clear vision triangle provided they are pruned at least seven feet (7') above the nearest established road grade so as to not obstruct a clear view by motor vehicle drivers. Landscaping outside the clear vision triangle shall also meet other ordinances pertaining to front yards.

B. Other Lots:

1. Front Yards: Lawn trees and other landscape elements are permitted but must be planted at least fifteen feet (15') back from the street line as measured to the point of the trees nearest the street line (figure 2 of this section). Trees and other landscape elements planted closer than fifteen feet (15') from the street line shall be pruned at least seven feet (7') above the established grade of the road or not exceed thirty six inches (36") in height.

2. Retaining Walls: Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence, hedge, or wall of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as part of the permissible height of a fence, solid wall, or hedge; providing, that in any event a protective fence or wall or hedge not more than thirty six inches (36") in height, when of solid construction or such density as to not permit a clear view of adjoining streets and sidewalks may be erected at the top of the retaining wall, or when the protective fence, wall or hedge is of such construction as to permit a clear unobstructed view of adjoining streets and of sidewalks not exceeding forty eight inches (48") in height may be erected on top of said retaining wall. The provisions of this subsection shall not apply to fences required by State law to surround and enclose public utility installations, public schools, or City property.

C. Driveways: Driveways in residential zones shall be governed by a clear vision triangle measured at a point where the edge of the driveway and curb meet (see Figure 2 of this Section). At this point, measurements shall be made twenty five feet (25') into the property along the driveway edge and fifty five feet (55') along the curb. Where there is no curb, the measurements shall be taken from the edge of the pavement or concrete. The extent of these measurements shall be connected, forming the clear vision triangle. Lawn trees are permitted in the clear vision triangle provided they are pruned at least seven feet (7') above the established road grade so as to not obstruct a clear view by motor vehicles. Other vegetation may be made on both sides of the driveway and may affect placement landscaping or fencing on adjacent property.

Figure 1:

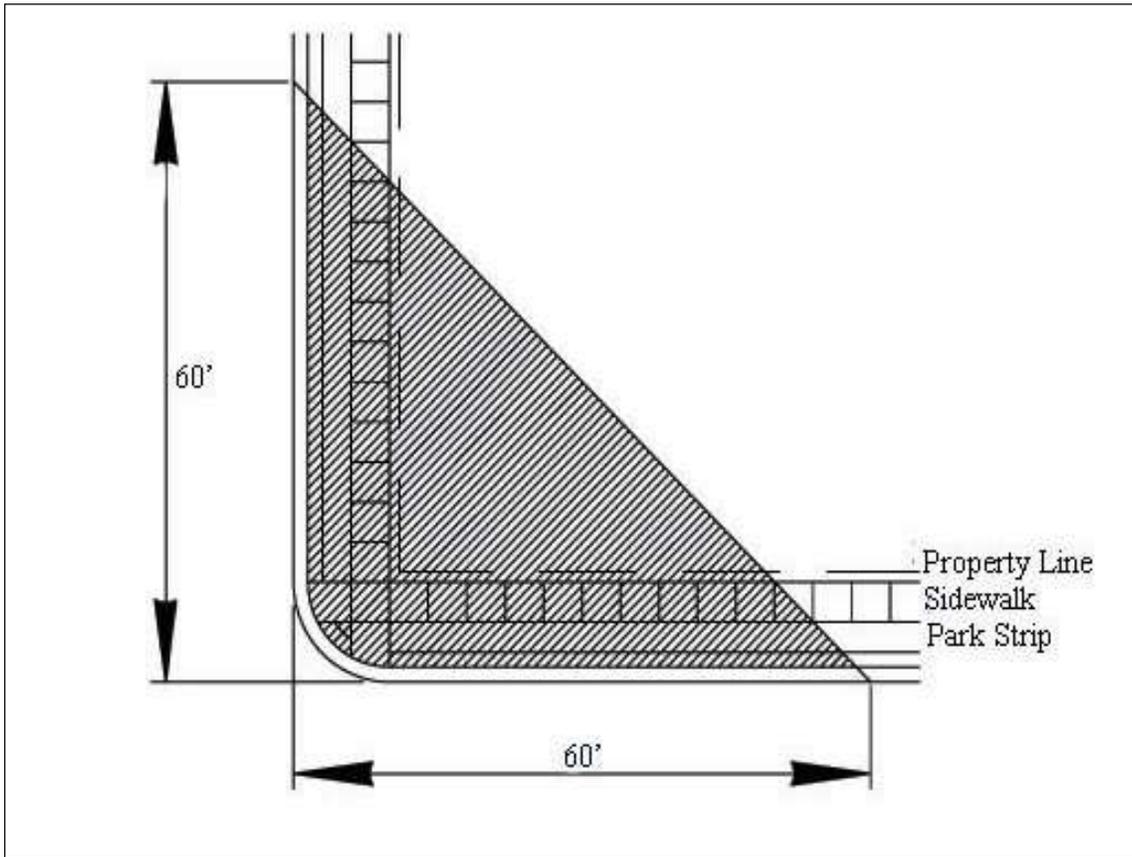
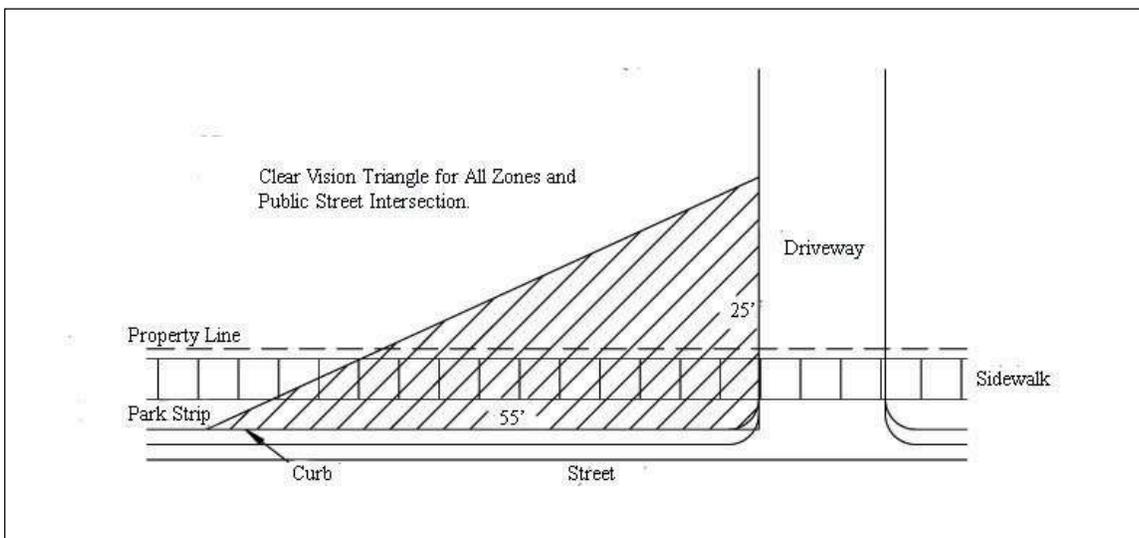


Figure 2:



(Ord. 01-08, 4-10-2001)

*Title 11, Chapter 13, Section 11 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-11: HEIGHT LIMITATIONS; EXCEPTIONS:**

The height limitations contained in the zone regulations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 84-06B, 9-11-1984)

*Title 11, Chapter 13, Section 12 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-12: OUTDOOR STORAGE:**

Outdoor storage is hereby defined as the commercial storage or keeping of building materials, equipment, fuels, vehicles, goods, commodities or raw materials outside of a building or structure. In addition to requirements found elsewhere in this Code and laws of the State of Utah, all outdoor storage shall meet the following requirements:

A. No yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Title, shall be used for outdoor storage without first obtaining Site Plan approval for such use from the Planning Commission in accordance with Chapter 5 of this Title. The storage, keeping, or parking of a vehicle on an approved parking space at a private residence shall not be considered outdoor storage. The outdoor display of goods and other merchandise for retail sale shall not be considered outdoor storage. No other area or parcel of land shall be used for such purposes except as specifically permitted herein. Outdoor storage of junk, trash, debris, or other waste materials is prohibited on any lot or parcel in the City.

B. All outdoor storage, except for agricultural products, shall be enclosed by a fence or wall at least six feet (6') in height and impervious to sight from any public street, right of way, or adjacent property. No items may be stacked higher than the fence or wall of the enclosure without prior approval from the Planning Commission through the Site Plan process, unless expressly exempted elsewhere in this Title.

C. No materials or waste shall be deposited upon any property in such form or manner that they may be transferred off such property by natural causes or forces. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by, or otherwise be attractive to rodents or insects may not be stored outdoors unless put in closed containers.

D. Open storage of hay or other agricultural products shall be located not less than forty feet (40') from a public street, and fifty feet (50') from any dwelling on adjoining property; except, that any accessory building containing such products shall be located as required for all agricultural accessory buildings as provided for herein.

E. Outdoor storage in the M-1 Zone may exceed the height of six feet (6') only if all adjacent properties share the same M-1 Zone designation. If a railroad right-of-way is adjacent to the property, storage may only exceed six feet (6') upon Planning Commission approval. The following shall be the criteria by which the Planning Commission shall review the storage:

1. There shall be adequate screening to prevent any residential zones across the railroad right-of-way from viewing the storage.
2. The storage shall be screened to prevent a view of the storage from a commuter rail train. Screening can be accomplished by a change in grade, landscaping, or sight-obscuring fences and walls. The Planning Commission may impose any other conditions designed to mitigate the impact of the storage. In no case may storage exceed the height of fifteen feet (15').

F. All areas used for outdoor storage shall be properly surfaced with an impermeable, all-weather material, and shall be kept free of weeds and debris.

*Title 11, Chapter 13, Section 13 of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-13: SWIMMING POOLS AND TANKS:**

All swimming pools and tanks more than thirty inches (30") in depth shall be set back at least five feet (5') from all property lines and shall be completely surrounded by a screened fence or wall having a height of at least six feet (6'). Gates shall be lockable and equipped with self-closing and self-latching devices. Fences and gates shall not have openings larger than four (4) square inches. (Ord. 2004-03, 2-10-2004)

*Title 11, Chapter 13, Section 16 of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-16: TREE REGULATIONS:**

A. Purpose: The City prides itself on its many areas of landscape, both natural and enhanced, and recognizes the importance of trees within the community. Not only do trees add to the beauty of the community, but they stabilize surface drainage and soil erosion. A well designed landscape planting can reduce air and sound pollution and regulate solar radiation and wind control.

B. City Arborist:

1. Created: The Community Services Director or his/her designee shall appoint a City Arborist.
2. Duties and Responsibilities: The City Arborist shall have full power over all trees and shrubs located within the City's rights of way, parks and public places; over trees and shrubs located on private, commercial or residential property which constitute a hazard or threat as described in the standards and specification manual.

C. REPEALED.

D. Planting Trees, Landscaping In City Right Of Way: Tree planting on public ways shall be coordinated with required open landscaping areas so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation.

E. Public Tree Care: The City shall have the right, as determined by its sole discretion, to plant, prune, maintain and remove trees, plants and shrubs within rights of way, streets and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

F. Illegal To Cut, Injure Or Top Trees:

1. It shall be unlawful for any person to remove trees situated on City property, including streets and roadways of the City, without obtaining permission from the City Arborist for that purpose.

2. It shall be unlawful as a normal practice for any person, firm or City department to top any tree on City property. Topping is the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other cause, or other obstructions where other pruning practices are impractical, may be exempted from this subsection at the determination of the City Arborist.

G. Pruning, Corner Clearance: Every owner of any tree or shrub overhanging any street, sidewalk or right of way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection or obstruct and create a hazard on a sidewalk. Said owners shall remove all dead, diseased or dangerous trees and shrubs, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic-control device, sign or sight triangle at intersections or constitutes a hazard on a sidewalk. Any costs incurred by the City will be collected from the adjacent property owner.

H. REPEALED.

I. REPEALED.

J. REPEALED.

K. Appeal: Any person may appeal a decision of the City Arborist to the Community Services Director, who may hear the matter and make a final decision within sixty (60) days. (Ord. 93-3, 8-10-1993)

*Title 11, Chapter13, Section 17 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-17: LIGHTS:**

A. Height Regulation: No light shall be higher than fifty feet (50') from finished grade, except that athletic field lights may be higher with approval of the Planning Commission through the Site Plan process. (Ord. 87-08, 3-24-1987)

B. Glare: All lights shall be so designed, located, shielded and directed so as to prevent the casting or glare or direct light from artificial illumination upon surrounding property and public roadways. Such lights alleged to violate this subsection by the adjacent property owners or Planning and Zoning Administrator, shall be subject to a public hearing before the Planning Commission as to the validity of the alleged violation. If such light is determined to be in violation, the owner of said light shall take appropriate corrective action as directed. (Ord. 84-06B, 9-11-1984)

*Title 11, Chapter13, Section 20 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-20: COMMERCIAL STORAGE FACILITIES ALLOWED ONLY ON SPECIFIC PROPERTIES:**

Storage facilities (commercial) are allowed only on those properties that had such facilities on them as of the effective date of Clearfield City Ordinance 02-02 and are set forth on the Zoning Map maintained in the office of the City Recorder and the Community Development Department. (Ord. 02-02, 1-22-2002)

*Title 11, Chapter13, Section 21 of the Clearfield City Code is hereby amended to read as follows:*

**11-13-21: GROUP HOME FACILITIES:**

A. Definitions: For purposes of this Section, the following terms shall have the meanings prescribed herein:

1. GROUP HOME FOR PERSONS WITH A DISABILITY: A dwelling in which eight (8) or fewer unrelated persons, exclusive of staff, having physical or mental disabilities or impairments are cared for or live in a supervised environment.
  
2. GROUP HOME FOR THE ELDERLY: A dwelling in which eight (8) or fewer unrelated elderly persons, exclusive of staff, are cared for or live in a supervised environment. The residents may or may not have a physical or mental impairment because of age. A group home for the elderly shall be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which title has been placed in trust for a resident.

3. ELDERLY PERSON: A person who is sixty (60) years of age or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

B. Placement Of Specific Persons Restricted: Placement in a group home facility shall be on a strictly voluntary basis and not part of or in lieu of confinement, rehabilitation or treatment in correctional facility. (Ord. 88-10, 6-28-1988)

C. Approval Process: Group homes shall be a conditional use in zones where single-family dwellings are allowed, and a permitted use in zones where multiple-family dwellings are allowed. Site Plan review and approval shall also be required in accordance with Chapter 5 of this Title. Each group home shall comply with all of the following requirements: (Ord. 87-09, 7-14-1987; amd. Ord. 2004-03, 2-10-2004)

1. The facility shall conform to all applicable health, safety and building codes applicable to similar dwellings;
2. The facility shall be capable of use as a group home without structural or landscaping alterations that would change the structure's residential character;
3. The facility shall not be located within three-fourths (3/4) mile of another existing group home facility. (Ord. 87-09, 7-14-1987)
4. Adequate off-street parking shall be provided.
5. The facility shall be consistent with the existing zoning standards of the desired location.

D. Assurances: The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a twenty four (24) hour basis, except for homes for the elderly. (Ord. 84-06B, 9-11-1984; amd. Ord. 2004-03, 2-10-2004)

E. Termination: A permit granted for a group home facility under this section is nontransferable and terminates if the structure is devoted to a use other than as a group home facility. A permit also terminates if the group home facility fails to comply with any of the provisions of this section. (Ord. 87-09, 7-14-1987; amd. Ord. 2004-03, 2-10-2004)

F. In accordance with the Fair Housing Amendments Act of 1988, 42 U.S.C., Section 3601 et seq., none of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow occupancy of a residential facility for persons with a disability.

G. Group homes for persons with a disability shall follow all applicable standards and requirements of the Department of Human Services under Utah Code Title 62A, Chapter 2- Licensure of Programs and Facilities.

H. A group home for the elderly shall not be operated as a business. A group home for the elderly may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

*Title 11, Chapter 13, Section 23 of the Clearfield City Code is hereby enacted to read as follows:*

**11-13-23: LANDSCAPING STANDARDS AND REQUIREMENTS:**

A. Landscaping Standards:

1. All open space, except driveways, parking areas and similar improvements, shall be landscaped with natural materials, free of weeds, which will prevent wind and water erosion. Acceptable landscaping will consist of cultivated vegetation and flower gardens, manicured shrubs, trees, decorative rock, decorative ground cover or, as a minimum, a well groomed lawn. A combination of these materials shall be permitted.
2. Non-residential areas shall be landscaped with a minimum of one (1) tree for every five hundred (500) square feet of landscaped area. All new deciduous trees required by this Title shall have a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. All new evergreen trees required by this Title shall have a minimum size of six feet (6') in height. All trees to be installed on public property or on property to be maintained by the City shall be subject to approval by the City Arborist or designee.
3. Non-residential areas shall be landscaped with a minimum of one (1) shrub for every three hundred (300) square feet of landscaped area. All new shrubs required by this Title shall be a minimum of one (1) gallon containerized stock plant that will attain a height of at least two feet (2').

B. Completion of Improvements: All landscaping improvements required by this Title shall be installed in accordance with the approved Site Plan, landscape plan, and irrigation plan as follows:

1. Landscaping for non-residential uses in all zones shall be completed prior to the issuance of a certificate of occupancy for the building or structure with which it is associated, or in cases of inclement weather, within six (6) months of the date of initial occupancy. The date of initial occupancy shall be the date that a certificate of occupancy is issued for the first building or facility of an individual phase or plat of the development.
2. The front and side yards of all single-family dwellings in all zones shall be landscaped within twelve (12) months of the date of initial occupancy for the building or structure with which they are associated. The rear yard shall be landscaped within eighteen (18) months of the date of initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the dwelling unit.
3. Landscaping for two-family and multiple-family dwellings in all zones shall be completed prior to the issuance of a certificate of occupancy for the building or structure with which they are associated, or in cases of inclement weather, within six (6) months of the date of

initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the first dwelling unit.

C. Bond Required: In order to ensure that all required landscaping is installed in an acceptable manner, the developer shall post a separate cash bond with the City Recorder or establish an escrow account with an appropriate financial institution. The cash bond or escrow account shall be subject to approval by the City Engineer, and shall be in an amount equal to one hundred twenty five percent (125%) of the estimated costs of construction and installation of all required landscaping, parks, playgrounds, recreation facilities, fences, walls, and other amenities shown on the final landscape plan or Site Plan, as applicable.

1. The bond or escrow account shall be posted or established in accordance with all other City regulations.
2. The bond or escrow account shall be posted or established prior to the issuance of building permits for the site.
3. The bond shall be accompanied by a schedule of anticipated completion dates for such improvements. In no case shall the time period for completion exceed the time periods set forth in Subsection B.
4. In the event that the improvements are not completed in reasonable conformance with said schedule, the City may undertake to complete the improvements and pay for such improvements from the bond or escrow account.
5. This Section shall not pertain to the completion or installation of private landscaping on individual building lots for single-family dwellings.

D. Guarantee: Twenty five percent (25%) of the amount of the bond required in Section B above shall be retained by the City for one (1) year after the landscaping is installed to guarantee the survival of all landscaping improvements.

E. Irrigation System Required: All non-residential, two-family dwelling, and multiple-family dwelling landscaping improvements shall be properly irrigated with an automatic irrigation system.

F. Fee-In-Lieu of Open Space: A fee-in-lieu of landscaped open space may be permitted by the Planning Commission for required open space that is less than five thousand (5,000) square feet in size, provided that the development can be adequately served by existing parks and recreation facilities. The amount of the fee shall be set forth in the City's fee schedule. Any fee-in-lieu paid to the City shall be set forth in a development agreement. Open space fees-in-lieu shall be held by the City in a reserved account to be used solely for improvements to parks and recreation facilities. Where possible, the fees collected by the City shall be used to improve the park or open space nearest the location where those fees were paid.

G. Preservation, Maintenance, and Ownership:

1. The Planning Commission and City Council shall require the preservation, maintenance and ownership of all required open space through one or a combination of the following:

- a. Dedication of the land as a public park or parkway system;
- b. Dedication of the land as permanent open space on the recorded plat;
- c. Granting the City a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowner's association; or
- d. Through compliance with the provisions of the Condominium Ownership Act as outlined in Title 57 of the Utah Code, which provides for the payment of common expenses for the upkeep of common areas and facilities.

2. In the event that open space or other required landscaping improvements or facilities are not landscaped or maintained in a manner consistent with the approved Site Plan or Landscaping Plan, the City may at its option cause such landscaping or maintenance to be performed and assess the costs to the affected property owner(s) or other responsible association or entity.

*Title 11, Chapter 13, Section 24 of the Clearfield City Code is hereby enacted to read as follows:*

**11-13-24: PRIVATE COVENANTS AND RESTRICTIONS:**

A. Any project developed under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the Planning Commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land.

B. All covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, at a minimum, contain the following:

1. The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.
2. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection and the powers and duties of said committee and including the person, partnership or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.
3. The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.

4. The manner of collection from unit owners for their share of common expenses and the method of assessment.

5. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.

6. The method and procedure by which the declaration may be amended.

C. The declaration required herein, any amendment, and any instrument affecting the property or any unit therein, shall be approved by the City Attorney, Planning Commission, and City Council, and shall be recorded with the County Recorder.

D. This Title shall not nullify the more restrictive provisions of private covenants and agreements entered into between private persons, but shall prevail notwithstanding such provisions which are less restrictive.

E. Enforcement of private covenants and agreements is affected only by the parties in interest and the responsibility therefor shall not be assumed by the City or its agents. The City shall not be responsible for the enforcement of any private covenant, condition or restriction that is more restrictive than the provisions of this Code.

*Title 11, Chapter 13, Section 25 of the Clearfield City Code is hereby enacted to read as follows:*

**11-13-25: BUS BENCHES AND SHELTERS:**

Bus benches and shelters shall be subject to the following provisions:

A. Permit Required: No bus bench or shelter shall be installed or erected without first obtaining a permit from the Community Development Department.

B. Application: Application for a bus bench or shelter permit shall be made in writing by the property owner or certified agent on forms prepared by the Community Development Department. Upon receipt of a complete application, the Planning and Zoning Administrator shall be authorized to approve the application, approve the application with conditions, or deny the application.

C. Approval: Approval for a bus bench or shelter shall continue as long as the permit is maintained or until the property owner withdraws the approval in writing.

D. Revocation: The Planning and Zoning Administrator may revoke a bus bench or shelter permit for any of the following reasons:

1. Fraud or misrepresentation in its procurement.

2. Failure to comply with any or all of the provisions of this Code.

E. Property Owner Consent: Written approval from the property owner shall be required at the time of application for a bus bench or shelter permit, whether the bus bench or shelter is located on public or private property. Additionally, a letter of approval from the Utah Transit Authority shall be required for each bus bench or shelter.

F. Location and Quantity: Bus benches and shelters shall not be located more than twenty feet (20') from an approved Utah Transit Authority bus stop, nor within any required clear vision area. There shall be no more than two (2) bus benches or shelters at each bus stop.

G. Signage: No signs shall be allowed on bus benches or shelters.

H. Construction and Maintenance:

1. Bus bench backs and seats shall be constructed of metal, fiberglass, or rigid plastic/vinyl weatherproof materials and shall be kept in good repair. Bench legs shall be constructed of reinforced concrete.

2. A concrete pad shall be required for all bus benches and bus-shelters. The minimum pad size for bus benches shall be four feet (4') by six feet (6') and the minimum pad size for a bus shelter shall be two feet (2') wider than the width of the shelter and two feet (2') longer than the length of the shelter. Additional space should also be designed for persons in wheelchairs and/or to provide additional waiting area for bus patrons.

3. The minimum pad area for a bus bench or bus shelter may include part of a sidewalk. However, no bus bench or bus shelter shall infringe upon or obstruct any sidewalk, other pedestrian path, or driveway without adding paving which meets passage standards established by the Americans with Disabilities Act (ADA).

4. Bus benches and bus shelters shall be securely fastened to the concrete pad. Upon removal of a bench or shelter, the concrete pad shall be repaired by the owner of the bench or shelter, including removal of attachment bolts and repair of all holes in the concrete pad.

I. Insurance: For any bus bench or bus shelter, the company or person responsible for the bus bench or shelter shall provide to the City proof of liability insurance in the minimum amount of one million dollars (\$1,000,000.00), and shall name the City as an additional insured, and indemnify and hold harmless the City from any and all injuries and defense costs arising from the placement or use of the bus bench or bus shelter.

J. The provisions of this Section shall not apply to bus benches or shelters installed by the City or the Utah Transit Authority.

*Title 11, Chapter 13, Section 26 of the Clearfield City Code is hereby enacted to read as follows:*

**11-13-26: FIREWORK STAND, TEMPORARY OR SEASONAL MERCHANT, AND MOBILE FOOD VENDOR REGULATIONS:**

Firework stands, temporary or seasonal merchants, and mobile food vendors shall be subject to the following regulations:

A. Maintenance: The area around a firework stand, temporary or seasonal merchant, or mobile food vendor shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The licensee shall clean up all trash, litter, spills, etc. within a minimum twenty foot (20') radius of the business.

B. Impervious Surface: Each firework stand, temporary or seasonal merchant, and mobile food vendor shall be located on an impervious, all-weather surface with no portion of the business located in a landscaped or non-improved area.

C. Setbacks: Each firework stand, temporary or seasonal merchant, and mobile food vendor shall be located a minimum of ten feet (10') behind the inside edge of a public sidewalk, or fifteen feet (15') from the edge of the street right-of-way if no sidewalk exists; five feet (5') from combustible walls, roof eave lines, awnings, etc.; ten feet (10') from any building openings (i.e., doors, windows, vents, etc.); and five feet (5') from a fire hydrant, driveway, handicapped parking space or loading area.

D. Traffic Safety: No firework stand, temporary or seasonal merchant, or mobile food vendor shall impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet, and no firework stand, temporary or seasonal merchant, or mobile food vendor shall interfere with the internal parking lot circulation.

E. Parking: The site shall have adequate parking to accommodate the primary uses(s) on site as well as any area used by the firework stand, temporary or seasonal merchant, or mobile food vendor. No part of the firework stand, temporary or seasonal merchant, or mobile food vendor shall occupy required parking stalls for the primary use(s) of the site. A minimum of two (2) on-site parking stalls are required for each firework stand, temporary or seasonal merchant, or mobile food vendor.

F. Business Conduct: A firework stand, temporary or seasonal merchant, or mobile food vendor shall not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion producing devices to attract attention to its operation.

G. Minimum Separation Required:

1. No mobile food vendor shall be located within two hundred feet (200') of the primary public entrance of an existing restaurant use.

2. No temporary or seasonal merchant shall be located within two hundred feet (200') of the primary public entrance of an existing retail store which sells similar products as its primary business.

H. Signs: Each firework stand, temporary or seasonal merchant, or mobile food vendor shall be limited to one (1) on-premise sign, which shall not exceed eight (8) square feet in size. Signs shall

not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs shall be prohibited.

I. Fire Extinguisher Required: A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach of each firework stand, temporary or seasonal merchant, or mobile food vendor.

J. This Section shall not apply to firework stands, temporary or seasonal merchants, or mobile food vendors participating in a City-sponsored event or activity.

**Section 2. Repealer:**

*Title 11, Chapter13, Section 2: OPEN SKY of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 5:DOUBLE FRONTAGE LOTS of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 9, Paragraph A of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 15: REHABILITATION AND/OR DETENTION FACILITIES of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 16, Paragraph C of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 16, Paragraph H of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 16, Paragraph I of the Clearfield City Code is hereby repealed.*

*Title 11, Chapter13, Section 16, Paragraph J of the Clearfield City Code is hereby repealed.*

Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 24<sup>th</sup> day of November, 2009.

CLEARFIELD CITY CORPORATION

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Donald W. Wood, Mayor

ATTEST:

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

# CLEARFIELD CITY ORDINANCE 2010-13

## AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

**PREAMBLE:** This Ordinance amends Title 11 of the Clearfield City Code by amending Chapter 13 – SUPPLEMENTARY REGULATIONS and Chapter 15 – SIGN REGULATIONS of said title.

### BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

#### **Section 1. Enactment:**

*Title 11, Chapter 13, Section 10, Paragraph A of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-10: CLEAR VISION:**

A. Corner Lots: In all zones which require a front and corner side yard, no obstruction to view in excess of thirty six inches (36") in height shall be placed on any corner lot within a triangular area formed by the street curb lines and the line connecting them at points sixty feet (60') from the intersection of the curb (see Figure 1 of this Section). Fences may be permitted to seventy two inches (72") in height for non sight-obscuring construction, except as set forth in Paragraph D. Where there is no curb, the measurement shall be taken from the edge of the pavement or concrete. Lawn trees are permitted in the clear vision triangle provided they are pruned at least seven feet (7') above the nearest established road grade so as to not obstruct a clear view by motor vehicle drivers. Landscaping outside the clear vision triangle shall also meet other ordinances pertaining to front yards.

*Title 11, Chapter 13, Section 10 of the Clearfield City Code is hereby amended by enacting Paragraph D to read as follows:*

D. Fences located within a required residential front setback area shall not exceed thirty six inches (36") inches in height if sight obscuring, or forty eight inches (48") if non-obscuring, and shall meet all clear vision standards where applicable.

*Title 11, Chapter 13, Section 19, Paragraph C of the Clearfield City Code is hereby amended to read as follows:*

#### **11-13-19: WIRELESS COMMUNICATION TOWERS:**

##### C. Permitted Uses:

1. Lattice towers and monopole towers shall be permitted uses in the M-1 Manufacturing Zone and P-F Public Facilities Zone.

2. Roof-mounted antennas, wall-mounted antennas, and whip antennas shall be permitted uses in the M-1 Manufacturing Zone, P-F Public Facilities Zone, B-1 Buffer Zone, C-1 and C-2 Commercial Zones, C-R Commercial Zone, and the D-R Downtown Redevelopment Zone.

3. Telecommunications lots shall be permitted uses in the M-1 Manufacturing Zone and P-F Public Facilities Zone.

(Ord. 96-18, 9-10-1996; amd. Ord. 99-6, 3-9-1999)

*Title 11, Chapter 13, Section 19, Paragraph D of the Clearfield City Code is hereby amended to read as follows:*

**11-13-19: WIRELESS COMMUNICATION TOWERS:**

D. Conditional Uses:

1. Lattice towers shall be a conditional use in the C-1 and C-2 Commercial Zones.

2. Monopole towers shall be a conditional use in the A-1 Agriculture Zone, B-1 Buffer Zone, C-1 and C-2 Commercial Zones, C-R Commercial Zone, and D-R Downtown Redevelopment Zone.

3. Telecommunications lots shall be conditional uses in the C-1 and C-2 Commercial Zones.

*Title 11, Chapter 13, Section 20 of the Clearfield City Code is renamed Commercial Storage Facilities and hereby amended to read as follows:*

**11-13-20: COMMERCIAL STORAGE FACILITIES:**

A. Commercial storage facilities shall only be permitted on properties that had such facilities on them as of the effective date of Clearfield City Ordinance 02-02. (Ord. 02-02, 1-22-2002)

B. All existing commercial storage facilities shall be considered legal nonconforming uses and shall be subject to the regulations of Chapter 17 of this Title.

*Title 11, Chapter 13, Section 23, Paragraph A of the Clearfield City Code is hereby amended to read as follows:*

**11-13-23: LANDSCAPING STANDARDS AND REQUIREMENTS:**

A. Landscaping Standards:

2. All open space required by this Title shall be landscaped with a minimum of one (1) tree for every five hundred (500) square feet of landscaped area. All new deciduous trees required by this Title shall have a minimum trunk size of two inches (2") in caliper measured eight inches (8") above the soil line. All new evergreen trees required by this Title shall have

a minimum size of six feet (6') in height. All trees to be installed on public property or on property to be maintained by the City shall be subject to approval by the City Arborist or designee.

3. All open space required by this Title shall be landscaped with a minimum of one (1) shrub for every three hundred (300) square feet of landscaped area. All new shrubs required by this Title shall be a minimum of one (1) gallon containerized stock plant that will attain a height of at least two feet (2').

*Title 11, Chapter 13, Section 23, Paragraph E of the Clearfield City Code is hereby amended to read as follows:*

E. Irrigation System Required: All open space required by this Title shall be properly irrigated with an automatic irrigation system.

*Title 11, Chapter 13, Section 23 of the Clearfield City Code is hereby amended by enacting Paragraphs H and I to read as follows:*

H. Except as otherwise specified, the provisions of this Section shall not pertain to the completion or installation of private landscaping on individual building lots for single-family dwellings.

I. The percentage of required landscaped open space may be modified through a development agreement, subject to Planning Commission recommendation and City Council approval. No modification shall be granted, however, unless the following standards are met:

1. The granting of the modification will not adversely affect the rights of adjacent landowners or residents;
2. The modification desired will not adversely affect the public health, safety or general welfare; and
3. The granting of the modification will not be opposed to the general spirit and intent of this Title or the General Plan.

*Title 11, Chapter 13, Section 25 of the Clearfield City Code is renamed Courtesy Benches and Shelters and hereby amended to read as follows:*

#### **11-13-25: COURTESY BENCHES AND SHELTERS:**

Courtesy benches and shelters shall be subject to the following provisions:

A. Permit Required: No courtesy bench or shelter shall be installed or erected without first obtaining a permit from the Community Development Department. Courtesy bench and shelter permits shall be nontransferable.

B. Application: Application for a courtesy bench or shelter permit shall be made in writing by the property owner or certified agent on forms prepared by the Community Development Department, and shall be accompanied by payment of the fee required by the City's fee schedule. Upon receipt of a complete application, the Planning and Zoning Administrator shall be authorized to approve the application, approve the application with conditions, or deny the application.

C. License Period:

1. Calendar Year: All permits issued shall be valid for a period of one calendar year. Permits approved after the calendar year begins shall only be valid through the remaining months of the calendar year. Exception: New permits issued after November 1 shall require payment of the full application fee and shall be valid through December 31 of the following year.
2. Renewal: At the time of yearly renewal, an inspection may be made to assure compliance with the provisions of this Code.

D. Revocation: The Planning and Zoning Administrator may revoke a courtesy bench or shelter permit at any time for any of the following reasons:

1. Fraud or misrepresentation in its procurement.
2. Failure to comply with any or all of the provisions of this Code.

E. Property Owner Consent: Written approval from the property owner shall be required at the time of initial application for a courtesy bench or shelter permit, whether the courtesy bench or shelter is located on public or private property. It shall be the responsibility of the applicant to obtain and maintain property owner approval. The approval shall be provided on forms prepared by the City. A property owner may revoke his or her consent at any time and for any reason. Revocation of property owner consent shall constitute immediate termination of the courtesy bench or shelter permit. A change in property owners shall require written approval by the new owner.

F. Location and Quantity:

1. Courtesy benches and shelters shall only be located in the C-1 Commercial, C-2 Commercial, C-R Commercial, D-R Downtown Redevelopment, and M-1 Manufacturing Zones.
2. No courtesy bench or shelter shall be located within a required clear vision area.
3. A maximum of one (1) courtesy bench or one (1) courtesy shelter shall be allowed at each approved Utah Transit Authority bus stop. The bench or shelter shall be located within ten feet (10') of the stop. If a bus stop is moved or otherwise eliminated from service by the Utah Transit Authority, all permits for associated benches and shelters shall be immediately terminated.
4. A maximum of one (1) courtesy bench, located no more than one hundred feet (100') from the curb line intersection of the streets, shall be allowed per corner at signalized public street

intersections. Courtesy benches located at an intersection shall comply with all other regulations of this Section.

G. Signage: No signs shall be allowed on courtesy benches or shelters.

H. Construction and Maintenance:

1. Courtesy benches shall be constructed in substantial conformance with Figure 1 of this Section and shall be kept in good repair.
2. A concrete pad shall be required for all courtesy benches and shelters. The minimum pad size for courtesy benches shall be four feet (4') by six feet (6') and the minimum pad size for a courtesy shelter shall be two feet (2') wider than the width of the shelter and two feet (2') longer than the length of the shelter. Additional space should also be designed for persons in wheelchairs and/or to provide additional waiting area for bus patrons.
3. The minimum pad area for a courtesy bench or shelter may include part of a sidewalk. However, no courtesy bench or shelter shall infringe upon or obstruct any sidewalk, other pedestrian path, or driveway without adding paving which meets passage standards established by the Americans with Disabilities Act (ADA).
4. Courtesy benches and shelters shall be securely fastened to the concrete pad. Upon removal of a bench or shelter, the concrete pad shall be repaired by the owner of the bench or shelter, including removal of attachment bolts and repair of all holes in the concrete pad.

I. Insurance: For any courtesy bench or shelter, the company or person responsible for the courtesy bench or shelter shall provide to the City proof of liability insurance in the minimum amount of one million dollars (\$1,000,000.00), and shall name the City as an additional insured, and indemnify and hold harmless the City from any and all injuries and defense costs arising from the placement or use of the courtesy bench or shelter.

J. The provisions of this Section shall not apply to courtesy benches or shelters installed by the City or the Utah Transit Authority.

Figure 1:



*Title 11, Chapter 13 of the Clearfield City Code is hereby amended by enacting Chapter 27 – Portable Storage Containers to read as follows:*

**11-13-27: PORTABLE STORAGE CONTAINERS:**

A. General Requirements:

1. Site Plan approval shall be required for portable storage containers in all non-residential zones.
2. Except in the M-1 Zone, no container shall be used as a permanent structure or an appendage to a permanent structure.
3. Vertical stacking of portable storage containers or materials on top of containers shall be prohibited unless approved through the Site Plan review process.
4. Portable storage containers shall not be used as dwellings, or for camping, cooking or recreation purposes, and may not be connected to plumbing or electricity.
5. Portable storage containers not being actively used may not be stored in Clearfield City except by such businesses that are properly licensed to sell containers.
6. Portable storage containers shall be kept in good repair.
7. Portable storage containers shall not be allowed on vacant parcels of real property.

B. Residential Requirements:

1. Portable storage containers shall not be allowed for permanent storage.
2. Only one (1) portable storage container shall be allowed per parcel.
3. Portable storage containers shall only be allowed for moving purposes or during construction or remodeling and shall meet the following requirements:
  - a. Portable storage containers used for moving in or out of a residence shall be allowed for a maximum of fourteen (14) days, and shall only be located on a driveway or other paved area on private property.
  - b. Portable storage containers used during construction shall:
    - (1) only be allowed if a valid building permit is currently on file with the Community Development Department;

- (2) be allowed for a maximum of six (6) months. An extension of up to six (6) months may be granted by the Planning and Zoning Administrator;
- (3) not be located in a public right-of-way; and
- (4) be removed before a certificate of occupancy is issued.

C. Agricultural Requirements:

The regulations for portable storage containers in Agriculture Zones shall be the same as those set forth in Section 11-13-27 (B), except as set forth below:

1. Portable storage containers may be allowed for a maximum of three (3) months for storage.
2. Portable storage containers shall be completely screened from streets and residential areas.
3. No more than one (1) Portable storage container shall be allowed per acre of land.

D. Commercial Requirements:

1. Containers may not be used for everyday business operations, except for incidental shipping and receiving of materials or products for a period not to exceed thirty (30) consecutive calendar days or ninety (90) calendar days in a calendar year.
2. Portable storage containers shall be located on a concrete or asphalt surface.
3. Portable storage containers shall be completely screened from streets and residential areas.

E. Manufacturing Requirements:

1. The combined footprint of all portable storage containers shall not exceed twenty five percent (25%) of the footprint of the main building.
2. Portable storage containers shall be located on concrete or asphalt surface.
3. Portable storage containers shall be completely screened from public streets and residential areas.

*Title 11, Chapter 15, Section 7, Paragraph C of the Clearfield City Code is hereby amended by repealing subsection 5:*

**11-15-7: SIGNS ALLOWED WITHOUT A PERMIT:**

C. Allowed in Commercial and Manufacturing Zones: The following signs shall be allowed in commercial and manufacturing zones without a permit as prescribed herein:

5. REPEALED.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 27<sup>th</sup> day of July, 2010.

CLEARFIELD CITY CORPORATION

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Donald W. Wood, Mayor

ATTEST:

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

CLEARFIELD CITY ZONING MAP

