

CLEARFIELD CITY ORDINANCE 2025-23

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11 – Land Use, Chapter 19 – Internal Accessory Dwelling Units.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11 – Land Use, Chapter 19 – Internal Accessory Dwelling Units is hereby amended by renaming it to Accessory Dwelling Units.

Title 11 – Land Use, Chapter 19 – Accessory Dwelling Units is hereby amended by as follows:

CHAPTER 19

~~INTERNAL~~ ACCESSORY DWELLING UNITS

11-19-1: PURPOSE AND INTENT:

The ~~Internal~~ Accessory Dwelling Unit (~~I~~ADU) ordinance is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of an accessory unit in conjunction with single-family detached dwellings on individual lots. This ordinance is hereby established to promote the use of ~~ADUs~~~~accessory units~~; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age. These provisions are also 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 ~~ADUs~~~~accessory dwelling units~~.

11-19-2: DEFINITIONS ~~OF ACCESSORY DWELLING UNIT:~~

ACCESSORY DWELLING UNIT (ADU): A subordinate dwelling, which has its own kitchen, living/sleeping area, and full bathroom, including, sink, toilet shower/bath which ~~is~~ may be within or attached to a single-family residential building-, or detached from a single-family residential building.

INTERNAL ACCESSORY DWELLING UNIT (IADU): An accessory dwelling within or attached to a single-family residential building.

DETACHED ACCESSORY DWELLING UNIT (DADU): An accessory dwelling that is on the same lot as a single-family building, but is a separate structure from the single-family building.

PRIMARY DWELLING: The main or principal dwelling on a lot used to accommodate the primary use to which the premises is devoted. In the context of this chapter, the primary dwelling is a single-family residential building.

11-19-3: OWNER OCCUPIED:

~~For the purpose of this section, the term “owner occupied” shall be defined as fulltime residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. No ADUaccessory dwelling units shall be created, established, or occupied in a single family dwelling unless the bona fide property owner(s) as shown on the Davis County tax assessment rolls resides fulltimeowner of the property lives on the property within either the primaryprincipal dwelling or accessory dwelling unitADU.~~

11-19-4: DWELLING UNIT OCCUPANCY:

The occupants of an ADUaccessory dwelling unit shall be limited to a single family as defined in Section 11-3-3 of Clearfield City Code.~~by one of the following family categories:~~

~~—A. One person living alone; or~~

~~—B. Two (2) related or unrelated adults and their children.~~

~~—C. 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.~~

11-19-5: ZONES:

An ADUaccessory dwelling which meets ordinance requirements and development standards may be allowed ~~in a single family dwelling unit~~ within all single-family and agricultural zones, ~~on lots greater than 6,000 square feet. No accessory dwelling unit may be allowed in any multi-family dwelling or zone.~~

11-19-6: NUMBER OF ACCESSORY DWELLING UNITS:

A maximum of one ADUaccessory dwelling unit shall be allowed ~~in each owner-occupied single-family dwelling per lot.~~

11-19-7: ADDRESS:

The ~~primaryprincipal dwelling-unit~~ and the ADUaccessory dwelling unit shall have the same address number but shall refer to the ADUaccessory dwelling unit as a “Unit B.” -Addresses must be located in a visible location on the street frontage side of the home.

11-19-8: SEPARATE LIVING AREAS:

An ADUaccessory dwelling unit must provide a kitchen, ~~living areas for eating,~~ sleeping area, and a full bathroom, including, sink, toilet shower/bath, separate from the primaryprincipal dwelling-unit.

11-19-9: FIRE, BUILDING, AND HEALTH CODES:

An IADU shall comply with all building construction and fire codes in effect at the time the IADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.

11-19-10: UTILITY METERS:

A single-family dwelling with an ADU accessory dwelling shall have only one (1) meter for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. Installing separate utility meters for the ADU is prohibited.

11-19-11: NOT INTENDED FOR SALE:

ADUs Accessory dwelling units shall not be sold separately nor subdivided from the primary dwelling unit or lot.

11-19-12: ACCESSORY DWELLING UNIT REGISTRATION / BUSINESS LICENSE:

Any person owning an existing ADU 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 ADU accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an ADU accessory dwelling unit, shall register the ADU accessory dwelling unit with the Community Development Department. If the ADU accessory dwelling unit is a rental unit a business license is also required. This shall be in addition to a building permit for the work to be performed. In order to meet the requirements of the registration, the applicant shall:

A. Submit a fee as identified in the Consolidated Fee Schedule with a completed registration form/application including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meter.

B. Include detailed floor plans with labels on rooms indicating uses or proposed uses.

C. Pay building permit fees, if applicable, for the construction and/or remodeling of an existing dwelling, in accordance with the established fees and charges.

D. 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.

E.—Failure To Complete and Obtain a Land Use Permit: If the property owner does not obtain a land use permit as outlined this chapter, the IADU shall not be considered legal or approved. Failure to obtain a land use permit for an existing dwelling unit within two (2) years of this section may result in a citation for a code violation as governed by Title 1-16. “Code Enforcement,” of this Code.

FE. Failure to complete registration of IADU: If the property owner does not complete the registration as outlined above, the ~~ADUaccessory dwelling unit~~ shall not be considered legal or approved. Failure to complete the registration of an existing ~~ADUaccessory dwelling unit~~ may result in a fine, which may result in a lien on the property. After the fine is assessed, the building official or ~~his~~ designee shall determine an appropriate deadline for compliance. An additional fine may be assessed for each deadline that is not met.

11-19-13: HOME OCCUPATION BUSINESSES:

Home occupation businesses which may be approved in an ~~ADUaccessory dwelling unit~~ shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an ~~ADUaccessory dwelling unit~~ without the express written permission of the property owner, and approval from the City Business license official.

11-19-14: DEVELOPMENT STANDARDS:

Internal Accessory Dwelling Units (IADU's):

~~A. Size: The total area of the IADU shall be fifty percent (50%) or less of the total square footage of the primary residence and be located within the footprint of the home.~~

BA. Appearance: The architectural design, color pallet, and materials for an IADU shall be similar to the primary dwelling unit. The use of portable storage containers in the creation or construction of IADU's is prohibited.

CB. Location: IADUs shall meet the same setbacks as required for the primary residence in the zone.

~~1. IADUs and the primary dwelling must be on the same parcel and may not be subdivided.~~

~~1.2. IADUsAccessory dwelling units~~ may be allowed as long as the zoning requirements for properties in a single-family neighborhood are met. The IADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In addition, the following standards apply:

~~2.3. IADUsAttached accessory dwelling units~~ are allowed:

a. Over an attached garage, provided the accessory unit does not otherwise disrupt required covered parking.

b. Inside the primary residential dwelling through an internal conversion of the housing unit as an addition or in the basement.

c. By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building.

DC. Building Entrances: An ~~IDAUaccessory dwelling unit~~ shall have a separate entrance located on any side or rear of the single-family home or at the front of the home if it is below grade and maintains the characteristics of a single-family home. The purpose of this requirement is to preserve the single-family residential appearance of the building.

~~E. Parking: A single-family dwelling with an accessory dwelling unit shall provide at least one (1) additional off-street parking space for the IADU. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. This shall include covered parking, garages and tandem parking in driveways. Tandem parking within a driveway is allowed to meet the parking requirement. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway. At a minimum, all parking areas and driveways shall be paved with concrete, asphalt, masonry, or concrete pavers. Permitted accessory parking standards must meet minimum parking requirements. No accessory dwelling may be allowed on any lot that cannot satisfy the parking requirements. (Ord. 2021-14, 9-28-2021)~~

Detached Accessory Dwelling Units (DADU's):

- A. Appearance: The architectural design, color pallet, and materials for a DADU shall be similar to the primary dwelling unit. The use of portable storage containers in the creation or construction of DADU's is prohibited.
- B. Location: DADU's shall be located in the rear yard of the primary dwelling.
- C. Height: DADU's shall be single story only and not include any livable square footage above or below the ground story level and are subject to the following total height restrictions.
 - 1. Flat roof types are limited to a maximum height of twelve feet (12')
 - 2. Pitched roof types are limited to a maximum height of eighteen feet (18')
 - 3. DADU's shall not exceed the height of the primary dwelling
- D. Height Exception: DADU's built above a detached garage are limited to a maximum height of twenty-five feet (25') or the height of the primary dwelling, whichever is less.
- E. Setbacks: DADU's shall maintain the following setbacks.
 - 1. Rear: 10 feet if single-story and 20 feet if DADU is built above a detached garage
 - 2. Side: 10 feet
 - 3. Corner Side: 20 feet on the side adjacent to a street
 - 4. Distance from Primary Dwelling: 10 feet
- F. Size: DADU's shall comply with the following size and total floor area requirements.
 - 1. Building footprint not to exceed 50% of the footprint of the primary dwelling
 - 2. Minimum: Total floor area to be no less than 200 square feet
 - 3. Maximum: Total floor area not to exceed 1000 square feet

G. Lot Coverage: DADU's shall comply with the following lot coverage requirements. Coverage calculation is for all buildings and structures, both main and accessory, and shall not exceed the listed percentages based on lot size.

1. Lot Size of 43,560 square feet and larger: 20%
2. Lot Size of 43,559 to 15,000 square feet: 30%
3. Lot Size of 14,999 square feet and below: 40%

11-19-15: PARKING:

A single-family dwelling with an ADU shall provide at least one (1) additional off-street parking space for the ADU, above the minimum spaces required for a single-family dwelling. The additional space may include the use of covered parking, a garage, or an approved driveway. Gravel or crushed rock accessory parking areas cannot be used to meet the parking requirement.

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

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

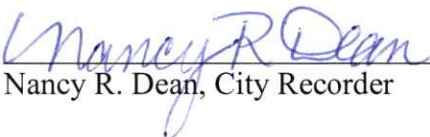
DATED this 25th day of November, 2025, at the regularly scheduled meeting of the Clearfield City Council.



CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST


Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE: Councilmembers Peterson, Ratchford, Roper, Thompson and Wurth

NAY: None