

ORDINANCE NO. 2026-09-21

AN ORDINANCE CREATING SECTION 17.5.136 TITLED DETACHED ACCESSORY DWELLING UNITS PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENTS.

WHEREAS, American Fork City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, Utah Code §§ 10-20-501 and 503 of Utah Code Annotated, 1953, as amended grants the City authority to enact, adopt and amend land use regulations; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2026 to consider a Code Text Amendment to create Section 17.5.136; and

WHEREAS, at its Recommendation meeting, the Planning Commission voted in favor of a positive recommendation to the City Council of American Fork on September 16, 2026; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork City to create Section 17.5.136 relating to providing regulations for Detached Accessory Dwelling Units within the City;

WHEREAS, the City has considered the impact this ordinance may have on family, health, stability, and formation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UT as follows:

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 17.5.136 of the American Fork Municipal Code is hereby amended to read as follows:

Sec. 17.5.136 Detached Accessory Dwelling Units.

A. Purpose.

The purpose of this section is to permit and regulate detached accessory dwelling units in accordance with Utah Code § 10-21-304 (as amended) and other applicable law.

B. Applicability and Permitted Use.

1. A detached accessory dwelling unit is permitted on any lot or parcel that:

- a. contains at least eleven thousand (11,000) square feet;
 - b. contains a detached single-family dwelling; and
 - c. is located where the single-family dwelling is a permitted use.
2. A detached accessory dwelling unit satisfying this section shall not require a conditional use permit when located in a primarily residential zone.
3. Nothing in this section authorizes a detached accessory dwelling unit on a lot or parcel smaller than eleven thousand (11,000) square feet.

C. Number of Accessory Dwelling Units.

No more than one accessory dwelling unit, whether attached, internal, or detached, may be located on a lot or parcel.

A detached accessory dwelling unit, and any other permitted accessory structures, shall not exceed 25% of the rear yard open space.

D. Building, Health, and Fire Codes.

A detached accessory dwelling unit shall comply with all applicable building, health, and fire codes.

E. Conversion of Existing Accessory Structures.

1. The owner of a legally constructed accessory structure may apply to convert the accessory structure to a detached accessory dwelling unit.
2. A conversion under this subsection shall comply with all applicable:
 - a. dwelling and accessory structure setback requirements; and
 - b. building, health, and fire codes.
3. The fact that an accessory structure was legally constructed does not exempt its conversion to a detached accessory dwelling unit from requirements applicable to the residential occupancy of the structure.

F. Development Standards.

A detached accessory dwelling unit shall follow all of the following development standards:

1. Setback
 - a.) A DADU shall be setback not less than 12 feet from all side and rear lot lines for internal lots.
 - b.) A DADU shall be setback not less than 12 feet from all internal side and rear lot lines for corner lots, and shall be set back not less than 20 feet for side lot lines on the corner side lot line.
 - c.) A DADU shall not be permitted forward of the primary elevation of the primary residential dwelling structure.
2. Height

- a.) The maximum height permitted for a DADU shall be 24 feet. A DADU shall not be taller than the primary residential structure on the lot.
3. Maximum Area
 - a.) The footprint of a DADU shall not be great than 1500 square feet, and shall not exceed the footprint of the primary residential structure on site.
4. Building Materials
 - a.) A DADU shall be built using the same building materials as any single family detached home in the neighborhood. Galvanized corrugated or ribbed metallic materials shall not be permitted as façade treatments or finishes.
5. A DADU shall not be located within a public utility easement or other recorded easement; or
6. A DADU shall not be located within the front-yard area of the lot or parcel.

G. Parking.

1. For a detached accessory dwelling unit containing six hundred fifty (650) square feet or more of floor area, the City may require no more than two on-site parking spaces assigned to the detached accessory dwelling unit.
2. For a detached accessory dwelling unit containing less than six hundred fifty (650) square feet of floor area, the City may require no more than one on-site parking space assigned to the detached accessory dwelling unit.
3. Accordingly, each detached accessory dwelling unit shall provide:
 - a. two on-site parking spaces if the detached accessory dwelling unit is six hundred fifty (650) square feet or larger; or
 - b. one on-site parking space if the detached accessory dwelling unit is smaller than six hundred fifty (650) square feet.
4. If a detached garage is converted to a detached accessory dwelling unit, any parking spaces required for the principal single-family dwelling that were located within the detached garage shall be replaced on-site.

H. Owner Occupancy.

The owner of a lot or parcel containing a detached accessory dwelling unit shall reside in either:

1. the detached single-family dwelling; or
2. the detached accessory dwelling unit

located on the lot or parcel.

I. Rental Duration.

A detached accessory dwelling unit shall not be rented, leased, offered, or otherwise occupied as a rental for a period of less than ninety (90) consecutive days. A property used for rental purposes shall be registered with the American Fok Landlord Registry, and shall be required to have a business license.

J. Utility Service and Capacity.

A detached accessory dwelling unit is prohibited if:

1. the detached accessory dwelling unit will not have adequate access to a required utility service constituting a project improvement, including sanitary sewer, culinary water, electrical service, or storm water facilities; or
2. a utility service constituting a system improvement, including sanitary sewer, culinary water, electrical service, or storm water facilities, to which the detached accessory dwelling unit is required to connect lacks sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.

Any determination under this subsection shall be based upon the applicable utility requirements and documented utility capacity or service information.

K. Design Standards.

Any design standard applied to a detached accessory dwelling unit shall comply with Utah Code Section 10-20-618, as amended. No City requirement shall be interpreted or administered to impose a design standard prohibited by that section.

L. Administrative Review.

1. An application for a detached accessory dwelling unit shall be reviewed administratively by the Development Review Committee for compliance with this section and other applicable objective City requirements.
2. Approval shall not require a conditional use permit where prohibited by Utah Code Section 10-21-304 (as amended).
3. The Development Review Committee may require documentation reasonably necessary to determine compliance with the objective requirements of this section.
4. A written determination shall identify any requirement that has not been satisfied and the applicable provision of this section or other governing law.

M. Existing Regulations and Agreements.

Nothing in this section shall be construed to supersede or invalidate:

1. a City land use regulation governing a detached accessory building that is not a detached accessory dwelling unit;
2. a prohibition or restriction on detached accessory dwelling units contained in a development agreement signed by the City on or before May 6, 2026, to the extent preserved by Utah Code Section 10-21-304 (as amended); or
3. any other City land use regulation or administrative action that:
 - a. is not prohibited by law; and
 - b. relates to a detached accessory dwelling unit.

N. Compliance With State Law.

This section shall be interpreted and administered consistently with Utah Code Sections 10-21-304 and 10-20-618 (as amended). If a provision of this section directly conflicts with a mandatory provision of state law, the controlling provision of state law shall govern.

O. Fees

Development, permitting, and all associated utility fees shall be assessed in accordance with the adopted fee schedule.

PART II
PROVISIONS AND ADOPTION

Section 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

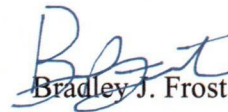
Section 2. Amendments to be added to the American Fork City Code.

The City Council of American Fork hereby directs that the provisions enacted by this ordinance shall be made and placed in the American Fork City Code.

Section 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS 22 DAY OF September, 2026.


Bradley J. Frost, Mayor

ATTEST:


Terilyn Lurker, City Recorder

