

**ORDINANCE NO. 2024-03-13**

**AN ORDINANCE AMENDING SECTION 17.12.218 OF THE AMERICAN FORK CITY, UTAH, MUNICIPAL CODE RELATING TO “R” DEFINITIONS.**

WHEREAS, the 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;

WHEREAS, City Council desires to amend the language for “R” definitions of the American Fork City Municipal Code;

WHEREAS, the proposed amendment is in the best interest and general welfare of the residents of American Fork;

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah, that:

**PART I**

**TEXT OF ORDINANCE**

**SECTION 1.** Section 17.12.218 of the American Fork City Municipal Code is hereby amended to read as follows:

**Section 17.12.218 “R” Definitions**

B. Permitted and conditional uses. The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this code:

- A. Recreation vehicle. A vehicle used or maintained primarily as a temporary dwelling for travel, vacation, or recreation purposes; having a width of not more than eight feet and a length of not more than forty feet, and which can be driven or pulled upon the highways without a special permit.
- B. Recreation or vacation vehicle court. An area or tract of land used to accommodate two or more vacation vehicles or camper units for a short period of time (less than thirty days).
- C. Required yard. The yard resulting from the application of the minimum setback requirements within the zone.
- D. Residential accessory structure. A building or other structure which is incidental to and which is constructed on the same zoning lot as the dwelling for the exclusive use of the residents of such dwelling, including, but not limited to, a detached garage or carport for not more than three automobiles, swimming pools, pergolas, tennis courts, and private green houses.
- E. Residential health care facility. A dwelling occupied on a twenty-four-hour a day basis by two or more unrelated elderly persons in a family-type arrangement under the supervision of a house family or manager and operated and maintained for the purpose of providing assistance with "activities of daily living" and social care to said elderly persons. To qualify, the structure shall be approved as a limited capacity facility or assisted living — level I (small facility), as authorized pursuant to Section 26-21-2(5) Utah Code Annotated, 1953, as amended, and further defined by rules adopted by the Utah Department Health, or its successor agency.

- F. Residential facility for elderly persons. A dwelling occupied by elderly persons in a family type arrangement, that conforms to the minimum standards of Section 17.6.108.A. of this code. This definition shall not be construed to include a health care facility as defined under UCA 26-21-2.
- G. Rest home. A dwelling for the care and keeping of elderly or infirm people affected with infirmities or chronic illness. To qualify said dwelling unit must be approved to operate by the state division of social services or other state agency.
- H. Retail and service commercial. A building containing a combination of retail or service commercial wherein the retail or service commercial portion: (1) occupies more than eighty percent of the total floor area of the building, or any unit within the building, and (2) is used for the display of materials used in the business or is otherwise used in the conduct of the business activity of the retail or service commercial portion.

**PART II**

**PENALTY AND ADOPTION**

**SECTION 1 – Conflicting Provisions.** Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

**SECTION 2 – Provisions Severable.** This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**SECTION 3 – Penalty.** Hereafter these amendments shall be construed as part of the Development Code of American Fork City, Utah, to the same effect as if originally a part thereof, and all provisions of said Code shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**SECTION 4 – Effective Date.** This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, THIS 26th DAY OF MARCH 2024.**

*Clark P. Taylor*

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Clark P. Taylor, Mayor Pro Tem

ATTEST:

*Wendy Hurkes*  
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City Recorder

