

ORDINANCE NO. 2024-06-28

AN ORDINANCE AMENDING SECTION 17.5.105 OF THE AMERICAN FORK MUNICIPAL CODE, AREA OF ACCESSORY BUILDING, REPEALING VARIOUS SUBSECTIONS OF 17.4.100, 17.4.200, 17.4.300 AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

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, the City desires to modify regulations related to accessory buildings within the municipality; and

WHEREAS, the adoption of this ordinance will promote the public health, safety and welfare of the City.

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

**PART I
TEXT OF ORDINANCE**

SECTION 1. Section 17.5.105 of the Municipal Code of American Fork City, is hereby amended to read as follows:

Section 17.5.105 Accessory Buildings

- A. Accessory Buildings shall comply with all requirements of the underlying zoning and land use in addition to the following:
 - 1. General Requirements:
 - a. A building permit is required for all buildings larger than 200 sq.ft.
 - i. In addition to the review of plans by the Building Authority, all other approvals contemplated herein, as applicable, shall be received prior to the issuance of a building permit.
 - b. Site plans, inclusive of utilities, shall be provided for all buildings larger than 200 sq.ft.
 - i. The Administrative Land Use Authority shall have the authority to approve Site Plans for Accessory Buildings.
 - c. Civil engineering plans, in addition to standard building plans shall be provided for Accessory Buildings larger than 750 sq.ft.
 - i. The City Engineer shall have authority to approve the civil plans identified in A(1)(c).
 - d. Storm Water Pollution Prevention Plans (SWPPP) shall be provided for Accessory Buildings larger than 750 sq.ft. if the accessory building is within 50 feet of a water of the state wetland, watershed outfall, or ditches, slough, or similar waterways.
 - i. The City Engineer shall have authority to approve SWPPP.

- e. Accessory Buildings shall be located in the rear yard.
 - i. Unique lots, such as corner lots or those with increased width and minimum depth, may seek a variance from the Board of Adjustment for the allowance of an Accessory Building in a side yard.
 - f. The footprint of the Accessory Building may not cover more than 25% of the rear yard (or side yard if a variance is granted, as provided for above).
 - g. No building, or portion thereof, including eaves, shall be within the applicable setbacks or within the easement areas.
2. Residential, and Planned Residential Zones
- a. The use of an Accessory Building shall be subordinate to the primary structure on the lot.
 - b. The materials of the Accessory Buildings shall be consistent with the existing structure.
 - c. The maximum height of the Accessory Building:
 - i. Shall not exceed the height of the primary structure;
 - ii. Shall not exceed 25 feet at its highest point; and
 - iii. Shall not exceed 20 feet within 10 feet of any property line.
 - d. Setbacks:
 - i. From main building: Accessory Buildings shall be set back not less than 12 feet to the rear of the closest rear wall of the main building and not less than 12 feet from the closest side wall of the main building.
 - 1. Accessory buildings that are located 12 feet or closer to a main building shall be considered as part of the main building, for setback determination only.
 - ii. Side setback – corner lot – side abutting street: Accessory Buildings shall be set back not less than forty feet from the side lot line which abuts on a street.
 - iii. Side and rear setback – interior lot line: Accessory buildings shall be set back not less than five feet from the lot line.
3. Residential-Agricultural Zones
- a. The use of an Accessory Building shall be subordinate to the primary structure on the lot.
 - i. The Accessory Building may be the only building on the lot.
 - b. The materials of the Accessory Building shall be compatible with the existing character of the immediate vicinity, as to appear consistent in style and aesthetic.
 - c. The maximum height of the Accessory Building shall not exceed 35 feet.
 - d. Setbacks:
 - i. From main building: Accessory Buildings shall be set back not less than 12 feet to the rear of the closest rear wall of the main building and not less than 12 feet from the closest side wall of the main building.
 - 1. Accessory buildings that are located 12 feet or closer to a main building shall be considered as part of the main building for setback determination only.

2. Where no main building exists on the lot, a detached Accessory Building shall be set back no less than 75 feet from the front lot line.
- ii. Side setback – corner lot – side abutting street: Accessory Buildings shall be set back not less than forty feet from the side lot line which abuts on a street.
 1. Side and rear setback – interior lot line: Accessory buildings shall be set back not less than five feet from the lot line.

B. Appeals.

1. An applicant may appeal the interpretation of the building code by the Building Official by filing an appeal within 10 days of the denial of a building permit. Said appeal shall be filed, in writing, with the American Fork City Development Services Department. The appeal authority for said appeals shall be the American Fork City IBC Appeals Board.
2. An applicant may appeal the denial of a site plan, engineered plans, and/or SWPPP, or the denial of a building permit for any reason other than that set forth in B(1), by filing an appeal within 10 days of the denial. Said appeal shall be filed, in writing, with the American Fork Development Services Department. The appeal authority for said appeals shall be the American Fork Planning Commission.

SECTION 2. Subsections 17.4.101(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the RA-5 Residential-Agricultural Zone, are hereby repealed.

SECTION 3. Subsections 17.4.102(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the RA-1 Residential-Agricultural Zone, are hereby repealed.

SECTION 4. Subsections 17.4.201(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-1-20,000 Residential Zone, are hereby repealed.

SECTION 5. Subsections 17.4.202(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-1-15,000 Residential Zone, are hereby repealed.

SECTION 6. Subsections 17.4.203(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-1-12,000 Residential Zone, are hereby repealed.

SECTION 7. Subsections 17.4.204(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-1-9,000 Residential Zone, are hereby repealed.

SECTION 8. Subsections 17.4.205(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-1-7,500 Residential Zone, are hereby repealed.

SECTION 9. Subsections 17.4.206(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-2-7,500 and R-2-7,500 (O) Residential Zone, are hereby repealed.

SECTION 10. Subsections 17.4.301(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-3-7500 Residential Zone, are hereby repealed.

SECTION 11. Subsections 17.4.302(E)(2) and (E)(3) of the Municipal Code of American Fork City related to the R-4-7500 Residential Zone, are hereby repealed.

PART II

CONFLICTING ORDINANCES, SEVERABILITY, 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. Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK CITY,
STATE OF UTAH, ON THIS THE 11th DAY OF JUNE, 2024.**

AMERICAN FORK CITY



BRADLEY J. FROST, MAYOR

ATTEST:



CITY RECORDER

