

ORDINANCE NO. 2026-030

AN ORDINANCE OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH, AMENDING SECTION 10-15-47-J: "ACCESSORY APARTMENTS - PARKING," TO MODIFY THE REQUIRED NUMBER OF PARKING SPACES FOR PERMITTED ATTACHED ACCESSORY DWELLINGS AND PERMITTED DETACHED ACCESSORY DWELLINGS, INCLUDING AN EFFECTIVE DATE (PLEASANT GROVE CITY APPLICANT).

WHEREAS, Section 10-15-47-J, "Accessory Apartments—Parking," requires a minimum of four (4) off-street parking spaces for the primary dwelling and two (2) off-street parking spaces for the accessory dwelling, for a minimum total of six (6) off-street parking spaces; and

WHEREAS, under the current Code, Section 10-15-47-J, "Accessory Apartments—Parking," establishes a minimum requirement of six (6) off-street parking spaces for any lot containing a primary dwelling and an accessory dwelling, regardless of the size or type of accessory dwelling; and

WHEREAS, Utah State Code Section 10-21-303, "Internal Accessory Dwellings," provides that if a municipality requires four (4) parking spaces for a primary dwelling, no additional parking spaces may be required for an attached accessory dwelling unit; and

WHEREAS, Utah Code Section 10-21-304, "Detached Accessory Dwelling Units," provides that a municipality may not require more than two (2) on-site parking spaces assigned to a detached accessory dwelling unit that is six hundred fifty (650) square feet or larger, or more than one (1) on-site parking space assigned to a detached accessory dwelling unit that is smaller than six hundred fifty (650) square feet; and

WHEREAS, on September 10, 2026, the Pleasant Grove City Planning Commission held a public hearing to consider a proposed amendment to Section 10-15-47, "Accessory Apartments," of the Pleasant Grove City Code, for the purpose of revising the parking requirements for accessory apartments to ensure consistency with applicable Utah State Code; and

WHEREAS, at its public hearing, the Pleasant Grove City Planning Commission determined that the proposed amendment to Section 10-15-47-J, "Accessory Apartments—Parking," is in the public interest and is consistent with the written goals and policies of the Pleasant Grove City General Plan and the Utah State Code; and

WHEREAS, the Pleasant Grove Planning Commission recommended to the Pleasant Grove City Council that the amendment to Section 10-15-47-J, "Accessory Apartments—Parking," in the Pleasant Grove Municipal Code be approved; and

WHEREAS, on October 6, 2026 the Pleasant Grove City Council held a public hearing to consider the request; and

WHEREAS, at its meeting the Pleasant Grove City Council was satisfied that the amendment to the Pleasant Grove Municipal Code is in the best interest of the public and is consistent with the goals and policies of the General Plan; and

WHEREAS, it is the legislative body's intent that the city code amendments shall be in the interest of the public; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pleasant Grove City, Utah County, State of Utah as follows:

SECTION 1. Modified Section 10-15-47 -J: ACCESSORY APARTMENTS: Parking, of the Pleasant Grove Municipal Code is hereby amended to read as follows:

10-15-47: ACCESSORY APARTMENTS:

- A. Definition Of Accessory Apartment: 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 Pleasant Grove City 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 apartments.
- C. Owner Occupied: No accessory apartment 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 follows:
 - 1. A dwelling shall be considered owner-occupied only if the owner uses the dwelling as his/her primary dwelling and mailing address.
 - 2. The owner shall be a person (defined for purposes of this section as a human being and not including any other legal entity except as elsewhere expressly allowed) listed as the owner of record in the records of the Utah County Recorder.

3. In the event that more than one person is listed as an owner, the owner shall be the person(s) who owns at least a fifty percent (50%) equity interest in the property. Each person listed on the title shall be presumed to hold an equal equity interest in the property unless otherwise clearly specified. In the event that no single person has a fifty percent (50%) equity interest in the property, a single-family dwelling shall not be considered owner-occupied unless the total equity interest in the property owned by the occupants is at least fifty percent (50%).
4. In the event that title to a dwelling is held in the name of a trust, the occupant(s) of such dwelling may be considered the owner for purposes of this section only if such person(s) created the trust primarily for estate planning purposes, placed the dwelling in the trust, and retains at least a fifty percent (50%) primary beneficial interest in the dwelling. In the event that title to a dwelling is held in the name of a trust, and the occupant(s) of such dwelling does not retain at least a fifty percent (50%) primary beneficial interest in the dwelling, but meets the other criteria contained in this subsection, said occupant may be considered the owner for purposes of this section if occupant can show that said dwelling is their primary residence and has been for at least one (1) year prior to establishing an accessory dwelling unit on the property.
5. In the event that title to a dwelling is held in the name of a corporation or limited liability company, the dwelling shall not be considered to be owner-occupied unless the occupant(s) have bona fide ownership of at least fifty percent (50%) of the corporation or limited liability company that owns the dwelling.
6. Notwithstanding any other provision to the contrary, no person claiming ownership by virtue of his/her status as one of the following classes of individuals shall be deemed an owner for purposes of this section:
 - a. A person with only an option to purchase a single-family dwelling.
 - b. The children or other relatives of an owner.
 - c. Any person other than a spouse or child of the owner who is listed on the title to a single-family dwelling without having paid fair market value for their interest in the property.
 - d. Any beneficiary of a trust whose interest is secondary or subordinate to the interest of a primary beneficiary.
 - e. A person with a contract to purchase a single-family dwelling.
 - f. A person who meets the technical definition of owner by virtue of any transaction or agreement that is not bona fide or serves no

legitimate purpose other than to meet the technical definition of owner under subsections (2), (3), (4), and (5) above.

7. Nothing contained herein shall be construed to allow more than one family to occupy either a single-family dwelling or an accessory apartment.
8. For purposes of establishing that a single-family dwelling is owner occupied, the purported owner shall have the burden of proving his/her status as the owner pursuant to the criteria outlined in this section and of providing documentation to the City to prove that the person qualifies as an owner under this section.
9. A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Community Development Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his/her primary residence by the following documents which show such person:
 - a. Is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - b. Has claimed all income, deductions, and depreciation on his/her tax returns for the previous year;
 - c. Is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - d. Is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - e. Is a full time resident of Utah for Utah State income tax purposes.
10. Any person, or group of persons, who fails, upon request of the Community Development Department, to provide any of the documents set forth above, or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for purposes of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.
11. Owner occupancy for a dwelling shall not be required when:
 - a. 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;
 - b. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and

- c. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical, or voluntary service.

Indefinite periods of absence from the dwelling shall not qualify for this exception.

D. Apartment Occupancy: The occupants of an accessory apartment 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) related and/or 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 apartment which meets ordinance requirements may be allowed in a single-family dwelling unit or in a detached accessory unit within the A-1, R-R, R-1, RM-7, DV and the grove mixed housing zones. No accessory apartment may be allowed in any multi-family dwelling, or on any lot that cannot satisfy the parking requirements.

F. Number Of Accessory Apartments: A maximum of one accessory apartment shall be allowed in each owner occupied single-family dwelling, or in a detached accessory unit associated with a single-family dwelling.

G. Location: Accessory apartments may be allowed within the main residential dwelling over the garage, in the basement, and in an addition, or in a detached accessory unit, as long as the zoning requirements for properties in a single-family neighborhood are met.

H. Building Entrances: A new single-family structure approved with an accessory apartment attached to or detached from the main dwelling unit, shall have a separate, accessible entrance or stairway. An accessory apartment approved in an existing structure shall 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.

- I. Address: The principal dwelling unit and the accessory apartment shall have the same address number, but shall refer to the accessory apartment as unit B. Addresses must be located in a visible location on the street frontage side of the home. (Ord. 2016-5, 2-2-2016)
- J. **Parking:** ~~A single-family dwelling with an accessory apartment shall provide at least four (4) off-street parking spaces for the main dwelling unit, and two (2) off-street parking spaces for the accessory unit, for a minimum total of six (6) off-street parking spaces. This shall include covered parking, garages and tandem parking in driveways. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway. The minimum width of parking areas and driveways shall be paved with concrete or asphalt, except that space used for the accessory unit parking that is not directly connected to the street may be surfaced with masonry, concrete pavers, or as approved by the city engineer, compacted materials such as slag or crushed granite with a four inch (4") minimum thickness placed in accordance with the American Public Works Association standard specifications. This would include only those materials which compact well and do not have small, fine particles that could potentially be tracked into the city right of way. Surface pavement materials must cover the entire area of all driveways and parking spaces. Any tracking that does occur will be the responsibility of the property owner to clean up and maintain including cleaning of storm drain facilities if necessary. (Ord. 2016-24, 10-18-2016)~~
 1. **Parking for Internal Accessory Apartments:** If four (4) off-street parking spaces are provided for the primary dwelling unit, no additional parking spaces will be required for internal accessory apartments. Single-family dwellings that do not have a minimum of four (4) off-street parking spaces shall provide a minimum of one (1) additional off-street parking space for an internal accessory apartment. No existing garage may be converted into a livable space unless a new garage or carport is built prior to occupancy of the converted garage space.
 2. **Parking for Detached Accessory Apartments:** One (1) additional off-street parking space shall be provided for detached accessory apartments that have a maximum square footage of six hundred fifty (650) square feet. Two additional (2) off-street parking spaces shall be provided for detached accessory apartments that have a square footage of greater than six hundred fifty (650) square feet.

3. Location of parking: Parking spaces for an accessory apartment may not be located within the front or side yard setback adjacent to a street, except for within an approved driveway.
 4. Parking designation: Parking for accessory apartments shall include covered parking, garages, and tandem parking in driveways, up to two tandem parking spaces.
 5. Paving required: The minimum width of parking areas and driveways shall be paved with concrete or asphalt, except that space used for the accessory unit parking that is not directly connected to the street may be surfaced with masonry, concrete pavers, or as approved by the city engineer, compacted materials such as slag or crushed granite with a four inch (4") minimum thickness placed in accordance with the American Public Works Association standard specifications. This would include only those materials which compact well and do not have small, fine particles that could potentially be tracked into the city right of way. Surface pavement materials must cover the entire area of all driveways and parking spaces. Any tracking that does occur will be the responsibility of the property owner to clean up and maintain including cleaning of storm drain facilities if necessary.
- K. Separate Living Areas: An accessory apartment must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.
- L. 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 ~~10-20-606~~ 10-9a-511.5, changes to dwellings - egress windows.
- M. Utility Meters: A single-family dwelling with an accessory apartment 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. (Ord. 2016-5, 2-2-2016)
- N. Interior Access: An interior access between the main living area and an attached accessory apartment must be maintained, unless sufficient means of egress have been determined during an inspection by the fire department. (Ord. 2017-10, 2-21-2017)
- O. Not Intended For Sale: The accessory apartment shall not be intended for sale or detached by deed and shall only be rented. (Ord. 2016-5, 2-2-2016)
- P. Accessory Apartment Registration: Any person owning an existing accessory apartment that has not previously been permitted by the city, or any person constructing or causing the construction of a residence that has an accessory apartment, or any person remodeling or causing the remodeling of a residence for an accessory apartment, shall register the accessory apartment with the community development department. 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:

1. Submit a fee of twenty five dollars (\$25.00) with a completed registration 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. (Ord. 2017-2, 1-17-2017)

Q. Failure To Complete Registration: If the property owner does not complete the registration as outlined above, the accessory apartment shall not be considered legal or approved. Failure to complete the registration of an existing accessory apartment within two (2) years of the passing of this section may result in a fine of five hundred dollars (\$500.00) 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.

R. Home Occupation Businesses: Home occupation businesses which may be approved in an accessory apartment shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory apartment without the express written permission of the property owner. (Ord. 2016-5, 2-2-2016)

S. Tiny Homes:

1. Only one tiny home shall be permitted as an accessory apartment 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 J of this section. (Ord. 2016-23, 10-18-2016; amd. Ord. 2021-6, 3-30-2021)

SECTION 2. 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 or constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phases of this Ordinance.

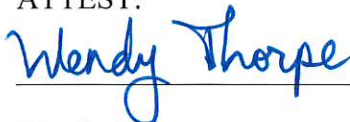
SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

SECTION 4. APPROVED AND ADOPTED AND MADE EFFECTIVE by the City Council of Pleasant Grove City, Utah County, Utah, this 6th day of October 2026.



Eric Jensen, Mayor

ATTEST:



Wendy Thorpe

City Recorder



Motion: Council Member Williams

Second: Council Member Andersen

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Eric Jensen	_____	_____	_____	_____
Dianna Andersen	<u>X</u>	_____	_____	_____
Steve Rogers	<u>X</u>	_____	_____	_____
Cyd LeMone	<u>X</u>	_____	_____	_____
Todd Williams	<u>X</u>	_____	_____	_____
Dustin Phillips	<u>X</u>	_____	_____	_____

CERTIFICATE OF POSTING ORDINANCE

Pleasant Grove City Corporation

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No. 2026-030 was posted on the State (<http://pmn.utah.gov>) website on this 7 day of October, 2026.

Dated this 7 day of October, 2026.

Wendy Thorpe

Wendy Thorpe, CMC, City Recorder