

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
September 23,2025

WELCOME: Chairman, Kevin Paulsen called the meeting to order at 7:00pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Commissioner Justin Wright

PLANNING COMMISSION MEMBERS PRESENT: Chairman Kevin Paulsen Commissioners, Shelley Bodily, Justin Wright and Heidi Murdock. Commissioner Clark Moss. Council Member Mark Cottrell

CITY STAFF PRESENT: City Manager Darren Frandsen, City Planner Jeff Oyler, Public Works, and Deputy Recorder Hailee Ballingham.

VISITORS: Shon Stevenson

PRESENTATION: None

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

January 28, 2025, Planning Commission Meeting Minutes

Commissioner Justin Wright made a motion to approve August 26, 2025, Minutes. With the recommended change Commissioner Clark Moss seconded the motion. The motion was unanimously approved by the Planning Commission (0:06).

PLANNING COMMISSION BUSINESS:

5.1 Outdoor Lighting/ Noise Ordinance

The Commissioners discussed the Noise Ordinance and proposed adjusting quiet hours from 11:00 p.m. –6:00 a.m. ~~to~~ 10:00 p.m.–6:00 a.m. They also suggested removing some language to improve clarity and consistency. Exemptions, such as city/public works, snow removal, and trash collection, fall under a different ordinance.

The discussion then moved to Outdoor Lighting. The main concern is light trespass into neighboring yards, rather than general use or security lighting. Complaints mainly involve pools, pickleball, or sports courts. Commissioners noted that lights should be directed downward or shielded. Optional time restrictions for recreational lighting (e.g., 10:00 p.m.–7:00 a.m.) were discussed, but the Commissioners decided to hold off implementing time restrictions to first evaluate how the ordinance works in practice.

5.2 10-11-10 Height of Fences Wall or Hedges

Jeff provided an overview of the proposed updates to the fence ordinance, noting that the intent was to clarify existing language and make standards easier to interpret and enforce. The revisions focus on residential properties and establish clear limits for fence height and placement across various lot types.

- **Front Yards:**
 - Fencing shall not exceed 4 feet in height.
 - Defined as the area from the front plane of the primary structure to the right-of-way.
 - Fences must be set back at least 9 feet from the back of curb, or, where no curb exists, 9 feet from the edge of the street right-of-way as determined by the city.
 - These standards align with most neighboring cities.
- **Side and Rear Yards:**
 - Fencing shall not exceed 6 feet in height, excluding any corner side yard area.
- **Corner Lots:**
 - Fences within the corner side yard (street-facing side) are permitted up to 6 feet in height.
 - Must be located behind the front plane of the primary building structure and outside the clear view area defined in §10-11-9.
 - Must also maintain a minimum 9-foot setback from the back of curb.
- The “clear vision” requirement applies only to street intersections, not private driveways.
- Within the 40-foot triangular area formed by the intersection of two streets, no structure or vegetation over 2 feet in height may be placed.
- This is a safety measure to preserve visibility at intersections.

The Commission briefly discussed whether similar “clear vision” requirements should apply to driveways, referencing prior ordinances and other cities’ standards (such as a 30-foot offset in Salt Lake City). Some members felt such a rule could improve safety, especially for driveways without sidewalks. Others noted it could create enforcement challenges and conflicts with private property rights, especially where RV pads or hedges are common near driveways.

The Commission agreed the ordinance should not be retroactive, recognizing that many existing fences would not meet the new standards. The city would not require residents to remove or modify existing fences unless they pose a verified safety hazard (e.g., blocking visibility at intersections). The purpose is to set a clear standard for new construction and replacements moving forward, not to penalize existing property owners.

City planner Jeff Oyler noted the ordinance includes exception language allowing the City Planning Commission to consider unique or unusual circumstances on a case-by-case basis. This provides flexibility when standard rules cannot reasonably be applied, helping avoid frequent ordinance amendments. Staff would first evaluate such requests; if uncertain, they could refer the matter to the Planning Commission for review. Several members observed that most issues arise from neighbor disputes rather than safety concerns. The consensus was that the updated language provides clarity, consistency, and sufficient flexibility to address both safety and neighbor concerns without overregulating. Some members emphasized maintaining balance between visibility and privacy while minimizing enforcement burdens on staff.

5.3 10-11-16 Maximum Coverage of rear Yead

City Planner Jeff Oyler introduced discussion on regulating maximum hardscape coverage in residential rear yards. The current ordinance limits coverage to 25% of the *required minimum* rear yard—defined as the 25 feet extending from the rear property line—which does not account for the remainder of the lot and has proven difficult to apply consistently. Jeff suggested updating the regulation to limit coverage to 50% of the total rear yard area, including structures, pools, patios, and other non-permeable surfaces. The goal is to simplify enforcement, maintain adequate open space, and protect stormwater management capacity.

Commission Discussion:

- **Definition of Rear Yard:**
Members confirmed that “rear yard” refers to the area from the back of the principal dwelling to the rear property line.
 - Attached decks are considered part of the primary structure.
 - Detached structures—such as garages, sheds, pools, or sport courts—would count toward the 50% limit.
- **Environmental and Drainage Impacts:**
Commissioners supported maintaining permeable area requirements, citing increased runoff and drainage issues in cities that lack such controls.
Several members referenced examples from other municipalities where over-hardscaping contributed to local flooding.
- **Applicability Beyond the Rear Yard:**
Discussion turned to whether the rule should apply to the entire lot (excluding the home footprint) rather than just the rear yard.
 - Some members noted that residents often pave large portions of front or side yards for RV parking or drive extensions, potentially leading to similar runoff problems.
 - Others preferred keeping the focus on rear yards, noting that most accessory structures are located there, and enforcement would be simpler.
- **Calculation and Enforcement:**
Members suggested that for new building permits, applicants could be required to provide the square footage of the home footprint and proposed hardscape to confirm compliance.
It was noted that current enforcement is largely complaint-based, and few if any existing properties likely meet the current 25% rule.
Commissioners agreed the new standard should be realistic, enforceable, and reflect actual development patterns.
- **Permeable Pavers:**
The group briefly discussed whether permeable pavers should count toward hardscape coverage. Some felt that if pavers allow water infiltration, they could be considered permeable and excluded from the total.
- **Small and Redeveloping Lots:**
Members observed that as the city moves toward redevelopment and smaller “postage stamp” lots, hardscape limits will become increasingly important to preserve drainage and neighborhood character.

- **Sensitive Lands:**

Jeff reminded the group that hillside or “sensitive lands” zones already contain separate coverage and permeability restrictions.

The Commission agreed that the proposed 50% rear yard coverage limit is a reasonable improvement that balances property owner flexibility with environmental protection. However, there was general interest in future consideration of a citywide hardscape limit based on total lot area (excluding the home footprint)

5.4 Chicken in R-S-12

Commissioner Moss provided the updated Chicken Ordinance at a previous meeting, with clearly language. The Planning Commission agreed that it was ready to be at a public hearing for final review.

CALENDAR: October 28, 2025, Planning Commission Meeting (Public Hering)

ADJOURNMENT:

Commissioner Clark Moss made a motion to Adjourn. Commissioner Heidi Murdock Seconded the motion. The meeting ended at 8:33 p.m.

Not approved until signed.

/s/: _____

Hailee Ballingham, City Deputy Recorder

Date approved by City Planning Commission: