FRUIT HEIGHTS CITY
PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Fruit Heights Planning Commission will hold a Public Hearing on Tuesday, September 22, 2026, at 7 pm in the Council Chambers of City Hall located at 910 S. Mountain Road, Fruit Heights, Utah, 84037.

PUBLIC HEARING FOR THE FOLLOWING:

Title 10-11-25 Detached Accessory Dwelling Unit (DADU)

Documents are available for public inspection at City Hall, Monday through Friday, 8 am to 4:30 pm, and on the City's website at www.fruitheightsgov.gov
All interested are invited to attend and make comments. Written comments may also be submitted and should be delivered to City Hall, Attention City Recorder, no later than 4 pm, Tuesday, September 22, 2026,
Questions may be directed to the Darren Frandsen, Fruit Heights City Manager, by calling City Hall at 801-546-0861, or by emailing. dfrandsen@fruitheights.gov

SEE MORE INFORMATION ON THE PAGES BELOW

Posted on September 8,2026

10-11-25. DETACHED ACCESSORY DWELLING UNITS

(a) Purpose. The purpose of this Chapter is to establish standards for Detached Accessory Dwelling Units ("DADUs") consistent with applicable Utah law and to provide reasonable opportunities for additional residential housing while protecting public health and safety, existing neighborhoods, property rights, public utilities, and municipal infrastructure.

(b) Definitions. For purposes of this Chapter:

(1) "Accessory Dwelling Unit" or "ADU" means a residential dwelling unit that is accessory to a single-family dwelling and provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(2) "Detached Accessory Dwelling Unit" or "DADU" means an Accessory Dwelling Unit located in a building or structure that is physically detached from the Single-Family Dwelling located on the same Lot or Parcel.

(3) "Owner" means a person holding legal or equitable title to the Lot or Parcel upon which the Single-Family Dwelling and DADU are located.

(4) "Primary Dwelling" or "Single-Family Dwelling" means the detached single-family dwelling located on the same Lot or Parcel as the DADU.

(5) "Lot or Parcel" means a legally established lot or parcel of real property.

(6) "Fire Code" mean currently Adopted International Fire Code.

Terms not specifically defined in this Chapter shall have the meanings established elsewhere in this Title or under applicable state law.

(c) DADU as a Permitted Use.

(1) A Detached Accessory Dwelling Unit shall be permitted on a Lot or Parcel when:

(A) the Lot or Parcel contains at least 11,000 square feet;

(B) the Lot or Parcel contains a legally established Single-Family Dwelling;

(C) a Single-Family Dwelling is a permitted use within the applicable zoning district;

(D) the DADU satisfies the requirements of this Chapter and all other applicable provisions of federal, state, and local law; and

(E) the Owner obtains all required administrative approvals, building permits, and other permits required by the City.

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(2) A DADU meeting the requirements of this Chapter shall be reviewed administratively as a permitted use and shall not require a conditional use permit when located within a primarily residential zone.

(3) Nothing in this Chapter shall be interpreted as requiring the City to permit a DADU on a Lot or Parcel containing less than 11,000 square feet unless another provision of the City Code expressly permits a DADU on a smaller Lot or Parcel.

(d) General Development Standards. A DADU shall comply with the following standards:

(1) Number of Accessory Dwelling Units. No more than one Accessory Dwelling Unit, whether attached, internal, or detached, shall be permitted on a Lot or Parcel.

(2) Location. A DADU:

(A) shall be located on the same Lot or Parcel as the Primary Dwelling;

(B) shall not be located within the front-yard area of the Lot or Parcel;

(C) shall not be located within a public utility easement or other recorded easement unless the terms of the easement expressly permit the structure and use and all persons having rights under the easement have provided any consent required by law; and

(D) shall comply with all applicable setbacks established by this Title – a minimum of 10 feet from property lines and the primary dwelling unit;

(3) Size. A DADU shall not be larger than 1,200 square feet gross floor area than the Single-Family Dwelling located on the same Lot or Parcel.

Nothing in this subsection prevents the City from imposing otherwise applicable limitations upon structure size, dimensions, floor area, or lot coverage that are authorized by law.

(4) Height and Dimensions. A DADU shall comply following:

(A) building height - no more than 18 feet measured from foundation using the average of finished grade;

(B) structure dimensions - Single level with a maximum of 1,200 square feet, assuming setbacks can still be met;

(C) maximum lot coverage – FHC - 10-11-16 Maximum Coverage of Rear Yard no more that 50% impervious surface and,

(D) other dimensional standards applicable to the property.

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(5) Setbacks. A DADU shall comply with applicable setback requirements established by the City. In applying setback requirements to a DADU, the City may consider, to the extent permitted by state law:

(A) proximity to property lines - minimum setback from both rear and side yard property line is 10 feet including the eves

(B) proximity to other structures- 10 feet including the eves from the main single-family dwelling

(C) recorded easements;

(D) window orientation;

(E) building massing; and

(F) other relevant site characteristics affecting public health, safety, privacy, or neighboring properties.

(e) Design.

(1) To the extent permitted by Utah Code §§ 10-21-304, 10-20-618, and Currently Adopted International Fire Code a DADU shall be designed in a manner consistent with the design of the Single-Family Dwelling located on the same Lot or Parcel.

(2) A DADU shall provide kitchen, at least one bedroom, and a bathroom with a toilet, sink, and tub/shower that are separate from those provided within the primary dwelling unit. The international Building Code will be used to define what constitutes various rooms in the DADU.

(2) Nothing in this Section authorizes the City to regulate a building design element that the City is prohibited from regulating under Utah Code § 10-20-618 or other applicable state law.

(3) If a requirement of this Section conflicts with Utah Code § 10-20-618, the requirements of state law shall control.

(f) Parking.

(1) For a DADU containing less than 650 square feet of gross floor area, the City may require no more than one on-site parking space assigned to the DADU.

(2) For a DADU containing 650 square feet or more of gross floor area, the City may require no more than two on-site parking spaces assigned to the DADU.

(3) Required DADU parking spaces shall be provided on the same Lot or Parcel as the DADU.

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(4) Parking impacts. Winter parking conditions, street safety, no on street parking, and neighborhood congestion shall be considered.

(4) If an existing detached garage is converted to a DADU, any parking spaces required for the Primary Dwelling that were previously provided within the detached garage shall be replaced on-site.

(5) Replacement parking required under Subsection D is separate from parking required for the DADU itself.

(g) Owner Occupancy.

(1) The Owner of a Lot or Parcel containing a DADU shall occupy as the Owner's primary residence either:

(A) the Single-Family Dwelling; or

(B) the DADU.

(2) The Owner may not simultaneously rent both the Single-Family Dwelling and the DADU while residing at another location.

(1) Prior to issuance of final approval or a certificate of occupancy for a DADU, the City may require the Owner to execute an affidavit or other reasonable certification establishing compliance with this Section.

(2) Shared Ownership Prohibited. The parcel whereby a primary dwelling and an ADU are located must be owned by the same legal owner.

5) The City may require reasonable periodic certification of continued compliance with the owner-occupancy requirement to the extent permitted by law.

(h) Rental Restrictions.

(1) A DADU may not be rented, leased, offered, or otherwise occupied for compensation for a period of less than 90 consecutive days.

(2) A DADU may not be used as a short-term or nightly rental in violation of this Section.

(3) A DADU may not be used as a short-term or nightly rental in violation of this Section.

(4) Nothing in this Section shall prohibit the Owner from allowing occupancy without compensation to the extent otherwise permitted by law.

(i) Building, Health, and Fire Codes.

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(1) Every DADU shall comply with all applicable:

(A) building codes;

(B) fire codes;

(C) health codes;

(D) electrical codes;

(E) plumbing codes;

(F) mechanical codes; and

(G) other applicable construction and life-safety requirements.

(2) No DADU may be occupied until all required inspections have been completed and the City has issued a certificate of occupancy or other required authorization for residential occupancy.

(j) Utilities and Infrastructure.

(1) One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sanitary sewer service lines.

(2) One billing point. Municipal billing shall be directed to the property owner, and the owner shall be solely liable for municipal bills issued.

(3) Owner will be billed for each separate dwelling on the property on one bill. Property owner will be billed for each individual unit (Main Home and DADU) which includes Water, Sewer, Storm Water, and TUF

(A) Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.

(B) Sewer: Billed the monthly rate times the number of units.

(C) Garbage: Billed for the number of cans on the property.

(D) Storm Water: Billed the monthly rate times the number of units.

(E) Transportation Utility Fee (TUF): Billed the monthly rate times the number of units.

(4) A DADU shall have adequate access to all utility services required by applicable law and City ordinance.

(5) The City may deny an application for a DADU if the DADU will not have adequate access to a required utility service that constitutes a project improvement, including:

(A) sanitary sewer;

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(B) culinary water;

(C) electrical service; or

(D) stormwater facilities.

(6) The City may deny an application for a DADU if a utility service that constitutes a system improvement and to which the DADU is required to connect lacks sufficient capacity to support the addition of the DADU. If the primary dwelling is served by a septic tank, a DADU is prohibited.

(7) The determination of adequate utility access or system capacity shall be made by the City Engineer, Public Works Director, applicable utility provider, or other City official designated by the City.

(8) The applicant shall be responsible for constructing or providing any lawful project improvements necessary to serve the DADU.

(9) Nothing in this Chapter requires the City to construct, enlarge, or fund a system improvement solely to provide capacity for a proposed DADU.

(k) Conversion of Existing Accessory Structures.

(1) The Owner of a legally constructed accessory structure may apply to convert the accessory structure into a DADU.

(2) Conversion of an existing accessory structure to a DADU shall be reviewed administratively.

(3) An accessory structure proposed for conversion shall comply with applicable:

(A) dwelling setback requirements;

(B) accessory structure setback requirements;

(C) building codes;

(D) health codes;

(E) fire codes; and

(F) other requirements authorized by state law.

(4) The fact that an accessory structure was legally constructed does not, by itself, establish that the structure complies with the requirements applicable to residential occupancy.

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(5) The Owner shall obtain all permits and complete all improvements necessary to convert the structure to lawful residential occupancy before the structure may be occupied as a DADU.

(6) If the accessory structure is a detached garage, the Owner shall provide any replacement parking required under Section 10A-11-25(f).

(l) Application and Administrative Review.

(1) An Owner seeking approval of a DADU shall submit an application to the City on a form established by the City.

(2) The application may require information reasonably necessary to determine compliance with this Chapter, including:

(A) a site plan showing existing and proposed structures;

(B) property boundaries;

(C) building setbacks;

(D) easements;

(E) proposed DADU floor area;

(F) building height and dimensions;

(G) parking locations;

(H) utility connections;

(I) building plans as required by applicable building codes;

(J) evidence that the existing Single-Family Dwelling and any structure proposed for conversion were legally established; and

(K) an owner-occupancy certification.

(3) The Land Use Authority shall approve an application that complies with this Chapter and other applicable law.

(4) The Land Use Authority may deny an application only upon determining that the application fails to comply with an applicable requirement of this Chapter, the City Code, or state or federal law.

(5) A denial shall identify the basis for denial with sufficient specificity to allow the applicant to determine the requirements necessary for approval.

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(m) Separate Ownership and Subdivision Prohibited. A DADU shall remain accessory to the Primary Dwelling and shall not be:

(1) separately subdivided from the Primary Dwelling;

(2) separately conveyed from the Primary Dwelling; or

(3) converted into a separate legal lot or parcel,

except as otherwise expressly permitted by applicable state law and the City's subdivision ordinances.

(n) Compliance and Enforcement.

(1) A DADU shall at all times be maintained and occupied in compliance with this Chapter and all other applicable laws.

(2) The establishment or occupancy of a DADU contrary to this Chapter constitutes a violation of the City Code and may be enforced through any civil, administrative, or other remedy available to the City.

(3) Enforcement of this Chapter shall be conducted in accordance with applicable state law.

(o) Existing Development Agreements. Nothing in this Chapter supersedes 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 the prohibition or restriction is protected by Utah Code § 10-21-304.

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