AGENDA
PLANNING COMMISSION MEETING
September 22, 2026

Notice is hereby given that the Fruit Heights Planning Commission will hold Regular Meetings on **Tuesday, September 22, 2026**, at **Fruit Heights City Hall, 910 South Mountain Road, Fruit Heights, Utah**. Council Chambers. This public meeting will be held in-person and also transmitted via live video stream on the Fruit Heights YouTube Channel (https://www.youtube.com/@fruitheightscity9716/streams)

Participation in a public hearing portion of a meeting can be accomplished in either of the following ways: • During the meeting: address the Planning Commission when the item is called by the Chair • Email: comments must be received by 5:00 pm on September 21, 2026 to the City Recorder; dfrandsen@fruitheights.gov. Emailed comments will be included in the public record and reviewed by the Planning Commission prior to the meeting.

1. **Welcome and Opening Ceremony**			
	1.1	Pledge of Allegiance (Scott)	
	1.2	Roll Call: (Hailee)	
2. Public Comments			
	The public may address the Planning Commission regarding issues that **are** or **are not** on the agenda. Please limit comments to 3 minutes. Please state your name and address of residence for the record. **No actions may be taken on items not specifically listed on the agenda.**		
3. Presentation			
	Presentations may be given as appropriate.		
4. Review and Approve Planning Commission Minutes			
	Minutes of prior meetings may be reviewed and accepted.		
	4.1	August 25, 2026, Planning Commission Minutes	
	4.2	September 8, 2026, Planning commission Special meeting	
	4.3	September 17, 2026, Planning commission Work Session	
5. Public Hearing			
	5.1	Title 10-11-25 Detached Accessory Dwelling Units (DADU) ordinance 2026-5	
6. Planning Commission Business			
	Business action or discussion items.		
	6.1	Title 10-11-25 Detached Accessory Dwelling Units (DADU) ordinance 2026-5	
6. Tabled Items			
	Business item that was set aside that could have action or discussion now or considered at another time.		
7. Commissioner and Staff Reports			
	Report on meetings, events attended or City Projects.		
8. Calendar			
	Upcoming meetings or events October 27, 2026, Planning Commission Meeting		
9. Closed Meeting			
	By motion of the Fruit Heights Planning Commission and pursuant to Title 52, Chapter 4 -205 of the Utah Code, the Fruit Heights Planning Commission will hold a closed meeting for purposes outlined under the code.		
10. Adjournment			

Fruit Heights Planning Commission
Chairman: Justin Wright
Callen Bagley Shelly Bodily, Scott Justensen, Heidi Murdock,

Mark Cottrell: City Council Representative
City Manager Darren Frandsen
City Planner: Jeff Oyler

CERTIFICATE OF POSTING

I HEREBY CERTIFY that this notice and agenda was posted at Fruit Heights City Hall, on the City's website, www.fruitheights.gov, as well as posted on the Utah State Public Notice website in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202. (September 18, 2026)

Hailee Ballingham

Hailee Ballingham – City Deputy Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should contact Fruit Heights City Manager, Darren Frandsen, at (801)546-0861, at least 24 hours prior to the meeting.

Helpful Links

Fruit Heights City Website:
https://www.fruitheights.gov

Fruit Heights City YouTube Channel:
https://www.youtube.com/channel/UCaIqHYd0U5RCpaDo8rquABw

Fruit Heights City Facebook Page:
https://www.facebook.com/FruitHeightsCityGovernment

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" means 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.

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

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

(2) 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

(3) A DADU shall not be larger in gross floor area than the Single-Family Dwelling located on the same Lot or Parcel.

(4) A DADU shall comply following:

(A) Building Height - no more than 18 feet measured from the foundation using the average finished grade surrounding the DADU. The DADU shall not be taller than the primary dwelling. A DADU built over a garage will be allowed to increase in height 1 foot for every 1 foot additional side and rear setback up to a maximum height of 25 feet. The additional height allowance can only be applied to a unit over a garage and cannot be construed to allow a two story DADU.

(B) Structure Dimensions - Single story with a maximum gross square footage of 1,200 and a minimum of 400 square feet;

(C) Maximum lot coverage – See City code 10-11-16, Maximum Coverage of Rear Yard no more that 50% impervious surface;

(D) A 6’ privacy fence shall separate any side or rear property line where a DADU is constructed.

(5) Setbacks. A DADU shall comply with applicable setback requirements established by the City.

(A) Minimum setback from both side and rear yard property line shall be 8 feet including the eaves.

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(B) Separation between the primary structure and the DADU must be at least 6 feet including the eaves.

(C) All windows on the DADU wall facing a side or rear property line shall be fixed and obscured (frosted) glass, or shall be clerestory windows.

(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 a kitchen, a sleeping area, and a bathroom with a toilet, sink, 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.

(3) Decks and Balcony requirements:

a. Decks can project into the required setback, but cannot exceed a height of 2' above grade. A deck with a covered roof must meet the same setback as the DADU.
b. Patios can project into the required setback. A patio with a covered roof must meet the same setback as the DADU. Rooftop patios are not permitted.
c. Balconies cannot extend into a required setback, and cannot extend more than 5' from any exterior wall of the DADU.

(f) Parking.

(1) For a DADU containing less than 650 square feet of gross floor area, one on-site parking space is required for the DADU.

(2) For a DADU containing 650 square feet or more of gross floor area, two on-site parking spaces are required to the DADU.

(4) Required DADU parking spaces shall be provided on the same Lot or Parcel as the DADU, and shall be in addition to required parking for the primary dwelling.

(5) On street parking shall be prohibited for occupants of the DADU. Other parking impacts such as winter parking conditions, street safety, and neighborhood congestion shall be considered.

(6) 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. Replacement parking is separate from parking required for the DADU itself.

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(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.

(3) Prior to issuance of final approval or a certificate of occupancy for a DADU, the City will require the Owner to execute an affidavit stating that the property will be used as their primary residence. The affidavit shall be recorded at the Davis County Recorders Office by the City.

(4) 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.

(6) Owner occupancy may be temporarily waived when the owner is absent due to a bona fide temporary leave of not more than 2 years for a job assignment, sabbatical, or voluntary service. During such absence either the primary home or the DADU can be rented to one family, but the other unit must not be rented.

(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) The primary dwelling and the DADU shall share the same address with the addition of unit "B".

(4) Mobile homes, recreational vehicles, camp trailers, and shipping containers shall not be used as a DADU.

(5) A DADU is not allowed on any lot that contains multifamily dwellings.

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

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(i) Building, Health, and Fire Codes.

(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. If an existing structure being converted to a DADU cannot meet all of the above stated building codes, the permit shall not be issued.

(j) Utilities and Infrastructure.

(1) The primary dwelling and ADU shall connect to the same water and sewer utility lines as the primary dwelling.

(2)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 the same bill. Monthly bill will include the following:

(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 officials 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. Current building codes and zoning requirements will be applied at the time of conversion.

(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.

Other considerations:

Animal keeping regulations

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