

A draft DADU Ordinance by Citizens of Fruit Heights

ORDINANCE NO 2026- 025

Ordinance - Fruit Heights City Code Title 10: Chapter 11, Section 25; Detached Accessory Dwelling Units

Whereas, The Fruit Heights City Council

Whereas, a public hearing – to be completed by Fruit Heights City

Whereas, the city council has – to be completed by Fruit Heights City

Whereas, – to be completed by Fruit Heights City

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF FRUIT HEIGHTS CITY, UTAH THE FOLLOWING SECTIONS OF THE FRUIT HEIGHTS CITY CODE ARE ADOPTED TO READ AS FOLLOWS:

10-11-25 Detached Accessory Dwelling Units (DADUs).

- (a) Purpose and Intent: Pursuant to 2026 Utah Senate Bill 284 Fruit Heights City adopts a Detached Accessory Dwelling Unit Ordinance to facilitate community infill and provide for additional moderate income housing units within the city.

Detached Accessory Dwelling Units may be used as Rentals or as supplemental housing for family members.

(b) Definitions:

- (i) Detached Accessory Dwelling Unit (DADU) (sometimes referred to as EADUs) – An accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling that provides for long term single family residential uses.
- (ii) Long Term Residents – For this section, Long Term Resident is determined to be greater than 30 days.

(c) Limitations:

- (i) DADUs are only authorized on lot sizes of 11,000 Sq ft or more.
- (ii) DADUs can only be permitted in the following residential zones: A-1, R-S-12, R-1-12, and R-1-10 (where the individual lot exceeds the 11,000 sq ft requirement).
- (iii) The following are not allowed for DADUs: mobile homes, recreational vehicles, travel/camp trailers, and shipping containers.

- (iv) A DADU cannot be built on a building lot where a primary residential structure (house) does not exist (with the exception of (v) below).
- (v) A DADU may be constructed in conjunction with the construction of the primary residential structure, however no occupancy will be granted to the DADU until the primary residence has been approved for occupancy.
- (vi) A DADU may not be located in a front-yard area of a lot or parcel.
- (vii) Number of ADUs per lot or parcel:
 - 1. No more than one DADU may be permitted on a lot or parcel.
 - 2. On lots or parcels less than 15,000 square feet, there can either be an internal accessory dwelling unit, or a detached accessory dwelling unit but not both.
 - 3. On lots or parcels 15,000 square feet or greater, there can be one internal accessory dwelling unit and one detached accessory dwelling unit.
- (viii) An DADU shall not be permitted on the same lot or parcel as a duplex, twin home, townhouse, condominium, apartment, group dwelling, or other multi-family dwelling.
- (ix) A DADU shall not be permitted if the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water;
or
A DADU shall not be permitted if a utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the DADU is required to connect does not have sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.
All building permits must be approved by the Central Davis Sewer district.

(d) Approved Uses of DADUs:

- (i) Long Term Rental
 - 1. No DADU shall be made available for rent without a valid permit from Fruit Heights City.
 - 2. The Owner of a lot or parcel where a DADU is located must reside in the detached single-family dwelling or in the DADU located on the parcel.
 - 3. The dwelling unit occupied by the owner, whether the primary home or the DADU, shall not be rented or leased as a separate dwelling unit.
 - 4. Family and Guest Use – the DADU may be used as a guest house for family and friends. In these cases, the Long-Term stay is not required as long as no rent is collected.

(e) General Requirements:

- (i) Any existing accessory structure that applies to become a DADU, must fully comply with all of the requirements of this section.

- (ii) Minimum unit size – A DADU must be at least 400 square feet.
 - (iii) Maximum size – A DADU may not be larger than 50% of the footprint of the primary dwelling or 1,200 square feet, whichever is smaller.
 - (iv) The building height of a DADU, shall not exceed the height of the primary detached single-family dwelling, and may not be more than two stories above ground.
 - (v) A DADU shall maintain the same address as the primary dwelling with the addition of "Unit B"
Or
in the case of the exception in (c) (vii) 3 of above, it shall be the same address as the primary dwelling with the addition of "Unit C".
 - (vi) Additional off-street Parking for the DADU must be provided on the lot or parcel:
 - 1. One space for a DADU less than 650 square feet - Two spaces for a DADU larger than 650 square feet.
 - 2. Parking must comply with Fruit Heights City Code Title 10 Chapter 15, Off Street Parking and Loading.
 - 3. When a detached garage is converted to a detached accessory dwelling unit, any parking spaces required in the respective zoning ordinances for the single-family dwelling that were located within the detached garage must be replaced on-site.
- (f) Construction, Design and Maintenance Requirements for DADUs:
- (i) A building permit is required to construct a DADUs (whether they are new construction or conversion of an existing detached structure).
 - (ii) Property Owners are welcome to convert existing accessory structures to DADUs, but the structure must shall fully comply with all requirements of this Section – including construction standards and setbacks.
 - (iii) If a DADU is being built in an established neighborhood,
 - 1. Construction materials, including excavation dirt, may not be allowed on a neighboring property without the written consent of the other property owner.
 - 2. Construction materials may not be left in the roadway overnight and must comply with Fruit Heights City Ordinance 8A-02-110 (b).
 - 3. The construction operations will follow the Fruit Heights city Noise Control Ordinance 7A-07.
 - (iv) A DADU shall be a permanent residential structure attached to a site-built permanent foundation that complies with all applicable Construction Codes, health and fire requirements.
 - (v) A DADU may not be located within a public utility easement or other recorded easement.

- (vi) DADUs shall conform to applicable land use regulations for the underlying zone in which it is located, including maximum lot coverage and the minimum front, side, and rear yard setbacks.
 - (vii) DADU's shall be designed consistent with the design of the single-family dwelling on the lot or parcel on which it is located.
 - (viii) To protect the privacy of neighboring back yards, all windows on a DADU wall facing a side or rear property line and located within fifteen (15) feet of that property line shall be fixed and obscured (frosted) glass, or shall be clerestory windows with a sill height of at least six (6.5) feet above the finished floor.
 - (ix) A DADU must have a separation between the primary structure and the DADU of at least five feet.
 - (x) An DADU shall not operate on separate utility meters from the primary dwelling. The sewer connection will be to the existing sewer connection for the lot or parcel.
 - (xi) A DADU cannot be built on a property that is serviced by a septic system.
 - (xii) Ongoing maintenance: The lot or parcel where the DADU is built should not become a nuisance or eyesore to the surrounding homes. The owner must ensure that it complies with Fruit Heights City Code 7A-06. CLEANING OF REAL PROPERTY.
 - (xiii) Every DADU built will be recorded with Davis County.
- (g) Penalties:
- (i) Penalties for Non-compliance with this Ordinance: In addition to applicable remedies for correction of non-compliance found with this Chapter Fruit Heights City may hold a lien of up to one hundred dollars \$100.00 per day against a property that contains DADU that is in violation of any of the provisions.
 - (ii) Penalties for Non-Compliance with Code 7A-06 are contained in that chapter.

■ END OF ORDINANCE