

ORDINANCE NO. 2022- 005

**AN ORDINANCE AMENDING FRUIT
HEIGHTS CITY CODE SECTION; Title 10,
CHAPTER 11, SECTION 21; ACCESSORY
DWELLINGS**

WHEREAS, the Fruit Heights City Council for and on behalf of Fruit Heights City, State of Utah (hereinafter referred to as the “City”) has determined to amend Title 10-11-21

And,

WHEREAS, a public hearing was duly held and the interested parties were given an opportunity to be heard; and,

WHEREAS, the City Council has duly considered said amendments; and,

WHEREAS, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FRUIT HEIGHTS CITY, UTAH as follows:

Section One: Adoption of New Provisions

The following sections of the Fruit Heights City Code are adopted to read as follows:

10-11-21. Accessory Dwelling Units (ADUs).

(a) Purpose and Intent. The purposes of this Section are to assist in the creation of new housing units; to support a more efficient use of existing housing stock and infrastructure; to provide housing that responds to changing family needs, smaller households, and increasing housing costs; and to provide reasonable regulations for the construction and use of Accessory Dwelling Units within the City.

The Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application. Conditions imposed for approval shall be designed to mitigate any adverse effects of an ADU.

(b) Limitations on Accessory Dwelling Units

(1) External Accessory Dwelling Units (“EADU”) are not allowed as a permitted or conditional use in any zone of the City. Mobile homes, recreational vehicles, travel/camp trailers, shipping container based units, storage sheds, and any similar units are prohibited for use as an EADU or for any other dwelling purpose under this Title.

(2) Internal Accessory Dwelling Units (IADUs) – Use and Location. Subject to the requirements of this Section, one IADU is allowed as a permitted use in a single-family dwelling in any zone that is primarily for single-family residential uses, e.g., the City’s A-1, R-S-12, R-1-12, and R-1-10.

(A) The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created.

(B) The IADU shall be used exclusively for the purpose of offering a long-term rental of thirty (30) days or longer.

(C) The IADU may house a maximum of four (4) unrelated tenants.

(D) No IADU shall be created, established, or occupied in a single family dwelling unless the owner of the property occupies either the main dwelling or the IADU. The term “owner occupied” shall be defined as full time residency (as defined by Utah State Code) within a home by the bona fide property owner as shown on the Davis County tax assessment rolls.

(c) General Regulations. The following regulations shall apply to all IADUs in the City.

(1) Parking. A primary dwelling with an IADU shall provide parking in a manner consistent with the City’s parking ordinances, rules and regulations. In addition to the parking standards of the City and in the applicable Zone, there shall be at least one (1) off-street parking stall for an IADU. If an IADU is created within a garage or carport, the parking spaces previously contained within the garage or carport shall be replaced with similar facilities. On street parking shall not be permitted at any time.

(2) The minimum size of the IADU shall be four hundred (400) square feet of living space within the primary dwelling.

(3) The IADU shall comply with all applicable building, health and fire codes.

(4) The IADU shall be designed in a manner that minimizes any changes in the appearance of the primary dwelling as a single-family dwelling.

(5) An IADU is prohibited within any mobile home (as defined by U.C.A. §57-16-3).

(6) If the primary dwelling is served by a septic tank, written approval shall be required from the Davis County Health Department.

(7) The lot or parcel on which the primary dwelling is located shall be at least 10,000 square feet in size.

(8) An IADU 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 IADU.

(9) The IADU shall share all utility meters with the primary residence.

(10) An IADU will not be given a separate address by the City. Residences with IADUs may refer mail to the IADU by the same street address as the residence and refer to the owner-occupant as located in unit "A" and the tenant(s) in the IADU as located unit in "B," or by similar logical distinction.

(11) An IADU shall not be used as a Short-term Rental, shall not be listed for rental on a short-term rental website or for rental in any other media or publication.

(d) IADU Application and Permit:

(1) Every owner of an IADU in the City shall obtain a permit before any portion of a single-family residence is used for that purpose. A permit issued under this Section does not run with the land and expires upon the residence failing to be owner-occupied or upon the sale of the residence.

(2) An application for an IADU permit shall be filed with the City Manager and accompanied by the fee required by the Consolidated Fee Schedule.

(3) An applicant shall file a site plan and floor plan with the application. The site plan and floor plan shall demonstrate that all requirements of this section are met, including without limitation requirements related to: compliance with all health, building and fire codes; parking requirements; size of the IADU; utility services; and kitchen, sleeping and sanitary facilities.

(4) The site plan and floor plan shall be drawn accurately to scale showing property lines and dimensions, the location of existing buildings or additions, distances from buildings or additions to property lines, the location of parking stalls, utility meters, entrances to the home, and areas within the single-family residence to be used as an IADU.

(5) At least one inspection will be required by the city to verify that all requirements have been followed.

(e) Noncompliance; Revocation or Withdrawal of Permit. A permit for an IADU may be revoked or withdrawn in the following circumstances:

(1) The conditions upon which the permit has been issued no longer are maintained by the property owner;

(2) The requirements of this Section or the permit have been violated; or

(3) The property owner applies for a withdrawal by submitting a sworn declaration that the property owner or lawful tenant is not and will not allow any occupant to use the accessory dwelling unit in violation of this section.

(f) Enforcement; Revocation of Permit. In the event of a violation of this Section, enforcement and revocation proceedings may be commenced as provided in this Chapter.

10-11-22 SHORT TERM RENTALS.

Short term rentals will not be permitted within the City, whether as a vacation rental or otherwise. The definition of a short term rental is any rental of a residence for less than 30 days.

Section Three: ORDINANCES TO CONFORM WITH AMENDMENTS

The Fruit Heights City Manager is hereby authorized and directed to make all necessary changes to the Fruit Heights City Code to bring the text into conformity with the changes adopted by this Ordinance.

Section Four: Severability

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

Section Five: Effective Date

This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

DATED this 2nd day of August, 2022.

FRUIT HEIGHTS CITY, a Municipal Corporation

By: 
John Pohlman

Mayor

ATTEST:

A handwritten signature in dark ink, appearing to read "Brandon Green", written over a horizontal line.

Brandon Green
City Recorder