



## HIGHLAND CITY

# HIGHLAND PLANNING COMMISSION AGENDA

TUESDAY, MARCH 31, 2026

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

### VIRTUAL PARTICIPATION



YouTube Live: <http://bit.ly/HC-youtube>



Email comments prior to meeting: [planningcommission@highlandut.gov](mailto:planningcommission@highlandut.gov)

### 7:00 PM REGULAR SESSION

Call to Order: Chair Christopher Howden

Invocation: Commissioner Jerry Abbott

Pledge of Allegiance: Commissioner Sherry Kramer

### 1. UNSCHEDULED PUBLIC APPEARANCES

Anyone may share information with the Planning Commission. If your comments require a response, staff or a commissioner will contact you. Please limit your comments to three minutes per person. Please state your name.

### 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion. Items on the consent agenda may be pulled for separate consideration.

#### a. Approval of Meeting Minutes - February 24, 2026

*Heather White, Deputy City Recorder*

### 3. ACTION ITEMS

Items in this section are to be acted upon individually by the Planning Commission. A report will be given on these items.

#### a. ACTION: Selection of Chair and Vice Chair *General City Management*

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will select a chair and vice chair for the 2026 term, ending February 2027.

#### b. PUBLIC HEARING/ORDINANCE: Text Amendment - Rounding of Density Calculations in R-1-40 Development Code Update (Legislative)

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will hold a public hearing to consider amendments to the R-1-40 zone proposed by Ty Ricks.

#### c. PUBLIC HEARING/ORDINANCE: Text Amendment - Home Occupations, Daycares, and In-Home Instruction Development Code Update (Legislative)

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will hold a public hearing to consider proposed amendments regarding home occupations, including daycares and in-home instruction.

#### 4. **DISCUSSION ITEMS**

Items in this section are for discussion, and include supplementary information in the packet. No final action will be taken.

- a. **ACTION: Detached ADUs Development Code Update (Legislative)**  
*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will review and discuss recently enacted state law regarding detached ADUs.

#### 5. **COMMUNICATION ITEMS**

Items in this section are for notification and update. No final action will be taken.

### **ADJOURNMENT**

In accordance with Americans with Disabilities Act, Highland City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at (801) 772-4505 at least three days in advance of the meeting.

### **ELECTRONIC PARTICIPATION**

Members of the Planning Commission may participate electronically during this meeting.

### **CERTIFICATE OF POSTING**

I, Rob Patterson, City Attorney/Planning & Zoning Administrator, certify that the foregoing agenda was posted at the principal office of the public body, on the Utah State website (<http://pmn.utah.gov>), and on Highland City's website ([www.highlandut.gov](http://www.highlandut.gov)).

Please note the order of agenda items are subject to change in order to accommodate the needs of the Planning Commission, staff and the public.

Posted and dated this agenda on the 25th day of March, 2026  
Attorney/Planning & Zoning Administrator

Rob Patterson, City

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.**



# HIGHLAND PLANNING COMMISSION MINUTES

TUESDAY, February 24, 2026

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

**Awaiting Formal Approval**

## 7:00 PM REGULAR SESSION

Call to Order: Chair Chris Howden

Invocation: Commissioner Audrey Moore

Pledge of Allegiance: Commissioner Trent Thayn

The meeting was called to order by Commissioner Chris Howden as a regular session at 7:00 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Moore and those in attendance were led in the Pledge of Allegiance by Commissioner Thayn.

**PRESIDING:** Commissioner Chris Howden

## COMMISSIONERS

**PRESENT:** Sherry Kramer, Debra Maughan, Audrey Moore, Trent Thayne, Wesley Warren

**CITY STAFF PRESENT:** City Attorney/Planning & Zoning Coordinator Rob Patterson, Deputy Recorder Heather White

**OTHERS PRESENT:** Jon Hart, Jeff Anderson, Brad Broadhead, Doug Courtney

## 1. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

None was given.

## 2. CONSENT ITEMS

Items on the consent agenda are of a routine nature. They are intended to be acted upon in one motion.

Items on the consent agenda may be pulled for separate consideration.

### a. Approval of Meeting Minutes – January 27, 2026 General City Management

*Heather White, Deputy City Recorder*

*Commissioner Warren MOVED to approve the January 27, 2026 meeting minutes. Commissioner Maughan SECONDED the motion. All present were in favor. The motion carried unanimously.*

### 3. ACTION ITEMS

a. **PUBLIC HEARING/ORDINANCE: Text Amendment –Parkway Detail Accessory Structure**

**Setback:** *Development Code Update (Legislative)*

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commissioner will hold a public hearing to consider a text amendment proposed by John Armstrong, Highland City resident, to reduce the currently required side-yard setbacks for accessory structures near parkway details.

Mr. Patterson explained that John Anderson owned property adjacent to the parkway detail on 4800 West. The parkway detail was done partially within the city's right of way and with 20 feet of it within two lots that front 4800 West. The code required a 20 ft setback from the parkway detail. Mr. Patterson said the general request was to reduce the setback. He pointed out that there were a lot of setback inconsistencies in the area. He pointed out locations along Alpine Highway where the parkway detail was outside of the property line. He explained that Mr. Armstrong's property was restricted because the property line was partially within the parkway detail. Mr. Armstrong's home was required to be 30 ft from the property line, which was 10 ft from the parkway detail. Any accessory structure needed to be 40 ft from the property line in order to be 20 ft from the parkway detail. Because of the code requirements, accessory structures adjacent to parkway detail might be more restricted than the home. This restricted Mr. Armstrong's desired use of his property.

Commissioner Kramer arrived at 7:07 PM.

Commissioner Howden opened the public hearing at 7:08 PM and asked for public comment.

John Armstrong requested approval of a development code text amendment that clarified how accessory building setbacks were measured when a parkway detail was present. He explained that his lot required a 49 ft setback from the street resulting in an accessory structure being subject to a greater setback than the primary home on the same lot. However, the code uses "or" instead of "and", and the code did not state that the setback was cumulative or in addition to the width of the parkway detail. The current additive interpretation was not explicitly stated in the code. He talked about a permitted accessory building directly across the street. He said the amendment did not remove the parkway details or reduce landscaping. It simply clarified that the parkway detail counted towards the setback rather than triggering additional setbacks. He said his proposed amendment created a clear and objective measurement from the right of way, restored proportionality between primary and accessory structures, and ensured consistent application city-wide. He said his goal was to create a structure that could house toys instead of creating visual pollution.

Resident and Builder Chad Broadhead said Mr. Armstrong gave him about 15 examples where the code had been enforced differently within the city. He said accessory structures were right next to the parkway detail in a number of areas. He said because of the 29 ft easement Mr. Armstrong would lose his R-1-40 zoning if the road was ever widened in the future which would create a burden on the property owner. The accessory building would provide more privacy and help with road noise. The hope was to put the building next to the fence which would help to screen the property and would benefit the city. He pointed out that under the current code the house was permitted to be closer to the street than the axillary building.

Commissioner Howden asked for additional comments. Hearing none, he closed the public hearing at 7:13 PM and asked for discussion.

Commissioner Kramer wondered why the bigger setback was initially approved. Mr. Patterson said he looked through previous meeting minutes and thought the city officials wanted to make sure there was enough of a setback for corner lots. He thought they might not have fully anticipated this effect. He said the proposed amendment would apply only to lots along a road. He talked about the history of how the city determined a

setback and explained that this was a very specific rule for streets with parkway detail.

Commissioner Moore wondered if widening the road was a concern. Mr. Patterson said there was no plan to widen the road at this location at this time. He said the current plan was to do intersection improvements and turn lanes next to SR-92. If the road was ever widened there would probably be an acquisition of property because it was a city easement on their property. He said the result would be a legal non-conforming status of the property.

Commissioner Warren stated that he would fight any widening of the road. He was not in favor of spot zoning but thought this was more of an issue of vague language. He couldn't think of any future unintended consequences by supporting the proposed amendment. He wondered if staff could see any problems with it. Mr. Patterson reviewed his proposed text amendment.

Commissioner Maughan acknowledged that the property owner wanted a shed but voiced a general concern with potentially allowing two-story accessory buildings so close to sidewalks. She was leery about setting a precedent. She suggested having the setback the same as the house. Commissioner Kramer agreed. She pointed out that an accessory building would take away part of the view for anyone behind the property.

Commissioner Thayn wondered about access to the accessory building. Mr. Patterson explained that a separate regulation prohibited access across the parkway detail.

Commissioner Thayn pointed out that other residents could build accessory buildings 10 ft from their property line. Mr. Patterson explained that other residents could build right outside a trail easement without additional setbacks. He said the parkway detail required a much bigger setback.

Commissioner Warren didn't see why the parkway detail needed to be an exception to other types of setbacks, especially when it was the largest type of setback in the city. Commissioner Thayn agreed and didn't see why it needed to be different than the rest. He said it wasn't a safety issue and wasn't going to block anything. He didn't see anything wrong with the request or making it a standard within the city especially because it would line up with other setbacks and allow the property owner to enjoy the same privileges as others. He said his biggest concerns were safety and access and didn't see that anything was infringed upon.

The commissioners talked about the purpose of setbacks and discussed possible implications throughout the city.

*Commissioner Thayn MOVED that the Planning Commission recommend approval that the city council adopt the alternative amendments as proposed by staff.*

*Commissioner Warren SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>No</i>
<i>Commissioner Sherry Kramer</i>	<i>No</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayn</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

*The motion carried 4:2*

Mr. Broadhead added that he had a lot of experience out of state and with high-end communities. He thought the height regulations in city code had a lot of loopholes. He said as a builder he could artificially elevate an accessory building and still stay within code. He thought there were a lot of things within the code that needed to be revised.

**b. PUBLIC HEARING/ORDINANCE: Text Amendment –Signs in Residential Professional Zone: Development Code Update (Legislative)**

*Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will hold a public hearing to consider options to amend the City's sign regulations related to the R-P (Residential Professional) zone.

Mr. Patterson explained that the R-P (Residential Professional) zone applied to three areas within Highland. The zone allowed for one monument sign per highway frontage with restrictive setbacks. The first two property developers built both of the monument signs on each of the frontages which restricted the third office from having any sign along the street. The council thought it was unfair and instructed staff to consider ways to alleviate it without a drastic change. Mr. Patterson proposed two options to consider: 1. allow for an additional monument sign or 2. allow a commercial center freestanding sign. Mr. Patterson reviewed the details of each option.

Commissioner Howden opened the public hearing at 7:44 PM and asked for public comment. Hearing none, he closed the public hearing at 7:44 PM and asked for additional discussion.

The commissioners agree to not permit an additional freestanding sign. They liked the change to allow one sign per business. They talked about monument signs and setback restrictions on signs with a 6-ft maximum height. They talked about making Highland look good while not driving businesses away.

*Commissioner Kramer MOVED that the Planning Commission recommend that the city council adopt Option 1 to allow additional monument signs within the R-P zone.*

*Commissioner Warren SECONDED the motion.*

*The vote was recorded as follows:*

<i>Commissioner Jerry Abbott</i>	<i>Absent</i>
<i>Commissioner Tracy Hill</i>	<i>Absent</i>
<i>Commissioner Christopher Howden</i>	<i>Yes</i>
<i>Commissioner Sherry Kramer</i>	<i>Yes</i>
<i>Commissioner Debra Maughan</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Trent Thayne</i>	<i>Yes</i>
<i>Commissioner Alternate Wesley Warren</i>	<i>Yes</i>

*The motion carried 6:0*

**c. PUBLIC HEARING/ORDINANCE: Rezone - TI Well Utility Project - POSTPONED**

**4. DISCUSSION ITEMS**

Items in this section are for discussion and include supplementary information in the packet. No final

action will be taken.

**a. ACTION: Planning Commission Priorities, Detached ADU Discussion** *General City Management  
Rob Patterson, City Attorney/Planning & Zoning Administrator*

The Planning Commission will review and discuss their priorities and detached ADU proposal.

The Planning Commission reviewed the goals for 2026 as discussed during the last meeting. They agreed that the following topics would be prioritized:

- ADUs
- Trail visibility - signage, usability and safety
- Include senior housing facility options in city code
- Placemaking and city entrances
- Down lighting and dark sky intent
- Types of accessory structures
- Review setbacks

Lower priority was given to the clarification of fencing materials and buried electrical lines. Commissioners thought it was important that the city make the updated Road Improvement Plan more visible on the website and that it be updated regularly. They concluded that flag lots would not be included in the ADU discussions.

Commissioner Howden asked the commissioners to review the draft of ADU regulations. Mr. Patterson would create a document that could be edited by all commissioners.

Commissioner Howden mentioned that this year's chair and vice chair will be appointed during the next meeting on March 31.

## **ADJOURNMENT**

*Commissioner Moore MOVED to adjourn the meeting. Commissioner Howden SECONDED the motion. All were in favor. The motion carried.*

The meeting ended at 8:48 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 24, 2026. The document constitutes the official minutes for the Highland City Planning Commission Meeting.



# PLANNING COMMISSION AGENDA REPORT ITEM #3a

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**DATE:** March 31, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** Planning Commission  
**SUBJECT:** Selection of Chair and Vice Chair  
**TYPE:** General City Management

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**PURPOSE:**

The Planning Commission will select a chair and vice chair for the 2026 term, ending February 2027.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission select a chair and vice chair for the 2026 term.

**PRIOR REVIEW:**

The Commission chair for 2025 was Chris Howden, and the vice-chair was Trent Thayn.

**BACKGROUND & SUMMARY OF REQUEST:**

Development Code 2-203 provides that the Planning Commission must select a chair and vice chair to serve annual terms. The Commission may select the same or different chairs/vice-chairs each year. The chair presides at all meetings of the Planning Commission, and the Vice-Chair fills in when the Chair is absent.

**STAFF REVIEW & PROPOSED FINDINGS:**

None.

**MOTION:**

I move that the Planning Commission select [NAME] as chair and [NAME] as vice-chair for the 2026 term.

**ATTACHMENTS:**



# PLANNING COMMISSION AGENDA REPORT ITEM #3b

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**DATE:** March 31, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** Ty Ricks  
**SUBJECT:** Text Amendment - Rounding of Density Calculations in R-1-40  
**TYPE:** Development Code Update (Legislative)

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## **PURPOSE:**

The Planning Commission will hold a public hearing to consider amendments to the R-1-40 zone proposed by Ty Ricks.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission consider the proposed amendments, hold a public hearing, hear from the applicant, and make the recommendation for or against the proposed amendment as the Planning Commission determines is appropriate.

## **PRIOR REVIEW:**

No specific prior review of this request. In 2022, the Planning Commission recommended changing the R-1-40 rounding regulations from allowing fractional lots to be rounded to the closest whole number (up or down) to requiring fractional lots always be rounded down, which the Council adopted.

## **BACKGROUND & SUMMARY OF REQUEST:**

Mr. Ricks is the future developer of a property that is slightly more than 5 acres located off of 6800 West near Wimbleton. The property is zoned R-1-40. Under the R-1-40 standards, the total allowed density is calculated by dividing the total square footage of the property being developed by 40,000. For the property at issue, this results in allowing 5.44 lots. The R-1-40 standards then require this number be rounded down to the nearest whole number. So Mr. Ricks may only subdivide the property into 5 lots. Attached is a proposed site plan submitted by Mr. Ricks showing the proposed subdivision for 5 lots.

Mr. Ricks has applied to amend section 3-4103 to instead round fractional lots up to the nearest whole number. This would allow one additional lot in R-1-40 subdivisions. Lots would still need to meet frontage and size requirements. For the property at issue, it is possible to subdivide it into 6 lots that are each at least 30,000 square feet, if he were allowed to round up. In other words, rounding up allows an additional lot to be created, but each lot still would conform to all R-1-40 standards.

## **STAFF REVIEW & PROPOSED FINDINGS:**

Staff has no position on whether to amend the rounding regulations for R-1-40 subdivisions. The density calculation regulations are policy matters that are best addressed by the Planning Commission and City Council. Staff does not have any concerns about applying the rounding rules as proposed by the applicant. Prior to 2022, it was City policy to round fractional lot calculations up or down to the closest

whole number. Always rounding up as proposed by the applicant would not be a significant change nor, in staff's opinion, materially change the feel of R-1-40 development because all lots would still need to meet minimum lot size and frontage requirements, and if there is not sufficient area for the additional lot, the extra lot would not be permitted regardless.

**MOTION:**

I move that the Planning Commission recommend that the City Council [ADOPT or REJECT] the amendments to section 3-4103 as proposed by the applicant.

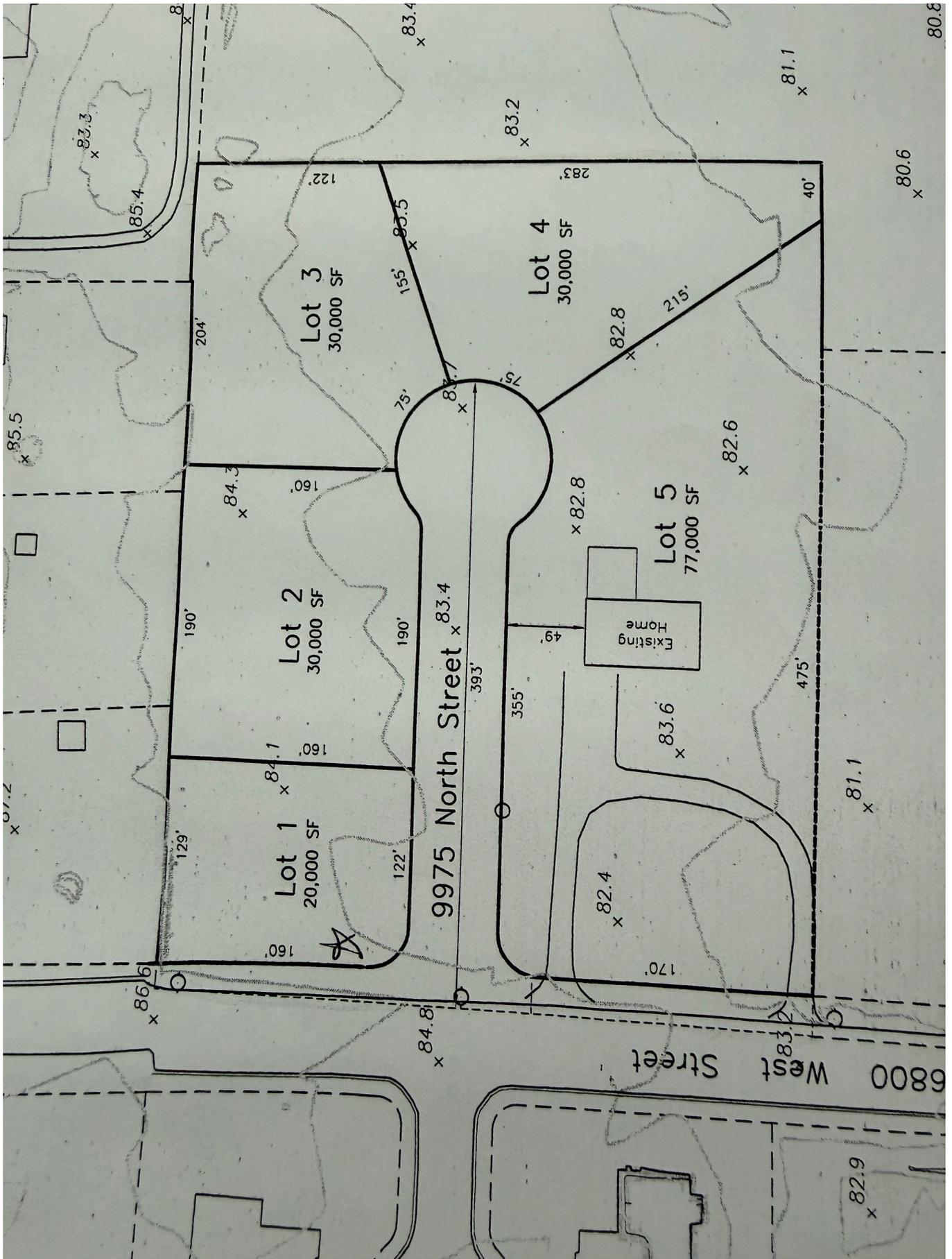
[Planning Commission may recommend different or additional amendments separate from what the applicant proposed]

**ATTACHMENTS:**

1. Text Amendment to Code Highland City
2. Site Plan

### **3-4103 Area And Width Requirements**

The maximum number of lots to be permitted on a subdivided property is determined by dividing the total square footage, less any area used as an existing prescriptive easement or roadway, by 40,000 square feet. Churches and other public buildings and grounds shall not be used in calculating the number of allowable lots. Lots in the R-1-40 Zone may not be smaller than 20,000 square feet with not more than 25% of the lots being 30,000 square feet or less. In determining number of lots, a fractional number shall be rounded ~~down~~ **up** to the nearest whole number. Area and width requirements of a building lot in the R-1-40 Zone shall be as follows:





# PLANNING COMMISSION AGENDA REPORT ITEM #3c

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**DATE:** March 31, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** City Staff  
**SUBJECT:** Text Amendment - Home Occupations, Daycares, and In-Home Instruction  
**TYPE:** Development Code Update (Legislative)

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## **PURPOSE:**

The Planning Commission will hold a public hearing to consider proposed amendments regarding home occupations, including daycares and in-home instruction.

## **STAFF RECOMMENDATION:**

Staff recommends adoption of the amendments that provide clarity and consistency to home occupation regulations. As to whether smaller lots in certain open space subdivisions or planned developments should be permitted to operate home occupation daycares and in-home instruction, staff does not have a specific recommendation other than maintaining consistency between all zones and developments.

## **PRIOR REVIEW:**

The Planning Commission last considered home occupation daycares and in-home instruction in October 2022. The Commission recommended the following:

*Allow Daycares:*

- *Type 1 – 8 children or less*
- *Type 2 – 9-12 kids*
- *Type 1 and 2 - 1 off-street parking space per caregiver required*
- *Type 1 and 2 - must have a traffic plan submitted showing parking and adequate traffic flow*
- *Type 1 and 2 - A background check is required for teachers or instructors for students younger than 18 years of age*
- *Type 2 - 1/2 mile from another daycare or preschool with 9-12 children*

*In-home Instruction:*

- *Maximum of 12 students per day provided that no student attend for more than 4 hours*
- *A background check is required for teachers or instructors for students younger than 18 years of age*
- *Teacher/instructor must be a bona fide resident*

The City Council then approved the regulations with changes removing restrictions on number of children or separation requirements.

## **BACKGROUND & SUMMARY OF REQUEST:**

Last year, there was a discussion about whether to allow home occupation daycare and in-home instruction within the larger lots in Ridgeview. Council directed staff to bring the item to the Planning Commission for review and recommendation. As staff worked on this, staff realized that the home occupation code was inconsistent, unclear, and outdated in some areas. Accordingly, the proposed amendments clean up the home occupation code overall, and also address allowing daycares and in-home instruction (preschools, swim lessons, piano lessons, etc.) within Planned Developments.

The business and home occupation licensing requirements are split between municipal code (council only) and development code (planning commission and council). There are inconsistencies, overlapping regulations, and redundant language between the codes. For example:

1. Both municipal code 5.08.050 and development code 3-614 contain conditions and regulations for home occupations, but the list of conditions is not identical, so some regulations are only in municipal code, some are only in development code, and some are in both.
2. For some regulations in both codes, there are contradictions. Municipal code limits home occupations to 25% of the main floor area of a home or alternatively, 50% of the floor area of an attached garage; Development code limits home occupations to 25% of the dwelling, including an attached garage. Municipal code allows one commercial vehicle (used for work or has logos/advertising) to be visibly parked at a home; Development code prohibits any visible commercial vehicles.

Additionally, there are some regulations regarding home occupations that are unclear. For example, home occupations are prohibited from generating unusual traffic or traffic in excess of customary traffic for the zone. This leaves open areas for argument as to what constitutes "unusual" or "excessive" traffic. To resolve these issues, staff is proposing the following:

1. Move all regulations as to how the home occupation can be operated within a residential lot into the development code, as these deal with land use regulations. Move all regulations as to the process of applying for and renewing a home occupation business license (including the required 300' mailer for home occupations with visitors) to the municipal code with the other business license procedures, as these are not land use regulations. This eliminates redundant and contradictory regulations.
2. Make the commercial use limited to 25% of the dwelling unit, including garages. Add language regarding how to handle multiple dwelling units (ADUs), allowing each dwelling unit to use up to 25% of their unit for home occupation purposes.
3. For commercial vehicle parking, reference municipal code for commercial vehicle parking and allow up to one commercial vehicle to be visibly parked as per municipal code.
4. Clarify the definition of a home occupation to include any commercial activity by the resident on a property that (1) is not a separate use identified in code (e.g., museums) and (2) is not just an employee doing work for an employer (remote work). This will ensure it is clear that any commercial activity on a property by a resident must meet home occupation standards.
5. For traffic issues, provide some clear rules that establish a presumption that traffic for a home occupation is excessive and therefore not permitted. These circumstances are not the only way a home occupation can generate excessive traffic, but they provide direction on what is expected:
  - A. Doubling traffic generated by the home. Most residential units are expected to generate 10 trips per day. So if a home occupation generates an additional 10 trips (total of 20) per day, the home occupation is not permitted.

- B. Creating parking needs that cannot be met by on-site parking and on-street parking along the home's frontage.
- C. Requiring regular deliveries using heavier trucks (medium and heavy duty).
- D. Generating parking needs that do not comply with city regulations (e.g., obstructing intersections, fire hydrants, driveways)

Staff's goal with these changes is to make the home occupation regulations consistent and clear. In addition to these changes, staff is proposing changes to the regulations for home occupation daycare and in-home instruction. Some of these changes are more for consistency purposes, for example:

1. Removing individual uses in residential zone for daycares and in-home instructions. The daycare and in-home instruction regulations were found in the R-1-40 zoning regulation, and then the R-1-20 and R-1-30 zones pointed back to the R-1-40 zone. Since these regulations are intended to be generally applicable to residential zones, it makes more sense to instead have these regulations part of the generally applicable home occupation regulations, like we do for fences and swimming pools.
2. Expressly allowing daycares and in-home instruction to use yards and accessory buildings. The current regulations require daycare and in-home instruction to comply with all home occupation regulations, which in turn prohibit any use of a yard or accessory buildings. However, the city anticipated that daycares and in-home instruction would use areas outside the home (e.g., outdoor play areas for kids at daycare, use of pools for swimming lessons, use of sports courts for pickleball lessons).
3. Clarifying the parking plan and traffic flow requirement. Daycares and in-home instruction are currently required to submit a parking and traffic plan with their application. However, there is no clear standard for what staff should be requiring in that plan or what should be required to approve the plan. Staff is proposing requiring the applicant to explain the number of employees, number of clients/students, anticipated arrival/departure, and a site map showing on-site and adjacent hydrants, driveways, trails, crosswalks, intersections, parking areas, and traffic control devices (stop signs, traffic lights, no parking areas, etc.).
4. Expressly allowing daycares and in-home instruction to generate traffic exceeding the typical residential use subject to the approved parking plan. The council in allowing daycares and in-home instruction specifically chose to not limit the number of students or children that could attend a home daycare, preschool, or similar instruction. Accordingly, it is anticipated that a daycare and in-home instruction can exceed the usual traffic for the area, and the regulations reflect that.

Finally, staff has proposed regulations regarding the residential properties on which daycares and in-home instruction are allowed. Currently, daycares and in-home instruction are permitted on any residential lot within the R-1-40, R-1-30, and R-1-20 zones. First, staff has proposed limiting daycares and in-home instruction to "zoning lots"--lots that are properly subdivided and improved to city standards (sidewalks, utilities).

Second, staff has proposed allowing daycares and in-home instruction on any zoning lot that meets specific size and frontage requirements, rather than allowing them based on zones. This is because the majority of Highland City residential lots do not meet typical R-1-40 standards, and many do not even meet the R-1-20 standard, due to the existence of open space subdivisions, planned developments, pre-existing and non-conforming development (e.g., Alpine Country Club), and Town Center development. For example, the many open space subdivisions in Highland are zoned R-1-40 and therefore allowed to operate a daycare or in-home instruction, even though they have lots as small as 9,000 square feet with 80 feet of frontage:

Open Space Subdivisions (R-1-40):

Open Space	Beacon Hill	Canterbury	Mtn Ridge
Lot Size	11,000-24,000 SF most > 11,000 SF	9,000-22,000 SF majority > 11,000 SF	14,000-23,000 SF
Frontage	80'-135', most > 100' cul-de-sacs 60'	80'-135', most < 100' cul-de-sacs 50'	110'-130' cul-de-sacs 50'

Open Space	View Pointe	Wimbledon	Windsor/Apple Blossom
Lot Size	9,000-12,000 SF majority < 11,000 SF	12,000-20,000 SF majority > 13,000 SF	9,500-20,000 SF ~ half > 11,000 SF
Frontage	80'-135', most < 100' cul-de-sacs 50'	100'-130', most < 115', cul-de-sacs 65'	80'-110', most < 100' cul-de-sacs 40'-60'

Because open space and other neighborhoods with similar density are permitted to have daycares and in-home instruction, it seems to make sense to allow similarly sized lots in planned developments to be permitted to have daycares and in-home instruction. Alternatively, if the intent is to restrict smaller lots with less frontage from having these types of higher impact uses, then that restriction should be applied consistently throughout the city. Some Planned Developments already permit daycare and in-home instruction because the PD agreement incorporates uses allowed in residential zones (Skye Estates, Wild Rose). Other Planned Developments are not allowed to have daycares and in-home instruction, because they outline specific allowed uses in the PD agreement, which do not incorporate daycare and in-home instruction (Apple Creek, Ridgeview).

PDs	Skye Estates	SE - Stirling Pointe	Wild Rose
Allow DC/IHI?	Yes	Yes	Yes
Lot Size	8,000 SF min, most 10,000-15,000 SF	Condominium, 1,600 SF min	8,000 SF min, most 10,000-13,000 SF
Frontage	70' min, most ~80'	~40' per unit	80' min

PDs	Ridgeview - Estate	Ridgeview - Cottage	Ridgeview - Carriage
Allow DC/IHI?	No	No	No

Lot Size	7000 SF min, most 9000-12,000 SF ave 10,000	3,500 SF min, most ~3,800 SF	~2,400 SF
Frontage	60' min, most 80'- 90'	40' min, most ~43'	30' min

For consistency, staff is proposing adopting a regulation specifying that daycares and in-home instruction may only be operated on lots of at least a certain size and minimum frontage on a public street. The exact numbers are a policy decision to be determined by the Planning Commission and City Council. Currently, the proposal is to limit it to lots with at least 11,000 square feet (approximately 1/4 acre) and a minimum of 90 feet of frontage on a public street. This would ensure a minimum size to ensure parking and outdoor areas are sufficient for the use, and allow for on-street parking/loading/unloading for about 3 cars. This would prohibit daycares and in-home instruction entirely within Stirling Pointe, Apple Creek, Coventry/Highland Village, prohibit them in all lots except some estate lots in Ridgeview, prohibit them in some lots within Beacon Hill, Canterbury, and many other similar open space subdivisions, and prohibit them in most of the lots in Skye Estates and View Pointe.

If the Commission desired to be more flexible with home occupation daycares and in-home instruction, the Commission could allow them on all residential lots with at least 8,000 square feet (between 1/5 and 1/6 acre) and at least 80 feet of frontage (enough for 2-3 cars). This would allow them on most lots in open space neighborhoods and most single-family lots in planned developments, though still prohibit them in Stirling Pointe, Apple Creek, Coventry/Highland Village, and all but the estate lots in Ridgeview. The Commission could also be more strict, and limit them to 20,000 square foot lots (minimum size in standard R-1-40 and R-1-20 development) with at least 115 feet of frontage. This would prohibit daycares and in-home instruction on a majority of Highland lots, as open space lots and planned development lots would not meet the requirements.

Staff is amenable to any modifications to these proposed amendments, including requiring more or less lot area and frontage for daycares and in-home instruction.

**STAFF REVIEW & PROPOSED FINDINGS:**

Staff has prepared these amendments primarily to resolve internal inconsistency and confusion in regulations for home occupations, including daycares and in-home instruction. Staff therefore recommends adoption of the amendments as part of the ongoing code clean-up efforts. As to the specific regulations for which residential lots should be permitted to operate a home occupation daycare or in-home instruction, staff has no particular recommendation other than being consistent between the all developments, including open space R-1-40 (Beacon Hill, Canterbury, View Pointe), non-conforming R-1-20 (Alpine Country Club), and planned developments (Skye Estates, Ridgeview).

Notice of the proposed amendments were published and mailed on March 19. No comments were received.

**MOTION:**

I move that the Planning Commission recommend that the City Council adopt the proposed amendments to the development code regarding home occupations, daycares, and in-home instruction, and permit daycares and in-home instruction on residential properties that are at least [X] square feet with [Y] feet of frontage on a public street.

[Planning Commission may propose additional or different amendments]

**ATTACHMENTS:**

1. Development Code Amendments Home Occupation, Daycare, In-home Instruction - PC

### 3-4102 Permitted Uses [R-1-40]

The following buildings, structures, and uses of land shall be permitted in the R-1-40 Zone upon compliance with requirements set forth in this Code:

...

16. Home Occupations ~~please refer pursuant~~ to Article 6, Section 3-614, Supplementary Regulations

~~17. Daycares accessory to a single family dwelling.~~

~~a. All Home Occupation regulations found in Article 6 Supplementary Regulations are required, except that employed caregivers associated with the Daycare are not required to be bona fide residents of the home.~~

~~1. One (1) off street parking space is required for each employed caregiver that does not live in the home.~~

~~b. All daycares must receive applicable licensing from the Utah Department of Health and Human Services. A copy of this license must be submitted to the City.~~

~~c. All daycares must provide a traffic flow and parking plan to be approved by City staff.~~

~~18. In-home instruction (includes preschools) accessory to a single family dwelling.~~

~~a. All Home-occupation regulations in Article 6 Supplementary Regulations are required, except that employed teachers or instructors associated with the in-home instruction are not required to be bona fide residents of the home.~~

~~1. One (1) off street parking space is required for each employed teacher or instructor that does not live in the home.~~

~~b. All in-home instruction must provide a traffic flow and parking plan to be approved by City Staff.~~

~~c. A background check is required for teachers or instructors of preschools.~~

### 3-4202 Permitted Uses [R-1-20]

The following buildings, structures, and uses of land shall be permitted in the R-1-20 Zone upon compliance with requirements set forth in this Code:

...

14. Home Occupations ~~please refer~~pursuant to Article 6, Section 3-614, Supplementary Regulations.

~~15. Daycares, preschools, or in-home instruction; please refer to Section 3-4102(17) and Section 3-4102(18) in this code.~~

~~16.~~15. Model Homes, Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

### 3-4252 Permitted Uses [R-1-30]

The following buildings, structures, and uses of land shall be permitted in the R-1-30 Zone upon compliance with requirements set forth in this Code:

...

11. Home Occupations ~~please refer pursuant~~ to Article 6, Section 3-614, Supplementary Regulations
12. Accessory Dwelling Units for residential property; please refer to Article 6, Section 3-624, Supplementary Regulations in this Code.
13. Public buildings and grounds, including maintenance buildings, storage yards, storage structures, and repair shops.
14. Public parks and open space including appurtenances primarily associated with a public park as follows: playground equipment, pavilions, restrooms, temporary restrooms, benches, tables, outdoor athletic courts, outdoor athletic fields, outdoor sand pits, permanent barbeque pits/stands, and permanent accessory buildings associated with the maintenance of those grounds (if smaller than 1800 square feet (footprint), two (2) stories maximum), concessions (if associated with a sport park and attached to a restroom facility), and temporary facilities associated with temporary City held events.
- ~~15. Daycares, preschools, or in-home instruction; please refer to Section 3-4102(17) and Section 3-4102(18) in this Code.~~
- ~~16.~~ 15. Model Homes. Please refer to Article 6 Supplementary Regulations Section 3-617 Model Homes.

### 3-614 Home Occupations

1. The terms and definitions provided in Chapters 5.04 and 5.08 of the Municipal Code are incorporated herein.
2. A home occupation license shall be obtained for all home occupations according to the procedures and standards set forth herein and in Chapter 5.08 of the Municipal Code before a person may engage in business on a residential property.
3. The acts of employees rendering services to employers, conducted entirely within a dwelling unit or accessory structure with no external evidence or impact from such acts, are permitted in all residential properties and do not require a home occupation license. A home occupation license may be obtained by the resident if desired.
- ~~1. Any person desiring a home occupation permit, as provided in this Section, shall file an application with the City Treasurer. For preschools, daycares, or in-home instruction requirements, refer to permitted uses and associated regulations in the applicable residential zone.~~
4. Home occupations shall be permitted in any residential dwelling unit subject to the regulations, standards, and restrictions set forth herein and in Chapter 5.08 of the Municipal Code.
- ~~2.5. All h~~Home occupations, shall be permitted only subject to and ~~shall at all times in~~ compliance with the following conditions:
  - ~~a. Home occupations shall be permitted in any residential unit.~~
  - a. Only bona fide residents of the residential property shall be employed by, operate, or otherwise carry on the home occupation.
  - b. Except as specifically authorized herein, Tthe home occupation shall be conducted entirely within the main dwelling, including an attached garage and shall not involve the use of any accessory building or yard space for storage or business activity.
  - ~~b.c.~~ Except as specifically authorized herein, the home occupation shall not display nor create outside the building any external evidence of the operation of the home occupation, including signs.
  - ~~e.d.~~ The home occupation shall be clearly incidental and secondary to the use of the ~~dwelling property~~ for dwelling purposes and shall not change the character or appearance of the building from that of a dwelling.

- d.e.        The total area devoted to the home occupation shall not exceed 25% of the dwelling unit, including an attached garage. If there are multiple dwelling units within a property that are occupied by different families, the home occupation shall not exceed 25% of the portion of the structure containing the dwelling unit occupied by the licensee.
- e.f. The home occupation shall be registered with and licensed by the business license division of the ~~C~~city and with all applicable state government agencies or entities and shall comply with governing law. ~~A separate license must be obtained for each branch establishment, or separate place of business, in which the business, trade, calling, profession or occupation is carried on, and for each separate kind of business, trade, calling, profession or occupation and each license shall authorize that business, trade, calling, profession or occupation described in such license, and only at the location or place of business which is indicated thereby.~~
- f.g. Entrance from the outside to the area of the dwelling used for the home occupation shall be the same entrance(s) normally used by the residing family, except when otherwise required by governing law ~~the Utah State Department of Health or other state agency.~~
- ~~h. The physical appearance of the dwelling, amount of traffic and parking, and other activities generated by the home occupation shall not be contrary to the intent of the zone in which the home occupation is located.~~
- i. The home occupation shall not generate pedestrian or vehicular traffic that is unusual for or in excess of that customarily associated with the zone in which the use is located. There is a presumption that a home occupation generates excessive vehicular traffic and is therefore not permitted if any of the circumstances described below are true. These circumstances are not exhaustive of the circumstances that may warrant denial or revocation of a home occupation license due to unusual or excessive traffic.
- i. The home occupation generates additional vehicular traffic in an amount at least equal to the average daily trips generated for the residential use alone;
  - ii. The home occupation generates traffic or a need for parking, including temporary parking or drop-off areas, that cannot be safely accommodated within the residential property and the

available parking area on the half-street portion of the adjacent right-of-way(s) fronting on the residential property; or

i.iii. The home occupation involves regular deliveries or shipments by medium- or heavy-duty trucks.

j. The home occupation shall not generate vehicular traffic or parking that violates city parking and traffic regulations or is contrary to or obstructs traffic control devices, including traffic or parking that obstructs adjacent driveways, the flow of traffic on the right-of-way, or fire hydrant clearance and sight triangle areas.

g.k. The home occupation ~~shall~~, and the structure in which it is conducted shall, comply with all fire, building, plumbing, electrical, and health codes.

l. The home occupation shall not be associated with nor produce odor, fumes, dust, light, glare, color, design, materials, construction, lighting, sounds, noises, vibrations, including interference with radio or television reception, that may be discernible beyond the premises, or which disturb the peace and quiet of the neighborhood.

h.m. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

i.n. Except as authorized by Chapter 10.09 of the Municipal Code, All maintenance or service vehicles and equipment, or any vehicle bearing any advertising related to the home occupation shall be garaged or stored entirely within ~~the a~~ building or structure, or entirely behind a building or structure~~the dwelling~~, out of view of the street.

~~Home occupations may be permitted for residents that also contain basement apartments if determined by the City Administrator not to create undue burden upon residents of the immediate area.~~

6. Daycares and In-Home Instruction. A daycare or in-home instruction business may be operated as a home occupation in accordance with the following regulations, standards, and restrictions:

a. Daycare and in-home instruction home occupations may only be operated on residential properties that are zoning lots of at least 11,000 square feet and have a minimum of 90 feet of frontage on a public street.

- b. Except as expressly set forth in this subsection (5), daycare and in-home instruction home occupations shall comply with all regulations, standards, and restrictions applicable to home occupations.
- c. Daycare and in-home instruction home occupations may employ individuals who are not residents of the residential property to assist, operate, or otherwise carry on the home occupation.
- d. One (1) off street parking space is required for each employee of the home occupation who does not reside at the residential property.
- e. A traffic flow and parking plan must be submitted by the applicant with the home occupation license application to ensure that the vehicular traffic and parking generated by the home occupation will be adequately managed in accordance with city standards, and that the detrimental effects of the traffic and parking on adjacent properties and city utility and street systems has been substantially mitigated. The traffic flow and parking plan shall contain at least the following information:
  - i. Anticipated number of non-resident employees;
  - ii. Anticipated time of arrival and departure of non-resident employees;
  - iii. Anticipated number of clients, students, or other non-employee individuals visiting the residential property;
  - iv. Anticipated times of drop-off and pick-up of clients, students, or other non-employee individuals visiting the residential property.
  - v. A site map showing fire hydrants, adjacent driveways, trails, crosswalks, and intersections, existing traffic control devices, available on- and -off-site parking areas to be used by the home occupation, and proposed traffic circulation and flow to, from, and on the residential property.
- f. Subject to city approval of the traffic flow and parking plan, daycare and in-home instruction home occupations may generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located in accordance with the approved traffic flow and parking plan.
- g. Daycare and in-home instruction home occupations may use accessory buildings and yard space on the residential property.

- h. Daycares must receive applicable licensing from the Utah Department of Health and Human Services. A copy of this license must be submitted to the city with the home business license application.
  - i. For preschools operated as in-home instruction, a background check is required for all teachers and instructors.
  - j. The regulations set forth in this section do not apply to daycares or educational businesses that are not operated as a home occupation.
- ~~3. Any permit issued pursuant to this Section may be revoked by the Zoning Administrator for failure of the holder of the permit to comply with the foregoing conditions. The Zoning Administrator shall likewise refuse to grant a renewal of such a permit for failure of the holder to comply with the foregoing conditions.~~
- ~~4. The revocation or refusal to grant or renew a permit may be appealed to the Appeal Authority. Likewise, any aggrieved party may appeal to the Appeal Authority from the Zoning Administrator's decision to grant a renewal of such a permit.~~
- ~~5. All home occupation permits issued pursuant to this Section shall be valid for a period of one year. The license year shall commence on July 1 and expire on June 30 of each year. Thereafter, all home occupation permits shall be issued and renewed only in accordance with this Section, except as such use may be a nonconforming use which is allowed to continue by Section 3-201.~~
- ~~6. The City Council shall by resolution or ordinance fix the amount of license fees and the terms and conditions thereof, copies of which shall be available for public inspection at the office of the city Zoning Administrator.~~
- ~~7. All applications for the issuance of a home occupation permit shall be accompanied by an application fee in such amount as may be specified by the City's standard fee schedule established from time to time by resolution of the City Council. Such fee shall be in addition to any business license fee which may be required by other provisions of this Code. If the combined offsite impact of the home occupation and the primary residential use alone, a fee in such amount as may be specified by the City's standard fee schedule may be required.~~
- ~~8. The applicant shall be required to notify by letter all residents within a three hundred foot 300' radius of the property lines of their request for a home occupation license if customers visit the home. The applicant shall provide a legible vicinity map indicating the exact location of their property and each~~

property within 1/4 mile (1,320 feet). The map shall include the address of the subject property.

9. ~~The Zoning Administrator may, upon application, grant a home occupation license which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The license shall not be issued unless the Zoning Administrator finds the applicant is in compliance with each one of the conditions listed in City Codes and State Law, and that the applicant has agreed in writing to comply with all said conditions. All certificates of license shall be signed by the City Administrator and attested to by the Zoning Administrator.~~

## 10-102 Definitions

The following words, as used in this Title, shall have the meaning ascribed to them:

...

**19. Daycare.** The care and supervision of children, other than children related to the adult resident(s) of a residential property, which care and supervision is in place of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.

...

**39. Home Occupation.** Any activity, profession, service, trade, or other enterprise that is:

a. use~~e~~Conducted ~~entirely~~ within a property that is zoned under applicable land use regulations to be used primarily for residential uses and that contains at least one dwelling unit;

b. Carried on by the resident of the property for the purpose of gain or economic profit;

c. Not otherwise enumerated as an allowed use, conditional use, or prohibited use for the zone in which the property is located; and

a.d. Not an employee rendering services to an employer, if such acts are conducted entirely within a dwelling unit or accessory structure with no external evidence or impact from such acts. building and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A business license does not automatically grant the privilege of conducting a business in a residential dwelling unit.

...

**41. In-home Instruction.** The provision of classes, lessons, training, practice, and other organized instruction in fields such as, but not limited to, dance, music, art, swimming, fitness, health, school subjects, or other similar subjects, offered within a residence-residential property to people, including children, who do not live at the residence. Includes in-home preschools.



# PLANNING COMMISSION AGENDA REPORT ITEM #4a

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**DATE:** March 31, 2026  
**TO:** Planning Commission  
**PREPARED BY:** Rob Patterson, City Attorney/Planning & Zoning Administrator  
**SPONSORED BY:** Planning commission  
**SUBJECT:** Detached ADUs  
**TYPE:** Development Code Update (Legislative)

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**PURPOSE:**

The Planning Commission will review and discuss recently enacted state law regarding detached ADUs.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission recently enacted state law regarding detached ADUs.

**PRIOR REVIEW:**

The Planning Commission has discussed detached ADU regulations on several occasions and is working on a draft ordinance.

**BACKGROUND & SUMMARY OF REQUEST:**

During the 2026 legislative session, the state legislature considered mandating detached accessory dwelling units. This language was initially proposed in House Bill 477, however, the language was later modified and incorporated into Senate Bill 284. This bill was passed and has been enacted into law. It can be found here: <https://le.utah.gov/Session/2026/bills/static/SB0284.html> The language regarding detached ADUs is found in the proposed section 10-21-304, lines 1994 - 2055. As a summary:

The City MUST:

1. Adopt an ordinance regarding DADUs by October 1, 2026
2. Allow DADUs on any residential lot or parcel with a single-family dwelling that is 11,000 square feet or larger (approximately 1/4 acre)
3. Require DADUs to comply with applicable building, health, and fire codes
4. Allow existing accessory structures to be converted to a DADU subject to building, health, and fire codes and setback requirements

The City CANNOT:

1. Require a conditional use permit for a DADU
2. Require more than 1 parking spot (DADU smaller than 650 square feet) or 2 parking spots (DADU 650+ square feet)

3. Impose any regulations that are prohibited for single-family homes - See [Utah Code 10-20-618](#). This means the City cannot regulate architectural details.

The City CAN (if city wants and adopts ordinance):

1. Allow DADUs on lots less than 11,000 square feet
2. Regulate DADU size, dimension, height, and maximum lot coverage
3. Regulate DADU and accessory structure setbacks
4. Require DADUs to be architecturally consistent with the home
5. Prohibit DADU from being larger than the home
6. Prohibit DADUs in PUEs, easements, front yards
7. Prohibit rental of DADUs for less than 90 days
8. Require the property to be owner-occupied (either home or DADU)
9. Require replacement of garage parking spaces if needed for home and converted to DADU
10. Prohibit more than one accessory dwelling unit on a lot (I read as either we can limit a property to one ADU, whether attached or detached)
11. Prohibit DADU if insufficient access to utilities or utilities lack capacity (We can also separately regulate utility connection standards)

**STAFF REVIEW & PROPOSED FINDINGS:**

This seems to align in large part with what the Commission was hoping to implement. In staff's view, the Commission's proposal (attached) can be easily modified to meet these requirements.

**MOTION:**

No motion - discussion only

**ATTACHMENTS:**

1. ADU PC Proposal\_1Dec23 2

12 December 2023 Planning Commission

**FROM:** Chris Howden, Jerry Abbott & Audrey Moore (planning commissioners)

**PUBLIC HEARING/ORDINANCE:** Text Amendment – ADU (accessory dwelling unit)

**LEGISLATIVE:** All proposed amendments to the Development Code shall be submitted first to the Planning Commission for a recommendation, which recommendation shall be submitted to the City Council for consideration. The review and approval of a text amendment is a legislative action.

**PURPOSE:** The Planning Commission will hold a public hearing to consider a request by Planning commission members to amend (10-102, 3-4109) relating to ADU's.

The Planning Commission will take appropriate action.

**BACKGROUND:**

Highland has many long term (40yr+) residents. Many/most of these residents live on R-1-40 or greater. All of them have deep neighborhood ties nurtured by decades of service and significant work. They have contributed significantly to our city. We owe them a profound debt of respect and gratitude. As these senior citizens wish to downsize their only current viable option is to move to a new neighborhood. This occurs in parallel with medical challenges incident to age. The new neighbors do not know them & cannot provide the social, emotional, spiritual and community support existing support circles can provide. We already know them. We love them. The intent of this proposal is to provide a financially sound, dignified option for our esteemed senior citizens to continue to live in their existing neighborhoods with their long established support networks—whilst downsizing, having the option to live separately and potentially reaping a financial windfall. This also provides a option for new students/newly weds.

Current Highland code only allows ADU's if they are attached via a breezeway/common roof—essentially a home addition masquerading as a ADU.

## SUMMARY OF THE REQUEST:

1. Existing city code applies to all scenarios (unless noted by exception)
2. Delete current ADU “breezeway” requirements. Current remodel code covers any desire to increase home size.
3. Replace current ADU text with true “detached” ADU text that has the following core elements:
  - a. Detached from main dwelling
  - b. One of the dwellings (main or ADU) must be owner occupied. No exceptions.
  - c. 750 ft<sup>2</sup> max
  - d. ADU size becomes part of existing code “out building” % lot size
  - e. R-1-40+ only
  - f. ADU must have at least 1 x kitchen & 1 x bathroom
  - g. Allowed as part of a larger structure (barn, shop, sports court, etc). ADU size maximums apply.
  - h. Limit 1 x ADU per lot
  - i. Must have 1 x ADU dedicated off street parking lot
  - j. Tie into existing utilities. No separate utilities.
  - k. All existing city codes apply with exceptions below:
    - i) Given the absence of any city wide architectural standards mandate “...architectural standards complimentary to existing home...”
    - ii) height limit = 20’ \*\*\*should we submit a separate height & setback ordinance\*\*\*
    - iii) setback limit = 20’ \*\*\*should we submit a separate height & setback ordinance\*\*\*
    - iv) mandate easy access compliance (3’ doors/passageways)?

## **ANALYSIS:**

1. This not only provides an option for senior citizens to stay within the community where they have the most support, it also provides a sensible option for starter home families.
2. Public works recommends considering impact fees. Pro: money for infrastructure. Con: we do not charge impact fees for a remodel. A homeowner can double the size of their home with no impact fee through the remodel process. No impact fees suggested. Regular building permit fees apply.
3. Although not the intent, this does provide Highland city with a unique, controlled approach to address moderate income housing mandates. It also sets up the framework to make enhancements with limited code adjustments.
4. Access for fire & EMT services? (sewer slope requirements force practical location)

## **CITIZEN PARTICIPATION:**

Notice has been given for two (2) previous working sessions dedicated to the topic of ADU's. No public comment was received.

Notice of the public hearing to be held at the Planning Commission meeting was published in the Daily Herald on [...] and posted on the state and city websites [...]. No comments have been received.

## **FINDINGS:**

The proposed amendment appears to meet the following findings: □ • The amendment is consistent with the goal outlined in the General Plan “to ensure that all necessary public services and uses are provided to meet future needs.”

- The amendment is consistent with UT State mandates to compel low/moderate income housing alternatives

## **RECOMMENDATION AND PROPOSED MOTIONS:**

Staff recommends that the Planning Commission accept the findings and

recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to (10-102, 3-4109) relating to ADU's

**ALTERNATIVE MOTIONS:**

I move that the Planning Commission recommend **DENIAL** of the proposed amendment to (10-102, 3-4109) relating to ADU's based on the following findings:  
(The Commission will need to draft appropriate findings.)

**FISCAL IMPACT:**

This action will not have a financial impact on this fiscal year's budget expenditures. Public works anticipate the potential for an increased load on existing infrastructure and services. This increased service load is estimated to be the same as (or less than) a standard remodel.

**ATTACHMENT:**

1. Ordinance