



HIGHLAND CITY

HIGHLAND PLANNING COMMISSION AGENDA

TUESDAY, APRIL 28, 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

7:00 PM REGULAR SESSION

Call to Order: Chair Christopher Howden

Invocation: Audrey Moore

Pledge of Allegiance: Wesley Warren

1. UNSCHEDULED PUBLIC APPEARANCES

Anyone may share information with the City Council. If your comments require a response, staff or an Elected Official 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

Heather White, Deputy City Recorder

March 31, 2026

3. ACTION ITEMS

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

a. PUBLIC HEARING/ORDINANCE: Midtown National Group, Highland Mains Sign Amendment - POSTPONED

b. PUBLIC HEARING/ORDINANCE: Detached ADU Ordinance Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will hold a public hearing to consider amendments to the Development Code to allow detached accessory dwelling units.

c. PUBLIC HEARING/ORDINANCE: Setbacks for Covered Patios and Decks Development Code Update (Legislative)

Rob Patterson, City Attorney/Planning & Zoning Administrator

The Planning Commission will hold a public hearing to consider amending the Development Code to treat decks and covered patios as accessory buildings, even if attached to a home.

4. 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).

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 23rd day of April 2026
Rob Patterson, City Attorney/Planning & Zoning Administrator

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

TUESDAY, MARCH 31, 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 Christopher Howden

Invocation: Commissioner Jerry Abbott

Pledge of Allegiance: Commissioner Sherry Kramer

The meeting was called to order by Commission Christopher 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 Abbott and those in attendance were led in the Pledge of Allegiance by Commissioner Kramer.

PRESIDING: Commissioner Chris Howden

COMMISSIONERS

PRESENT: Jerry Abbott, Sherry Kramer, Debra Maughan, Audrey Moore, Trent Thayn, Wesley Warren, Alternate Steve Scharmann, and Alternate Liam Thrailkill

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

OTHERS PRESENT: Jon Hart, Ezra Brensan, Ty Ricks, Liz Rice, Doug Cortney

1. UNSCHEDULED PUBLIC APPEARANCES

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

None was given.

Liam Thrailkill and Steve Scharmann were sworn in as Alternate Planning Commissioners by Deputy Recorder Heather White.

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 General City Management**
Heather White, Deputy City Recorder

Commissioner Maughan *MOVED* to approve the February 24, 2026 meeting minutes with the addition of Commissioner Warren listed as a planning commissioner and previous commissioner Trace Hill removed. Commissioner Moore *SECONDED* the motion. All present were in favor. The motion carried unanimously.

3. ACTION 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.

Commissioner Warren MOVED that the Planning Commission select Commissioner Christopher Howden as chair and Commissioner Trent Thayn as vice-chair for the 2026 term.

Commissioner Maughan SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Thayn</i>	<i>Yes</i>
<i>Commissioner Wesley Warren</i>	<i>Yes</i>

The motion carried 7:0

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.

Mr. Patterson explained that fractional lots had been rounded down since 2022. The current proposal was to always round up. He reviewed the history of deciding how fractional lots were handled in the past.

Mr. Ricks thought it made sense to have three lots on each side. He said it was first proposed by the original landowner in order to maintain his existing residents. He said it was important to keep lot prices as affordable as possible for his kids. He preferred to have six lots. He was a long-time resident who lived in Highland for 25 years.

Commissioner Moore wondered if there was already interest in purchasing lots. Mr. Ricks explained that one or two others were interested in the lots. He and his wife wanted to build a home on the property as well as retain lots for their children.

Commissioner Howden opened the public hearing at 7:14 PM and asked for public comment. Hearing none, he closed the public hearing at 7:14 PM and asked for additional discussion.

Commissioner Warren mentioned that he historically was not the best friend of developers and did not like spot zoning, however, Highland was almost built out. He said the rounding of lots had been amended in the past and he did not think a change would have an adverse effect. He thought six lots would be more congruent and had not found a compelling reason not to do it. He had looked at other lots in the area and treated it as one subdivision. He said it “mathed” better as he tried to view the area holistically and tried to consider the spirit of the R-1-40 zone.

Commissioner Maughan said the requested amendment did not bother her; however, the precedent scared her. She thought the city was frequently asked to make concessions. She thought the code should be kept as it was for the good of regulation.

Commissioner Moore understood that he wanted to be congruent, however, she did not think it was something that needed a code change.

Commissioner Thayn wondered if another lot would make it more affordable or if it would just create six very expensive lots. He wanted to see the extra lot and explained that he wasn’t as concerned with the outcome because the city was nearly built out.

Commissioner Abbott thought the code was addressed thoroughly in 2022. He talked about his concerns with rounding any lot average up to the next whole number. He thought the city had received a lot of special requests for code changes recently and was concerned that residents who were previously denied would take issue with the request for an extra lot. He did not think it would make lots cheaper.

Mr. Ricks talked about different solutions he and Mr. Patterson discussed. He had already approached neighbors to see if they would sell land; no one wanted to sell. He said six lots would sell for about \$800,000 each. By eliminating a lot, they would then cost over \$1,000,000. He said he would be making no additional money. He said building permits in Highland cost about \$50,000. That plus the tax basis of another lot would benefit the city. Mr. Ricks thought that it made sense to have three lots on each side and said it was a commonsense solution. He said he paid \$1,000 to talk to the planning commission, which was expensive in order to make a two-word change to the code. He thought the requested amendment was positive, especially with the stipulation that other R-1-40 conditions needed to be met.

Commissioner Maughan MOVED that the Planning Commission recommend that the City Council keep things as they were.

Commissioner Kramer SECONDED the motion. She said she felt for the applicant but considered the precedent and the fact that the code was just amended in 2022.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Thayn</i>	<i>No</i>
<i>Commissioner Wesley Warren</i>	<i>No</i>

The motion carried 5:2

- 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.

Mr. Patterson explained that the proposed amendments were to provide clarity and consistency as well as address daycares and in-home instruction within planned developments. He reviewed proposed changes and explained where home occupations were permitted. He said the change would allow home occupations in most open space neighborhoods and larger lots in planned developments. They would not be permitted in townhome developments.

Commissioner Howden opened the public hearing at 7:35 PM and asked for public comments. Hearing none, he closed the public hearing at 7:35 PM and asked for additional discussion.

The commissioners discussed various aspects of daycare and other home occupations. Discussion topics included fence regulations, lot sizes, restrictions of the number of children for in-home daycares, traffic and acceptable trips per day, parking and drop-offs for lessons, and the importance of giving neighbors a way to voice complaints. They agreed that daycare limits would be regulated by state code. They talked about the importance of enforcement and setting clear standards. Mr. Patterson mentioned that a notice was required to be sent to neighbors within 300 feet of any new home occupation.

Commissioner Moore MOVED 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 8000 square feet with 80 feet of frontage on a public street.

Commissioner Abbott SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</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 Thayn</i>	<i>Yes</i>
<i>Commissioner Wesley Warren</i>	<i>Yes</i>

The motion carried 7:0

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 ADU Discussion 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.

would go into effect in October. He reviewed regulations for ADUs. The commissioners agreed that they should not be permitted on lots less than 11,000 square feet. They talked about the size of an ADU and different intents/uses for them. They agreed that the following changes be made to the specified sections within the Summary:

- 3c. 1250 square feet max living space
- 3e. permitted zoning - refer to state code
- 3i. must have 2 x ADU dedicated off street parking lot
- 3k. ii) height limit – Use existing code for accessory structures - 25’
- 3k. iii) setback limit – Use existing code for accessory structures - 10’
- 3k. iv) mandate easy access compliance (3’ doors/passageways)? - No mandates

The planning commissioners agreed that square footage should be calculated using only living space; stairways should not be included.

Mr. Patterson wondered if impact fees should be charged for ADUs. He mentioned that attached dwelling units did not pay city impact fees. He said impacts from ADUs on cities was a debated topic because family sizes had generally decreased. Ms. Wells said staff needed to ensure that city utilities could support ADUs. It was decided that additional information was needed regarding impact fees for ADUs.

Mr. Patterson wondered if separate mailboxes should be required. Commissioners talked about the benefit of having separate mailboxes but thought they might be regulated by the post office.

5. COMMUNICATION ITEMS

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

ADJOURNMENT

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

The meeting ended at 9:06 pm.

I, Heather White, Deputy Recorder, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 31, 2026. The document constitutes the official minutes for the Highland City Planning Commission Meeting.



PLANNING COMMISSION AGENDA REPORT ITEM #3b

DATE: April 28, 2026
TO: Planning Commission
PREPARED BY: Rob Patterson, City Attorney/Planning & Zoning Administrator
SPONSORED BY: Planning Commission
SUBJECT: Detached ADU Ordinance
TYPE: Development Code Update (Legislative)

PURPOSE:

The Planning Commission will hold a public hearing to consider amendments to the Development Code to allow detached accessory dwelling units.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing, consider the amendments, particularly those highlighted amendments where there was not complete consensus from previous discussions, and recommend those desired amendments and regulations for detached ADUs for adoption by the City Council.

PRIOR REVIEW:

The Planning Commission has discussed detached ADUs on several occasions. This year, the Commission has worked to narrow down the regulations to meet the Commission's desired goals and conform with state law. The proposed amendments attached to this report follow the Commission's prior direction.

BACKGROUND & SUMMARY OF REQUEST:

Based on the Planning Commission's direction, staff has prepared amendments to the development code to allow and regulate detached accessory dwelling units. While the previously reviewed document had all detached ADU regulations in a single list, staff believes that it would be more cohesive to incorporate the detached ADU regulations with the internal ADU regulations, as there is significant overlap. As proposed by staff, the detached ADU regulations would be found in the existing section 3-624, which currently regulates internal ADUs. The amendments proposed by staff are summarized below, with the areas that the Planning Commission was still debating highlighted:

- General ADU regulations - apply to both internal and detached ADUs
 - ADU must be registered and recorded
 - Short-term rentals must have business license and comply with business regulations
 - One ADU, internal or detached, allowed per lot
 - Property must be owner-occupied
 - ADU conforms to building, fire, health, and safety codes. Constructing ADU requires building permit and subject building official and fire marshal inspection
 - ADU requires certificate of occupancy (historically, COOs are not issued for internal

ADUs, but staff is exploring doing this to make the ADU creation clearer. Staff is communicating with other cities to determine their process. All detached ADUs will need a COO)

- No separate utilities - all connected to home utilities
- ADU cannot be constructed unless property is served by adequate utilities and facilities. Allows septic tanks to continue, and new ADUs to connect to septic tank, with County Health Department approval
- ADU and home have separate addresses. This is a recommendation from police and fire, as they prefer to have some marker that identifies that there are two separate units on the property that may have occupants. Building department also supports this.
- Any required parking lost due to ADU must be replaced
- ADU cannot be subdivided or sold separate from the property.
- Internal ADU regulations
 - Removed duplicative regulations from general regulations
 - Keep limiting IADUs to single-family lots with at least 6,000 square feet (state law)
 - Keep requiring 1 off-street parking space for the IADU (state law)
 - Keep requiring home to appear as single-family home, not duplex
 - Keep requiring entrance to IADU to be from back or side of home
- Detached ADU regulations
 - Allow DADUs on single-family lots with at least 11,000 square feet (state law)
 - DADUs must be in accessory buildings that meet current accessory building regulations (height, setbacks, lot coverage)
 - Allow accessory building to be converted to DADU if building conforms or made to conform with accessory building regulations
 - Limits DADUs' living area to 1250 square feet
 - Accessory building can have other areas/rooms that are not part of DADU, subject to accessory building regulations
 - Accessory building with DADU cannot exceed footprint or height of main dwelling
 - 1 off-street parking space required - can require second parking space if DADU over 650 square feet
 - Accessory building with DADU must be complimentary to main dwelling

Staff has also proposed amendments to the land use authority table to allow staff to be the land use authority for all ADUs and has proposed amending the prohibition on accessory building used as living quarters to allow detached ADUs. Staff also proposes amendments to the general definition section to create or update definitions for:

- Accessory Dwelling Unit - clarified existing definition to allow detached or internal, made more consistent with other defined terms, and require to be on same property as primary dwelling unit
- Detached ADU - added new definition for detached ADU
- Internal ADU - added new definition for internal ADU
- Dwelling Unit - clarified existing definition to require interior access within dwelling unit, made requirements more consistent with building code.
- Primary Dwelling Unit - added new definition for the dwelling unit on the property that is not the ADU
- Living Area - clarified existing definition for what counts toward living areas for dwelling units. This is particularly relevant to the DADU size limit regulation, as it defines what is and is not included in that size calculation. Excludes parking areas, decks/porches, and rooms that do not have internal access to the DADU (shop or storage room that is accessed from outside the building, not the DADU)

- Residential Property - added new general definition for properties considered residential for ADU regulations

STAFF REVIEW & PROPOSED FINDINGS:

Staff has prepared the detached ADU ordinance to integrate with existing City development code and to reflect the Planning Commission's previous discussions. On the few highlighted provisions, those are areas where the Planning Commission did not appear to reach a consensus yet. Staff welcomes any changes to those highlighted areas or any other provision to ensure the ordinance reflects the Planning Commission's intent. Once the amendments are finalized, staff recommends that the Planning Commission recommend adoption.

Notice of the public hearing on the amendments was published and mailed April 9. No comments were received.

MOTION:

I move that the Planning Commission recommend that the City Council adopt the proposed regulations related to detached accessory dwelling units, incorporating the changes and specifications agreed to by the Planning Commission.

[Planning Commission may specify different or additional amendments to be adopted]

ATTACHMENTS:

1. DADU Amendment - For PC

Table 2-704A

LAND USE APPLICATION OR MATTER	1. REVIEWING BODY	2. RECOMMENDING BODY††	3. LAND USE AUTHORITY	4. APPEAL BODY‡
Accessory Dwelling Unit –Internal*	DRC	—	ZA	AA

* Application may require separate building permit approval

3-606 Accessory Buildings Prohibited As Living Quarters

Except as permitted by Section 3-624, Living and sleeping quarters dwelling units shall not be permitted in any accessory building or structure, and no person shall live or sleep in an accessory building or structure.

3-624 Accessory Dwelling Units

~~An accessory dwelling unit is a room or set of rooms in a single-family home in a single-family zone that has been designed or configured to be used as a separate dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been established by permit.~~

1. General Requirements. All accessory dwelling units (ADUs), whether detached or internal, shall comply with the following requirements:
 - a. Each ADU shall be registered with the city, subject to the review and approval of the Land Use Authority for compliance with this Section and other applicable law. To register an ADU, the owner of the property shall:
 - i. Complete an application and pay applicable fees;
 - ii. Execute and cause to be recorded against title to the property a notice of approval that designates the addresses for the primary and accessory dwelling unit, requires the property to be owner-occupied, and provides notice of the City’s right to enforce these requirements.
 - b. Any rental, lease, or sublease of an ADU ~~If the renting/subleasing of the unit is for a period of less than thirty (30) consecutive days, it is considered a short term rental, and~~ requires a business license, and shall comply with all regulations applicable to businesses and short-term rentals. ~~See Chapter 5.24 in the Municipal Code for the regulating of short term rentals. Renting, leasing, or subleasing an~~

ADU for a period of thirty (30) consecutive days or longer shall not require a business license.

- c. No more than one (1) ADU, whether detached or internal, shall be permitted for each residential property. No more than two total dwelling units, one primary and one accessory, may be created within a single-family residential lot or parcel.
- d. The residential property shall be owner-occupied. The owner may reside in the primary dwelling unit or the ADU.
- e. Each ADU shall conform to building, fire, health and other safety codes. Construction of an ADU, including remodeling, reconstruction, or conversion of use of existing buildings or structures, shall require a building permit and be subject to inspection and approval by the building official and fire marshal prior to occupancy.
- f. Each ADU shall receive a certificate of occupancy prior to occupancy.
- g. Separate utility accounts, meters, or laterals for the primary and accessory dwelling units are not permitted. All ADUs shall connect to and use the utilities serving the primary dwelling unit.
- h. An ADU shall not be constructed or occupied unless the residential property is served by adequate utilities and public facilities, and the City determines there is sufficient capacity in the city utility systems and public facilities to serve the ADU.
 - i. If the property is served by a private septic system, the owner shall obtain the approval of the Utah County health department to connect the ADU to the septic system prior to connection. The owner shall comply with all requirements and regulations of the Utah County health department regarding the septic system.
 - ii. If the owner cannot or fails to comply with all requirements and regulations of the Utah County health department regarding the septic system, the owner shall be required to connect the ADU and primary dwelling unit to the City's sewer system at the owner's expense.
- i. An ADU shall be designated with an address separate from the primary dwelling unit. The address shall be set by the city. The owner of the property shall affix address markers to the structure(s) and residential property to mark the separate dwelling units. The owner of the property shall coordinate with the United States Post Office regarding mailboxes and mail delivery.
- j. Any parking spaces required for the primary dwelling unit or ADU contained within a carport or garage that are lost due to the creation of an ADU shall be replaced or otherwise provided for on the residential property.

k. An ADU may not be subdivided from or transferred separately from the residential property or main dwelling. Each ADU shall remain under common ownership with the residential property and main dwelling.

1.2. Internal Accessory Dwelling Units (IADUs) shall meet the following requirements in addition to the general requirements set forth herein:

a. Accessory dwelling units IADUs shall only be permitted in single family homes that are owner occupied, on single-family residential property within lots or parcels with at least 6,000 square feet, and served by adequate public facilities.

Accessory

dwelling units shall not be permitted in detached accessory buildings.

b. A minimum of one (1) off-street parking space shall be provided for the IADU accessory dwelling unit in addition to any other required parking spaces for the home primary dwelling unit. Any required parking spaces contained within a carport or garage that are lost due to the creation of the accessory dwelling unit shall be replaced or otherwise provided for through off-street parking.

The minimum 70% front yard landscaping as defined in Section 3-4107 and 3-621, Highland City Development Code shall be provided.

No more than one (1) accessory dwelling units shall be permitted for each single family home.

The unit and home shall be modified to meet all fire, safety, health and building codes as required by the Building Official and Fire Marshall.

c. The front of the home main dwelling shall not be modified in any form that will give the appearance that separate dwelling units are incorporated within the main dwelling home including, except separate addresses and mailboxes.

d. The primary entrance for the accessory dwelling units IADU shall be provided for from the rear of the main dwelling home; a side entrance is allowable in the event that the entrance is camouflaged by property fencing or landscaping and is not visible from the street fronting on the front property line.

Separate utility meters of the home and accessory dwelling unit are not permitted.

3. Detached Accessory Dwelling Units (DADUs) shall meet the following requirements in addition to the general requirements set forth herein:

a. DADUs shall only be permitted on single-family residential property within lots or parcels with at least 11,000 square feet.

b. A DADU shall be constructed within a detached accessory building that meets all

accessory building regulations of the applicable zone, including lot coverage, height, and setback regulations.

- c. An existing accessory building may be remodeled, reconstructed, or otherwise converted to contain a DADU if the accessory building conforms or is made to conform to all current accessory building regulations and all applicable building, fire, and other safety codes.
- d. A DADU shall not exceed 1250 square feet of living area.
- e. An accessory building may contain a DADU and other areas or rooms that are not part of the DADU, subject to applicable accessory building and DADU size regulations.
- f. The accessory building containing the DADU shall not exceed the footprint size or height of the main dwelling and shall not be located between the main dwelling and the front property line.
- g. A minimum of one (1) off-street parking space shall be provided for a DADU that is smaller than 650 square feet, and a minimum of two (2) off-street parking spaces shall be provided for a DADU that is 650 square feet or larger, in addition to any other required parking spaces for the primary dwelling unit.
- h. The architecture of the accessory building containing the DADU shall be complimentary to the main dwelling.

~~Applications for Accessory Dwelling Units shall be made in the Community Development Department on an application form with required documentation and accompanied with appropriate fees as required. All Accessory Dwelling Units shall be subject to review and approval by the Land Use Authority. The Land Use Authority may record a notice of approval for the accessory dwelling unit with the county recorder as provided by state law.~~

2.4. The City may enforce these requirements through any means available to the City, including by recordation of a lien in accordance with state law.

10-102 Definitions

3. Accessory Dwelling Unit (ADU). ~~An Accessory Dwelling Unit (ADU) is a room or set of rooms in a single-family home in a single-family zone that has been~~ A dwelling unit added to, created within, or detached from an existing detached single-family main dwelling on a residential property. An accessory dwelling unit shall be designed and constructed or configured to be used-occupied as a separate-complete dwelling unit separate from the primary dwelling unit, which has a separate kitchen, living/sleeping area, and sanitation facilities, and has been ~~An accessory dwelling unit shall be established by permitregistration. An ADU-accessory dwelling unit shall be constructed and contained on the same lot or parcel as the primary dwelling unit, shall be attached to the single-family home.~~

4. Accessory Dwelling Unit, Detached (DADU). An accessory dwelling unit that is not attached to or within the main dwelling, is located on the same lot or parcel as the main dwelling, and is constructed within an accessory building.

5. Accessory Dwelling Unit, Internal (IADU). An accessory dwelling unit created within or attached to a main dwelling.

...

26-28. Dwelling Unit. One or more rooms with uninhibited interior access in a building designed for living purposes, with living areas that include permanent facilities and areas for (sleeping, eating, cooking, and sanitation that are separate from and independent of any other dwelling unit's living areas and facilitiesbathing, eating, and sleeping), except as permitted by law. A dwelling unit shall be and-occupied by no more than one family.

29. Dwelling Unit, Primary. A dwelling unit created within the main dwelling that meets all minimum living area, garage, and other requirements to permit the property to be used for residential uses under the applicable zone.

...

45-48. Living Area. Those portions of a dwelling unit having a headroom height of six feet eight inches or greater and which-are-used for customary living activities, including sleeping, eating, cooking, sanitation, and storage. For purposes of this Code, Hiving area shall not include portions of the structure used for parking of vehicles, unenclosed decks and porches, storage-rooms that cannot be accessed internally from the dwelling unit having-only-outside-access, and rooms devoted exclusively to the housing of heating or ventilating or similar mechanical equipment.

...

74. Residential Property. A property zoned under applicable land use regulations to be used primarily for residential uses.

...

[Renumber subsections accordingly]



PLANNING COMMISSION AGENDA REPORT ITEM #3c

DATE: April 28, 2026
TO: Planning Commission
PREPARED BY: Rob Patterson, City Attorney/Planning & Zoning Administrator
SPONSORED BY: City Council
SUBJECT: Setbacks for Covered Patios and Decks
TYPE: Development Code Update (Legislative)

PURPOSE:

The Planning Commission will hold a public hearing to consider amending the Development Code to treat decks and covered patios as accessory buildings, even if attached to a home.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing, consider the amendments and options, and recommend at least amending the definitions and general setback regulations for clarity and conformity. Staff also recommends that the Planning Commission recommend amending the code to allow some flexibility in locating decks and covered patios.

PRIOR REVIEW:

No recent review.

BACKGROUND & SUMMARY OF REQUEST:

Generally, decks and covered patios that are attached to a home are considered part of the home and subject to all setback requirements for the home. (There is a minor exception for cantilevered covered patios, but that has not been used to staff's knowledge) For traditional R-1-40 lots, this does not appear to be a significant issue for many people, as the home does not occupy the entire buildable area of a lot. But the open space neighborhoods in Highland City have smaller lots, and for many of those lots, the home does occupy most of the buildable area of the lot. This restricts many homeowners in these neighborhoods from constructing decks or covered patios attached to their home. And because accessory buildings are required to be at least 6 feet away from the home, including pergolas or other shade structures to cover a patio, many homeowners are not able to build a deck or covered patio in their backyard.

Due to some concerns with how this regulation has been applied, the Council directed staff to prepare options to consider changing the setbacks for decks and covered patios from the home setback (25-30 foot rear setback) to the accessory building setback (10 foot rear setback).

Staff has prepared amendments to the R-1-40, -20, and -30 zones to create an exception to setback regulations for attached decks and covered patios to treat them as accessory structures if they comply with accessory structure regulations, including setbacks, height (which is lower than the home it would be attached to), and lot coverage (which will count towards the total allowed accessory structure lot

coverage allowance). With that proposed exception, staff has proposed three different options as to how enclosed the deck or patio may be in order to address and potentially mitigate the visual impact of the deck or patio, though there are other regulations that could be adopted:

1. Deck and patio must be entirely unenclosed except for open-style deck railing or fencing as allowed by city code
2. Deck and patio must be 66% open like fences along corner lot side street property lines. This would allow lattices or partial screening, but maintain a mostly open feel
3. Deck and patio may be enclosed on one side of the deck or patio, at the owner's choice. All other sides would need to be open except for open-style deck railing or fencing as allowed by city code

Staff has not proposed an option to allow a fully enclosed deck or patio, as that seems to simply be an addition to the home that should be subject to typical home setback requirements.

Staff has also proposed amending some of the related definitions in the development code: "accessory building," "main building," and "main dwelling" and updating the general setback regulations to better align with these definitions. These updates facilitate the setback changes described above, but more importantly, they clarify definitions that are generally applicable regardless of the potential setback change.

- "Accessory building" - clarified that accessory buildings cannot be built without a main building first existing (no garage before a home) - this is current practice, but it is nice to make this clearer so there is no question
- "Main Building" - clarified that anything attached to the main building is considered part of it, unless exempted. Removed the statement that anything within 10 feet of a main building is considered part of the building, because accessory structures are only required to be a minimum of 6 feet away from a home.
- "Main Dwelling" - coordinated this definition with the new definitions related to accessory dwelling units (in particular, "primary dwelling unit), and made the code a bit clearer.

Staff therefore recommends the amendments to definitions and general setback regulations be adopted, regardless of whether the setbacks are changed for decks and covered patios.

STAFF REVIEW & PROPOSED FINDINGS:

Staff has heard from several residents, typically in open space neighborhoods, who would like to build covered patios or decks attached to their homes, but cannot due to setback regulations. Accordingly, staff supports changing the code to provide more options for residents. As proposed by staff, the changes would not likely significantly alter the views of adjacent property owners because the deck or covered patio must meet all accessory structure regulations. Essentially, rather than building a detached pergola or garage, the resident would be building a deck or covered patio. Either way, the height and lot coverage requirements remain the same. However, ultimately, the decision of setbacks is a policy question for the Planning Commission and City Council. Staff's primary recommendation is that the Commission recommend adoption of the amendments to definitions and general setback regulations be adopted, regardless of whether the setbacks are changed for decks and covered patios.

Notice of the public hearing was published and mailed April 16. No comments have been received as of writing this report. Staff recommends the Commission hold a public hearing, consider the amendments, and recommend adoption of at least the amendments to definitions and general setback regulations together with any desired changes to setbacks for decks and covered patios.

MOTION:

I move that the Planning Commission recommend adoption of the proposed amendments with Option [1, 2, or 3] as to enclosure regulations.

[Planning Commission may recommend additional or different amendments]

ATTACHMENTS:

1. Proposed Text Amendment - Deck and Patio Setback Exception

3-4104 Location Requirements

Buildings and structures on lots within the R 1 40 Zone shall be located as follows:

1. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than thirty (30) feet from the front lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the length of the portion of the structure facing the front setback.
2. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than fifteen (15) feet from either side lot line; provided, however, on nonconforming lots of record all main dwellings and ~~main buildings~~ shall be set back not less than ten (10) feet from either side lot line and the combined total distance of the two side setbacks shall not be less than twenty four (24) feet, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required side setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the length of the portion of the structure facing the side setback. Stairwells descending below grade may project up to seven (7) feet into the side yard setback but in no event shall any part of the stairwell be less than five (5) feet from the property line or located within an easement.
3. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than thirty (30) feet from the rear lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty (50) percent of the length of the portion of the structure facing the rear setback.
4. Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots:
 - a. All main dwellings and other main buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the width of the dwelling.
 - b. The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.
5. Except as set forth herein, Anything structurally attached to the main dwelling or other main building~~home, including such as a~~ foundation walls, support posts, cantilevers, bay, bow, or box windows, a deck requiring a building permit (covered or uncovered), or a covered patio (~~unless cantilevered~~) shall be considered part of the main ~~main~~dwelling or building.

6. Decks (covered or uncovered) and covered patios that are attached to the main dwelling or other main building may be considered accessory buildings if each of the following requirements are met:

a. All portions of the deck or covered patio comply with all regulations for accessory buildings, including height, setback, and lot coverage requirements, except for any requirement for an accessory building to be set back a certain distance from the main dwelling or building.

b. **[Option 1 – open with exceptions]** Except for the side(s) of the deck or covered patio attached to the main dwelling or building, all sides of the deck or covered patio shall be open and without walls, opaque or privacy deck railing, or similar permanent structures that enclose, in whole or part, the deck or patio. This shall not prevent the installation of privacy fencing as permitted by Section 3-612, vertical support posts, or open-style deck railing that has a majority of the vertical surface open.

c. **[Option 2 – uniform open standard]** Except for the side(s) of the deck or covered patio attached to the main dwelling or building, each side of the deck or covered patio shall be a minimum of 66% open and unenclosed. This shall not prevent the installation of privacy fencing as permitted by Section 3-612.

d. **[Option 3 – allow one wall]** Not including the side(s) of the deck or covered patio attached to the main dwelling or building, the deck or covered patio may have one side that is walled or enclosed such that there is no visibility into the deck or covered patio when viewed perpendicular to the walled or enclosed side. All other sides must be unenclosed except for vertical support posts or open-style deck railing that has a majority of the vertical surface open. This shall not prevent the installation of privacy fencing as permitted by Section 3-612.

e. A building permit is obtained for the construction, reconstruction, or expansion of the deck or covered patio.

~~5-7.~~ No part of the ~~structure~~-main dwelling or other main building shall project into or be constructed upon an easement of any kind.

~~6-8.~~ Stairways shall not encroach into a front setback.

3-4204 Location Requirements

Buildings and structures on lots within the R 1 20 Zone shall be located as follows:

1. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than thirty (30) feet from the front lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the length of the portion of the structure facing the front setback.
2. All main dwellings and other main buildings ~~and structures~~ shall have a combined side yard of not less than twenty-five (25) feet, with no structure closer than ten (10) feet from either side lot line-; provided, however, on nonconforming lots of record all main dwellings and ~~main~~ buildings shall be set back not less than ten (10) feet from either side lot line and the combined total distance of the two side setbacks shall not be less than twenty-four (24) feet, , except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required side setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the length of the portion of the structure facing the side setback. Stairwells descending below grade may project up to seven (7) feet into the side yard setback but in no event shall any part of the stairwell be less than five (5) feet from the property line or located within an easement.
3. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than thirty (30) feet from the rear lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty (50) percent of the length of the portion of the structure facing the rear setback.
4. Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots:
 - a. All main dwellings and other main buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the width of the dwelling.
 - b. The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.
5. Except as set forth herein, Aanything structurally attached to the main dwelling or other main building, home such as a ~~including~~ foundation walls, support posts, cantilevers, bay, bow, or box windows, a deck requiring a

building permit (covered or uncovered), or a covered patio (~~unless cantilevered~~) shall be considered part of the ~~main-main~~ dwelling or building.

6. Decks (covered or uncovered) and covered patios that are attached to the main dwelling or other main building may be considered accessory buildings not subject to the setbacks applicable to main dwellings and buildings if each of the following requirements are met:

a. All portions of the deck or covered patio comply with all regulations for accessory buildings, including height, setback, and lot coverage requirements, except for any requirement for an accessory building to be set back a certain distance from the main dwelling or building.

b. **[Option 1 – open with exceptions]** Except for the side(s) of the deck or covered patio attached to the main dwelling or building, all sides of the deck or covered patio shall be open and without walls, opaque or privacy deck railing, or similar permanent structures that enclose, in whole or part, the deck or patio. This shall not prevent the installation of privacy fencing as permitted by Section 3-612, vertical support posts, or open-style deck railing that has a majority of the vertical surface open.

c. **[Option 2 – uniform open standard]** Except for the side(s) of the deck or covered patio attached to the main dwelling or building, each side of the deck or covered patio shall be a minimum of 66% open and unenclosed. This shall not prevent the installation of privacy fencing as permitted by Section 3-612.

d. **[Option 3 – allow one wall]** Not including the side(s) of the deck or covered patio attached to the main dwelling or building, the deck or covered patio may have one side that is walled or enclosed such that there is no visibility into the deck or covered patio when viewed perpendicular to the walled or enclosed side. All other sides must be unenclosed except for vertical support posts or open-style deck railing that has a majority of the vertical surface open. This shall not prevent the installation of privacy fencing as permitted by Section 3-612.

e. A building permit is obtained for the construction, reconstruction, or expansion of the deck or covered patio.

6.7. No part of the main dwelling or other main building, or anything attached thereto, ~~structure~~ shall project into or be constructed upon an easement of any kind.

7.8. Stairways shall not encroach into a front setback.

3-4254 Location Requirements

Buildings and structures on lots within the R-1-30 Zone shall be located as follows:

1. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than thirty (30) feet from the front lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the length of the portion of the structure facing the front setback.
2. All main dwellings and other main buildings ~~and structures~~ shall have a combined side yard of not less than twenty five (25) feet, with no structure closer than fifteen (15) feet from either side lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required side setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the length of the portion of the structure facing the side setback. Stairwells descending below grade may project up to seven (7) feet into the side yard setback but in no event shall any part of the stairwell be less than five (5) feet from the property line or located within an easement.
3. All main dwellings and other main buildings ~~and structures~~ shall be set back not less than thirty (30) feet from the rear lot line, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty (50) percent of the length of the portion of the structure facing the rear setback.
4. Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots:
 - a. All main dwellings and other main buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street, except that a ~~portion of a dwelling~~portion of a main dwelling or building may project up to five (5) feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty (30) percent of the width of the dwelling.
 - b. The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.
5. Except as set forth herein, Aanything structurally attached to the main dwelling or other main building,~~home such as a~~ including foundation walls, support posts, cantilevers, bay, bow, or box windows, a deck requiring a building permit (covered or uncovered), or a covered patio (~~unless cantilevered~~) shall be considered part of the main-main dwelling or building.

6. Decks (covered or uncovered) and covered patios that are attached to the main dwelling or other main building may be considered accessory buildings not subject to the setbacks applicable to main dwellings and buildings if each of the following requirements are met:

a. All portions of the deck or covered patio comply with all regulations for accessory buildings, including height, setback, and lot coverage requirements, except for any requirement for an accessory building to be set back a certain distance from the main dwelling or building.

b. **[Option 1 – open with exceptions]** Except for the side(s) of the deck or covered patio attached to the main dwelling or building, all sides of the deck or covered patio shall be open and without walls, opaque or privacy deck railing, or similar permanent structures that enclose, in whole or part, the deck or patio. This shall not prevent the installation of privacy fencing as permitted by Section 3-612, vertical support posts, or open-style deck railing that has a majority of the vertical surface open.

c. **[Option 2 – uniform open standard]** Except for the side(s) of the deck or covered patio attached to the main dwelling or building, each side of the deck or covered patio shall be a minimum of 66% open and unenclosed. This shall not prevent the installation of privacy fencing as permitted by Section 3-612.

d. **[Option 3 – allow one wall]** Not including the side(s) of the deck or covered patio attached to the main dwelling or building, the deck or covered patio may have one side that is walled or enclosed such that there is no visibility into the deck or covered patio when viewed perpendicular to the walled or enclosed side. All other sides must be unenclosed except for vertical support posts or open-style deck railing that has a majority of the vertical surface open. This shall not prevent the installation of privacy fencing as permitted by Section 3-612.

e.e. A building permit is obtained for the construction, reconstruction, or expansion of the deck or covered patio.

5-7. No part of the main dwelling or other main building, or anything attached thereto, structure shall project into or be constructed upon an easement of any kind.

6-8. Stairways shall not encroach into a front setback.

10-102 Definitions

2. Accessory Building/Structure. A subordinate building or structure, the use of which is incidental to that of the main building. An accessory building or structure cannot be constructed without the existence of a main building on the property.

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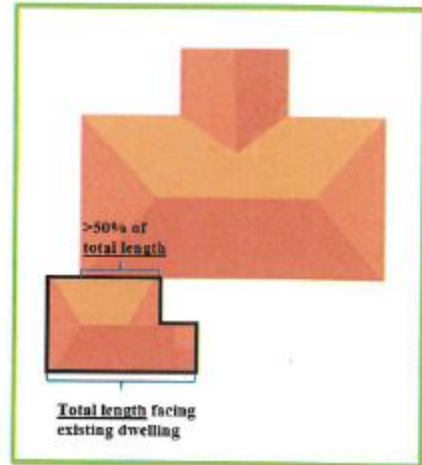
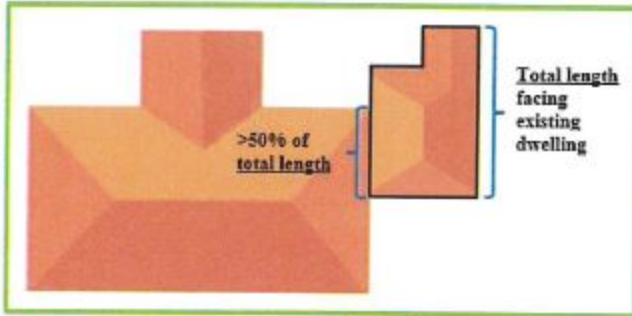
12. Building, Main. One or more of the principal buildings upon a lot and anything structurally attached thereto, except for structures expressly exempted from being considered part of the main building. ~~Garages, carports, and other buildings which are attached to a dwelling or other main building or which are situated within 10 feet of a main building shall be considered as a part of the main building.~~

...

27. Dwelling, Main Dwelling. The main building on a residential property, which must contain the primary dwelling unit. ~~The main dwelling on a property~~ shall include a connecting roof line, connecting foundation, at least four (4) connecting walls, any required garage, and uninhibited interior access within the primary dwelling unit and any required garage structure. ~~An underground connection is excluded in counting as a connection to the main dwelling unit between unattached structures.~~

- a. To be considered part of the main dwelling, any addition to the original main dwelling shall include the previous requirements described above and shall include a majority or more to be attached and in common with the original dwelling. The connection shall be a majority of the length of the portion of the addition that faces the main dwelling. See the figures below for examples of what is permitted.
- b. Structures connected by a breezeway or underground connection shall not be considered part of the main dwelling and shall be considered accessory buildings.
- c. Covered decks and patios shall be considered part of the main dwelling unless expressly provided otherwise.
- d. Residential construction that does not meet the criteria above for a main dwelling or addition thereto shall meet all requirements for an accessory ~~structure~~building.

PERMITTED



NOT PERMITTED

