

**ORDINANCE NO: 2022-06**

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-4103 AREA AND WIDTH REQUIREMENTS RELATING TO FRACTIONAL NUMBERS AS SHOWN IN FILENAME TA-22-05.**

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on June 28, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on July 5, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

**SECTION 1: ADOPTION** Section 3-4103 Area and Width Requirements of the Development Code relating to fractional numbers is hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

**SECTION 2: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.


**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 5, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 5, 2022 HIGHLAND CITY, UTAH

  
Kurt Ostler  
Highland City Mayor

ATTEST:

  
Stephannie Cottle  
Highland City Recorder



COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

absent

## Exhibit A

### 3-4103 Area And Width Requirements

1. 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, ~~and any computation or measurement resulting in~~ a fractional number shall be rounded down to the nearest whole number. Area and width requirements of a building lot in the R-1-40 Zone shall be as follows:

Use	Minimum Lot Area	Minimum Width at Setback Line
One-family dwelling	20,000 Square Feet	130 feet

2. Subdividing an existing lot in a subdivision for the purposes of this section, the density requirement is calculated using the number of lots that would have been permitted under the original plat of the subdivision. If a subdivision was platted with less than the maximum number of lots, an existing lot may be further subdivided if both lots meet all the requirements of the Development Code.

(Amended: 6/16/98, 6/5/01, 1/15/02)