

**ORDINANCE NO: O-2022-10**

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTIONS 3-4104, 3-4204, AND 3-4254 LOCATION REQUIREMENTS AND CHAPTER 10 DEFINITIONS RELATING TO SETBACKS AS SHOWN IN FILENAME TA-22-07.**

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 19, 2022.

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


**SECTION 1: ADOPTION** Several sections of the Development Code relating to setbacks and setback encroachment 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2: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.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 19, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 19, 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Exhibit A

### R-1-40

#### 3-4104 Location Requirements

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

1. All 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 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 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 dwellings and main building 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 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.
- ~~2.3.~~ All 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 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.
- ~~3.4.~~ Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots:
  - a. All 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 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. Anything structurally attached to the home such as a foundation wall, 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 dwelling.
6. No part of the structure shall project into an easement of any kind.
- ~~4.7.~~ Stairways shall not encroach into a front setback.

(Amended: 9/5/00, 8/1/06)

### R-1-20

#### 3-4204 Location Requirements

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

1. All 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 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 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 dwellings and main building 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 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 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 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 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 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. Anything structurally attached to the home such as a foundation wall, 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 dwelling.
6. No part of the structure shall project into an easement of any kind.
- 5.7. Stairways shall not encroach into a front setback.

(Amended: 9/5/00, 8/1/06)

## **R-1-30**

### **3-4254 Location Requirements**

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

1. All 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 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 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 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 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 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 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 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. Anything structurally attached to the home such as a foundation wall, 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 dwelling.
  6. No part of the structure shall project into an easement of any kind.
  - 5.7. Stairways shall not encroach into a front setback.

### **10-102 Definitions**

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**Setback.** The shortest distance between the property line, back of asphalt, back of curb, or back of sidewalk, whichever is closest to the structure, and outside surface of the foundation, wall, or main frame of the building support posts, cantilevers, bay, bow, or box windows, or any hard wall line of the structure. Exclusive of fireplace chases.

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