

ORDINANCE NO. 2006-23

AMENDMENT TO SECTIONS 3-4104(5), 3-4204(4), 10-102(13), 10-102(55) AND ADDING SECTION 10-102(13) DECKS AND RENUMBERING SECTION 10-102 IN THE HIGHLAND CITY DEVELOPMENT CODE

WHEREAS, the Highland City Council addressed the amendments to the Development Code pertaining to revisions to Sections 3-4104(5), 3-4204(4), 10-102(13), 10-102(55), and adding Section 10-102(13) Decks, and renumbering Section 10-102.

NOW, THEREFORE, be it hereby ordained by the governing body of Highland City that the following amendments be made to the Highland City Development Code:

3-4104: Location Requirements. (Amended: 9/5/00) 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.
- (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.
- (3) All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the rear lot line.
- (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.
 - (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, deck requiring a building permit (covered or uncovered), or covered patio (unless cantilevered) shall be considered part of the main dwelling.**

3-4204: Location Requirements. (Amended: 9/5/00) 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.
- (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.
- (3) All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the rear lot line.
- (3) 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.
 - (b) The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.
- (4) **Anything structurally attached to the home such as a foundation wall, deck requiring a building permit (covered or uncovered), or covered patio (unless cantilevered) shall be considered part of the main dwelling.**

10-102: Definitions. (Amended: 3/2/04, 3/1/05, 6/7/05, 3/7/06) The following words, as used in this Title, shall have the meaning ascribed to them:

- (12) Country Club - A social and recreational facility that is associated with a private golf course. A country club is limited to a golf course facility. A use associated with preparation of food/beverage may be approved as an ancillary and secondary use to a golf course facility.
- (13) **Deck -- An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports. A deck which is less than 120 square feet, and less than 30 inches above the adjacent grade, and independently supported, will not require a building permit and is not considered part of the main structure however any deck is not permitted to be located within an easement or within ten (10) feet of a property line.**
- (556) **Setback -- The shortest distance between the property line and outside surface of the foundation, wall, or main frame of the building exclusive of fireplace chases. ,roof and porch overhangs under 8 feet.**

DATED this 1st day of August, 2006.

Mayor, Highland City

ATTEST:

Highland City Recorder