

Highland City Development Code



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Codified Through December 31, 2013

ARTICLE 4.25

R-1-30 RESIDENTIAL ZONE

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3-4252: R-1-30 Residential Zone

- (1) (1) The objective in establishing the R-1-30 Residential Zone is to support a low density residential environment within the City which is characterized by large lots, well-spaced buildings, well-kept lawns, trees and other landscaping with the nature of the environment substantially undisturbed, a minimum of vehicular traffic, and quiet residential conditions favorable for family life. In addition, the following reasons for the establishment and use of the R-1-30 Zone are outlined: (a) To create transitional areas within the City between other residential zones- (b) To create a distinction and a gradation between one acre larger lots and half acre lots.
- (2) Representative of the uses within the R-1-30 Zone are single-family dwellings, schools, churches, parks, playgrounds, and other community facilities designed in harmony with the characteristics of the Zone. (see section 5-128)
- (3) Multi-family dwellings (with the exception of approved basement apartments as defined within Section 4-105 of this Code), commercial and industrial use areas are strictly prohibited in this Zone.

3-4253: Permitted Uses.

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:

(1) Single-family dwellings, conventional construction, which include a garage of sufficient size for storage of two automobiles (see 10-102(16) for definition of Dwelling).

(2) Accessory uses such as storage buildings, private garages, carports, noncommercial greenhouses, and swimming pools.

(3) Public utility lines and subject to 5-114(6).

(4) Household pets.

(5) Fences, walls, hedges.

(6) Gardens, fruit trees.

(7) Keeping of animals subject to Section 3-4102.7.

(8) Residential facilities for persons with a disability; please refer to Section 3-4102(8) and 3-4102(10) in this Code.

(9) Residential facilities for the rehabilitation and treatment of the disabled; please refer to Section 3-4102(9) and 3-4102(10) in this Code.

(10) Residential facilities for elderly persons; please refer to Section 3-4102(11) and 3-4102(12) in this Code.

(11) Home Occupations please refer to Article 6, Section 3-614, Supplementary Regulations

3-4254: Area and Width Requirements.

The maximum number of lots to be permitted on a subdivided property is determined dividing the total square footage by 30,000 square feet, less any area used as an existing prescriptive easement or right-of-way. Lots in the R-1-30 District may not be less than 20,000 square feet with no more than 25% of the lots being less than 25,000 square feet. Area and width requirements of a lot in the R-1-30 Zone shall be as follows:

Use	Minimum Lot Area	Minimum Lot Depth	Minimum Width at the Setback Line
Single Family Dwelling	20,000 square feet	120 feet	120 feet (Cul-de-sac lots, entirely located within the bulb, shall have an exception with a minimum width of 100 feet at the Setback Line required.)

3-4255: 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.

(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;

(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.

3-4256: Height of Buildings.

The maximum height of any building in the R-1-30 Zone shall not exceed thirty-five (35) feet. The height is measured from one location along any elevation where the "Grade of Building" (as defined in 10-102(23)) to the highest part of the building is at its greatest vertical distance. On sloped lots where the grade difference exceeds four feet in elevation the averaged maximum "Height of Building" (as defined in 10-102 (26)) in the R-1-30 Zone shall not exceed an average height of thirty-five (35) feet above grade of building as defined in Section 10-202 (23). No building shall be constructed to less than the height of 10 feet or one story above finished grade.

3-4257: Size of Dwellings.

The main floor living area in a Rambler dwelling in the R-1-30 Zone shall have a minimum finishable area of (1,200) square feet and include a double car garage. The ground floor living area of any Two Story dwelling in the R-1-30 Zone shall not be less than (900) square feet and the dwelling shall have a total of not less than (1,500) square feet of finishable living area above ground and include a two car garage. A Split Level home in the R-1-30 Zone shall have a minimum of (1,600) square feet finishable above the garage floor elevation and include a double car garage. As long as finishable areas are provided as specified the dwelling need not be finished beyond that required by building codes.

3-4258: Special Provisions.

Special provisions shall apply in the R-1-30 Zone in order to protect its essential characteristics:

(1) The setback required around buildings and structures shall be kept free from refuse and debris.

(2) All buildings and uses within this zone shall comply with all applicable portions of Sections 3-601 through 3-620.

(3) At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped within one year of occupancy.

(4) Park or Planter Strips. All park strip areas, between the sidewalk and the curb, are to be covered and maintained according to the requirements defined in Chapter 3, Article 6, Section 3-621 in this Code.

(5) Sufficient off street parking shall be provided and maintained for all automobiles and recreational facilities owned or used by occupants of each dwelling.

3-4259: Conditional Uses.

The following buildings, structures and uses of land shall be allowed in the R-1-30 Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code:

- (1) Public schools and school grounds.
- (2) Churches, church grounds, and accessory buildings associated with the maintenance of those grounds, not including temporary facilities.
- (3) Libraries, museums, art galleries.
- (5) Permanent public maintenance buildings that may include storage yards, storage structures and repair shops.
- (6) 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 barbecue 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.
- (8) All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.
- (9) Model Homes used for the sale of homes/lots within a subdivision in Highland, provided that the model home thereof conforms to the following requirements: (a) Model home is used for lot/home sales within the city. (b) The maximum number of personnel shall not exceed three at any given time. (c) Off street parking shall be provided such that it does not impede, disrupt, or cause a hazard to the flow of traffic or pedestrians. (d) No model home use shall exceed two years except as provided for in 3-4208(12)(k) in this ordinance. (e) Outdoor lighting shall be limited to outdoor and landscape lighting normally permitted in a residential setting limited to the hours of dusk to 9:00 p.m. (f) Signage shall be regulated by existing sign ordinance. (g) A model home shall operate only between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. (h) Garages used as sales office shall be converted back before occupancy is permitted. (i) All homes permitted under this section shall have a final inspection prior to conversion as residential use. (j) All pre-existing use prior to January 15, 2002 shall have six months to come into compliance. (k) Extension. If the applicant requests an extension prior to the expiration date of approval, has paid an extension fee, and the Model Home still meets the requirements as originally approved and identified above, the City Council may consider a one (1) year extension for a Model Home Conditional Use Approval. If it becomes evident that the Model Home has been in violation of the requirements and conditions of the original Conditional Use approval during the Model Home period as determined below (ii-iii), the City Council shall not approve the extension request. The following conditions shall apply for an extension: (i) The subdivision or subdivision phase has not sold at least 80% of the available lots within that development; and (ii) The City has not received three (3) or more written complaints from surrounding residents indicating the model home has violated a requirement or condition of approval for a Model Home (as listed above) prior to the application for the Council extension; and A. That the written complaints submitted have been submitted by at least three (3) separate individuals (residents) who reside within that subdivision or subdivision phase or live within a 500 foot radius from the model home; and (iii) The City has not issued a citation or more than two (2) written warnings specifically related to violations of the requirements or conditions of approval for that Model Home as part of the Conditional Use Approval and as defined within this Code during the previously approved period. A. Two (2) written warnings may include warnings for the same violation, may include one (1) warning for two (2) separate violations, or may include any variation of warnings exceeding an accumulation of two (2). (iv) The applicant has notified the residents within the subdivision or subdivision phase at least ten (10) days

prior to the City Council consideration of the extension. (v) In any case a model home may not receive extensions where the model home would exist for more than a total of five (5) years (a maximum of three (3) extensions may be granted) or until 80% of the lots are sold within that subdivision, whichever comes first. A. In any case the model home shall cease to operate when the subdivision or subdivision phase has sold more than 80% of the available lots. (vi) Applicant may not request an extension prior to 60 days of the expiration date.

(10) Drilling wells for water.

(11) Basement Apartments for residential property (see Chapter 4, Conditional Use Procedure in this Code).

3-4260: Accessory Buildings.

All accessory buildings within this zone shall conform to the following standards, setbacks and conditions:

(1) An accessory building is any building or structure which is not attached to the main dwelling on the lot that is: (a) Greater than 200 square feet, or (b) That is attached to a permanent foundation as defined by the building code.

(2) Size. Accessory buildings shall not cover more than seven percent (7%) of the total gross lot area. In legal non-conforming subdivisions accessory buildings shall not cover more than seven percent (7%) of the total gross lot area.

(3) Height. No accessory building shall be erected to a height greater than twenty-five feet (25') from grade.

(4) Setbacks. All accessory buildings shall comply with the following setbacks: (a) All accessory buildings shall be set back from the front property line a minimum of thirty feet (30') or consistent with the primary dwelling, whichever is less. (b) An accessory building shall be set back from the rear property line a minimum of ten feet (10'). (c) All accessory buildings shall be set back from the side property line a minimum of ten feet (10'). (i) All accessory buildings shall be set back at minimum an amount of twenty feet (20') from the side lot line which abuts a street or the Parkway Detail. (d) All accessory buildings shall be placed no closer than six feet (6') from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.

(5) Materials. Accessory buildings shall be constructed out of exterior materials consistent with the primary dwelling if the lot is 1/2 acre or less.

(6) Any accessory building used for a home occupation shall comply with the regulations governing a home occupation business.

3-4261: Large Animal Shelter:

Any structure for the purpose of sheltering large animals which may also be used for storing hay and farm equipment in addition to large animals. Any detached structure requiring a foundation shall be considered an accessory structure and shall be subject to Section 3-4109 / 3-4259. A large animal shelter is a minimum of 50% open on one side. Large animal shelters do not need a building permit, but are required to meet minimum setback requirements as follows: A large animal shelter shall be a minimum of 100' from an adjacent residential dwelling unit; 75' from the owner's residential structure; 10' from a side or rear property line; 30' from any street; and 10' from a trail easement. A large animal shelter shall not be constructed within an easement. A large animal shelter shall be one of the following architectural elevations or similar construction.

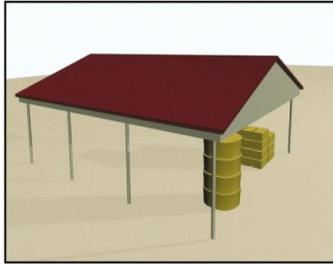


Figure 1: Pole Barn

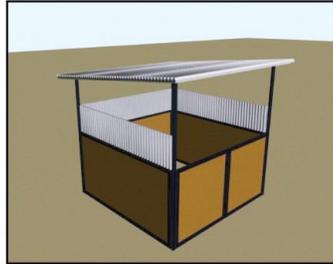


Figure 2: Powder River Type

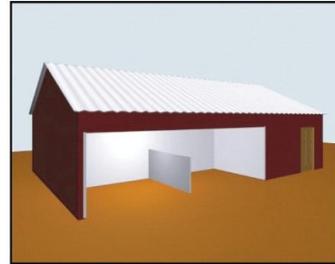


Figure 3: Shelter, Tack Shed: Kirby Type

3-4262: Swimming Pools

A swimming pool is a semi-permanent structure that is constructed to hold water for recreational purposes. A pool that could be installed by the typical homeowner and may be packaged as a kit is not considered a permanent pool. A swimming pool that is constructed near or below grade with the intention of lasting more than one year shall be considered a permanent pool and shall be subject to the following requirements:

(1) All permanent pools shall be subject to all setback requirements for accessory structures as defined in Section 3-4209 of this Code; and

(2) Any structural portion of a swimming pool shall not be permitted within an easement of any kind; and

(3) Pools that are enclosed or covered within a permanent structure shall be considered an accessory structure and shall be subject to Sections 3-4254 and 3-4259 of this Code. (a) For the purposes of this section only, a “permanent structure” shall be considered any structure or landscaping object exceeding one-hundred twenty (120) square feet in size or exceeding fourteen (14) feet in height constructed for the purpose of enhancing the swimming pool or pool equipment facilities.

(4) A swimming pool may cover the area within a rear yard not located within an easement unless the construction of that pool would require the need to vary from existing ordinances. Minimum setback requirements from property lines are as follows: (a) Front Yard: Thirty feet (30’) Min. (b) Rear Yard: Ten feet (10’) Min. (c) Side Yard: Ten feet (10’) Min. (d) Side Yard Adjacent to a Street: Ten feet (10’) Min. (fence is permitted 5’ from property line) (e) Trail or Landscape Easement: Ten feet (10’) Min. (measured from nearest easement line)

(5) All swimming pools shall be enclosed with a fence with a minimum height of four feet and include a self-closing locking gate; or (a) That all swimming pool properties shall be enclosed with a fence that is a minimum height of a 6 feet, unless in an open space subdivision which will then be a minimum height of 5 feet; (i) In either case, it will include a self-closing locking gate and an automated swimming pool cover.

(6) All permanent swimming pools shall require a building permit.

3-4263: Athletic Court

An athletic court is a solid playing surface constructed for recreational purposes. Athletic courts having any type of structure exceeding six feet (6’) in height including fencing and lighting shall require a building permit and shall be subject to the following requirements:

(1) Any structural portion of an athletic court shall not be permitted within an easement (see exception in 3- 4262(3)(f) below).

(2) Athletic courts that are enclosed or covered within a permanent structure and are detached from the main dwelling unit shall be considered an accessory structure and shall be subject to Sections 3-4104 and 3-4109 of this Code.

(3) Setbacks. An athletic court may cover the total lot area within a rear yard not located within an easement. Minimum setback requirements from property lines are as follows: (a) Front Yard: 30' Minimum (b) Rear Yard: 10' Minimum (see exception in 3-4262(3)(f) below) (c) Side Yard: 10' Minimum (see exception in 3-4262(3)(f) below) (d) Side Yard Adjacent to Street: 10' Minimum (see exception in 3-4262(3)(f) below) (e) Trail or Landscape Easement: 10' Minimum (measured from the nearest easement line) (f) Exception. It is not recommended that any resident/property owner construct an athletic court within a recorded easement however, if a resident provides the information listed below with their building permit for an athletic court with a fence less than six feet (6') in height, the rear and side yard setbacks defined above would not apply and the property owner may install their athletic court within any portion of their property behind the minimum front yard setback and within a public utility easement. The required documentation for this exception is as follows: (i) Acknowledgement letters from all of the utility companies who have interest in that easement (it is important to understand the utility companies will typically not vacate or waive their right to use a recorded public utility easement); and (ii) Blue stake tickets indicating any utilities within that easement; and (iii) A signed and notarized "hold harmless" letter indemnifying Highland from any potential future loss and acknowledgement of potential financial loss for the property owner, due to the possible use of that easement.

(4) Fencing. All athletic courts enclosed with fencing shall be required to obtain a fence permit prior to construction. An athletic court is the only use that allows fencing enclosures above six feet (6') in height. Fencing above six feet (6') in height shall not exceed the fencing enclosure maximum height of twelve feet (12'). Fencing enclosures shall not be considered as part of standard property line fencing. Fencing materials for athletic courts shall consist of open mesh fabric or vinyl coated chain link without slats. Fencing for athletic courts that are less than six feet (6') in height may be placed along a rear property line or side property line within the rear yard. In all cases, Athletic courts with fences between six feet (6') and twelve feet (12') in height shall be subject to 3-4262(3) in this ordinance (above).

(5) Lighting. All athletic court lighting must be directed downward and shall not spill on to an adjacent property. The applicant shall provide evidence indicating that their light product and lighting plan will not cause light or light pollution from the athletic court light(s) to extend beyond their property line. Design and location shall be specified with the plans submitted for a building permit. Lights and light poles including the light base and any supporting structures in regards to athletic courts shall not be in excess of twenty feet (20') in height. Light operating hours shall be restricted to 7:00 am - 10:00 pm.

(6) Grading. All athletic court areas shall be designed, graded, and constructed to allow for drainage which meets Appendix J Section J109 of the International Building Code. In no case shall any court be designed to permit water from any source to drain onto an adjacent property or upon the public right-of-way.