

**Revised Recommendations Proposed for Heights in Residential Districts**  
**11-22-10**

**Maximum Height Within Single Family Residential Zoning Districts.** For the purposes of this section, the following districts shall be considered single family districts: R-3, R-4, R-5, R-6, R-8, UR-1, R-MH, and single family residential portions of MX-1, MX-2 and MX-3. The maximum building height shall be determined as follows:

1. **Residential Dwelling Units.** The base maximum average height for all residential dwelling units at the required side yard line shall be the height indicated for the zoning district in which the structure is located. One additional foot of height is allowed for every additional one foot in distance the portion of the structure is from the required side yard line. In no case shall a residential dwelling unit exceed the maximum average height indicated for the zoning district.

The maximum height for residential accessory structures shall not exceed 24 feet as measured along the front building line.

2. **Nonresidential Structures.** The base maximum average height for all nonresidential structures shall be 40 feet measured at the required yard/setback line along the boundary adjacent to a single family zoning district. One additional foot of height is allowed for every additional two feet in distance the portion of the structure is from the required yard/setback line that is along the boundary adjacent to a single family zoning district. A base maximum average height is not required along the boundary of a parcel when the nonresidential structure is adjacent to another nonresidential structure in a single family zoning district or if the adjacent single family district is located across a thoroughfare classified as a major arterial or greater. In no instance shall the structure exceed 100 feet from the lowest point of the structure to the highest point.

<b>Single Family Zoning Districts</b>	<b>Base Maximum Average Height at Side Yard Line</b>	<b>Maximum Average Height at Front Building Line</b>
Residential dwellings within R-3 & UR-1	40'	48'
Residential dwellings within R-4 & single family residential portions of MX-1, MX-2, & MX-3	35'	40'
Residential dwellings within R-5, R-6, R-8, & R-MH	30'	35'
Nonresidential within all single family districts	40'	100'

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**Maximum Height Within Multi-Family Residential Zoning Districts.** For the purposes of this section, the following districts shall be considered multi-family districts: R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, UR-2, UR-3, and multi-family portions of MX-1, MX-2, and MX-3. The maximum building height shall be determined as follows:

1. **Residential Structures in R-8MF, R-12MF, and Multi-Family Residential Portions of MX-1 Districts.** The base maximum average height for all residential structures at the required side yard line shall be 40 feet. One additional foot of height is allowed for every additional one foot in distance the portion of the structure is from the required side yard line. In no case shall the maximum average height exceed 48 feet.
2. **Residential Structures in all other Multi-Family Districts.** The base maximum average height for all residential structures shall be 40 feet measured at the required yard/setback line along the boundary adjacent to a single family zoning district. One additional foot of height is allowed for every additional two feet in distance the portion of the structure is from the required yard/setback line that is along the boundary adjacent to a single family zoning district. A base maximum average height is not required along the boundary of a parcel when the residential structure is adjacent to a nonresidential structure in a single family zoning district or if the adjacent single family district is located across a thoroughfare classified as a major arterial or greater. In no instance shall the structure exceed 100 feet from the lowest point of the structure to the highest point.
3. **Nonresidential Structures in all Multi-Family Districts.** The base maximum average height for all nonresidential structures shall be 40 feet measured at the required yard/setback line along the boundary adjacent to a single family zoning district. One additional foot of height is allowed for every additional two feet in distance the portion of the structure is from the required yard/setback line that is along the boundary adjacent to a single family zoning district. A base maximum average height is not required along the boundary of a parcel when the nonresidential structure is adjacent to another nonresidential structure in a single family zoning district or if the adjacent single family district is located across a thoroughfare classified as a major arterial or greater. In no instance shall the structure exceed 100 feet from the lowest point of the structure to the highest point.

<b>Multi-Family Zoning Districts</b>	<b>Base Maximum Average Height at Side Yard Line</b>	<b>Maximum Average Height at Front Building Line</b>
Residential Structures within R-8MF, R-12MF, and multi-family portions of MX-1	40'	48'
Residential Structures within R-17MF, R-22MF, R-43MF, UR-2, UR-3, and multi-family portions of MX-2 & MX-3	40'	100'
Nonresidential Structures within all multi-family districts	40'	100'

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**ALSO REVISE:**

- 1) Modify the definition of “height” to exclude chimneys from the measurement.  
Height. The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including chimneys, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air –conditioning equipment, or similar equipment for the operation and maintenance of a building.
- 2) Provide a definition for “average grade”.  
Average grade. The average grade is calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two. Each building elevation along a building line will have an average grade. The average grade along a building line may also be calculated by adding the spot elevations, at five foot intervals, along the base of the building and dividing the total by the number of spot elevation measurements.
- 3) Eliminate the word “chimney” from section 12.108(5).
- 4) Update Section 11.205 (2) & (3) to clarify that residential and nonresidential developments within the Mixed Use Districts will comply with the height requirements of the corresponding districts as referenced in these two sections.
- 5) Modify Section 11.208 (Mixed Use Districts) to add building height as a standard that can be modified through the innovative development process.
- 6) Increase the yard requirements for nonresidential uses within single family and multi-family residential zoning districts. Provide a minimum side yard of 20 feet and a minimum rear yard of 35 feet.

**Single Family Zoning Districts**

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) <sup>4</sup>					
- residential	6	5	5	5	5
- <u>nonresidential</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
(g) Minimum rear yard (feet)					
- residential	45	40	35	30	20
- <u>nonresidential</u>	<u>45</u>	<u>40</u>	<u>35</u>	<u>35</u>	<u>35</u>

**Multi-Family Zoning Districts**

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(f) Minimum side yard (feet) <sup>4</sup>					

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- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family developments (except as required below)	10	10	10	5	5
- <u>All other buildings, including planned multi-family developments adjoining single family zoned lands</u>	20	20	<u>20</u>	<u>20</u>	<u>20</u>

- 7) Modify section 7.103(7) regarding the time period for when a building permit is required to repair or restore a nonconforming residential structure, based on height, after it is destroyed or damaged.

**Nonconforming Structures**

(7) Where a nonconforming structure is destroyed or damaged by fire, flood, wind, other act(s) of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the change. Residential structures made nonconforming due to the adoption of the heights in residential districts text amendment (Effective Date ??-??-????) can be repaired or restored to the original height dimensions as long as a building permit for the repair or restoration is issued within 24 months of the date of the event, and it shall be deemed in compliance with the Zoning Ordinance.