

35-517 Building Height Regulations

(d) Setbacks for Height Increases.

(1) Any portion of a structure in any zoning district may be erected to exceed the height limit established in section 35-310.01, Table 310-1, provided that such portion is located back from the side and rear setback lines one (1) foot for each two-foot of height in excess of the height limit prescribed in such section unless otherwise or as prescribed in subsections (2) and (3), below ~~(hereinafter the "threshold height")~~, and further provided the height does not exceed the limitations of the airport hazard zoning regulations. Distance credits shall be allowed for space occupied by structures of conforming height extending from the setback lines, except as specified in Table 310-1(k). The requirements of subsection (2) and (3) shall only apply to permits for new construction submitted after December 31, 2009.

~~(2) The provisions of subsection (1) above, shall not apply to an "NC", "C-1", "C-2", or "O-1" zoning district abutting or within one hundred (100) feet, measured in a straight line, of a platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter.~~

(2) The maximum height of any portion of zoning district located within 100 feet of an established single-family residential use shall be in accordance with Table 517-1 below.

Zoning Commission recommendation:

Table 517-1

<u>Zoning District</u>	<u>Maximum Height</u>
<u>O-1, NC, C-1, C-2, MF-18, MF-25</u>	<u>25 feet</u>
<u>O-1.5, O-2, C-3, MF-33, MF-40, MF-50</u>	<u>35 feet</u>

Infrastructure & Growth Committee recommendation:

Table 517-1

<u>Zoning District</u>	<u>Maximum Height</u>
<u>O-1, NC, C-1, C-2, MF-18, MF-25</u>	<u>25 feet</u>
<u>O-1.5, O-2, C-3, MF-33, MF-40, MF-50</u>	<u>25 feet</u>

The height limits of Table 517-1 shall not apply where a residential use is separated from the above listed districts by a public right of way or dedicated easement of at least 50 feet in width. Further it is not the intent of this provision to apply where a property is zoned single family residential but not used for residential purposes, such as a church, school, park, golf course or is vacant. The measurement of 100 feet shall occur from the property line of the residential use to the structure in the zoning district subject to Table 517-1.

- (3) For portions of a zoning district within 100 feet of a single family use where the height is limited by subsection (2) above, the allowable height may be increased through the Specific Use Authorization ("S") process.

Sec. 35-D101. General.

~~(e) Height Limitations in Former O-1 Districts.~~

~~Notwithstanding any provision of this chapter to the contrary, the height limitation on any tract or parcel zoned "O-1" prior to the adoption date of this chapter shall be subject to a thirty-five-foot height limitation until such tract is rezoned through a public hearing.~~