

Proposed Amendments to Chapter 51A

Some definitions are omitted for brevity.

Italics added to denote defined terms.

Red text represents editorial change to ZOAC recommendation to ensure clarity

SEC 51A-2.102. DEFINITIONS.

In this chapter, unless the context requires otherwise:

(8) BASEMENT means any story [level] of a *building* where more than one half of the vertical distance between floor and ceiling is below *grade*. For purposes of determining maximum stories, basements are excluded.

(37.1) FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the *building site* before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include:

(A) fill material not necessary to make the site developable;

(B) berms; or

(C) landscape features.

(45) GRADE means the average of the highest and lowest points of the *finished ground surface elevation* on a *building site* measured within six feet of a *structure*, abutting *lot lines*, or *right-of-way lines*, whichever is nearer; including retaining walls and excluding areas located in a *floodplain* as defined by Article V. When a site contains multiple *structures*, additions constructed in phases, or uneven ground story finished floor levels **abutting exterior facades**, grade is determined for each *structure*, phase, or ground story finished floor level [finished ground surface elevations measured at the highest and lowest exterior corners of a *structure*. For purposes of this definition, FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the *building site* before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include:

~~—(A) fill material not necessary to make the site developable;~~

~~—(B) berms; or~~

~~—(C) landscape features].~~

(45.2) GROUND STORY means any *story* of a *building* or portion thereof with the lowest finished floor, excluding *basements*.

(47) HEIGHT means, ~~[the vertical distance measured from grade to:]~~

(A) For a structure with a ground story finished floor,

(1) The measurement of height begins at:

(aa) the finished floor ~~abutting the exterior facade~~ of the ground story when the finished floor is 18 inches or less above grade, or

(bb) grade when the finished floor ~~abutting the exterior facade~~ of the ground story is greater than 18 inches above grade;

(2) The measurement of height ends at:

(aa) ~~[(A)]~~ for a structure with a pitched ~~[gable, hip, or gambrel,]~~ roof, the midpoint of the vertical dimension between ~~[the lowest eaves and]~~ the highest ridge and the highest connecting eave, when the roof has a minimum of two connecting eaves on each side of the ridge and a minimum roof pitch of 1:6 (rise over run);

(bb) ~~[(B)]~~ for a structure with a dome roof, the midpoint of the vertical dimension of the dome; and

(cc) ~~[(C)]~~ for any other structure, the highest point of the structure.

(B) For a structure without a ground story finished floor, the measurement of height begins at grade and ends at the highest point of that portion of the structure.

SEC 51A-4.408. MAXIMUM BUILDING HEIGHT.

(a) Special height provisions.
Omitted for brevity

(2) In all [a] districts ~~[in which building height is limited to 36 feet or less]~~, the following structures may project a maximum of 12 feet above the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.):

(A) *Structures on top of a building:*

(i) Elevator penthouse or bulkhead.

(ii) Mechanical equipment room and rooftop access structures, when:

(aa) the cumulative area of projection is a maximum of one-third of the roof area,

(bb) an additional setback is provided from the street-facing facades for that portion of the structure above the roof equal to one foot for each foot in height for that portion of the structure above the rooftop, and

(cc) every portion of this structure complies with residential proximity slope.

- (iii) Cooling tower.
- (iv) Tank designed to hold liquids.
- (v) Ornamental cupola or dome.
- (vi) Skylights.
- (vii) Lightning rods, small satellite dishes, weathervanes, and similar equipment [Clerestory].
- (viii) Visual screens which surround roof mounted mechanical equipment.
- (ix) Chimney and vent stacks.
- (x) Amateur communications tower.
- (xi) Parapet wall or guard rails limited to a height of four feet above the maximum structure height specified in the district regulations.

(B) Structures at grade level:

- (i) Amateur communications tower.

~~Note: The heights allowed in Subsection (a)(2) are subject to any residential proximity slope height restrictions that may be contained in the district regulations for a particular district. (See Divisions 51A-4.100 et. seq.).~~

(3) The maximum building height requirements in a planned development district are controlled by the planned development district regulations.

(4) In all ~~[single family, duplex, townhouse, MF 1(A), MF 1(SAH), MF 2(A), and MF 2(SAH)]~~ districts:

(A) no dormer eaves may project above the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.); and

(B) the highest point of a structure with a pitched ~~[gable, hip, gambrel, or dome]~~ roof with a minimum of two connecting eaves on each side of the ridge and a minimum roof pitch of 1:6 (rise over run), as defined in Article II, may not project more than 12 feet above the maximum height specified in the district regulations (Divisions 51A-4.100 et seq.).

SEC. 51A-4.412. RESIDENTIAL PROXIMITY SLOPE. [no change]

(a) Definitions of general terms. In this section:

Omitted for brevity.

(b) Residential proximity slope defined. The residential proximity slope is a plane projected upward and outward from every site of origination as defined in Subsection (a). Specifically, the slope is projected from the line formed by the intersection of:

- (1) the vertical plane extending through the boundary line of the site of origination; and
- (2) the grade of the restricted building or structure.

Omitted for brevity.

(e) Exemption. Certain structures are exempt from the residential proximity slope. See Section 51A-4.408.