

Section 2.4 (Rules of Measurement)

D. (Building Height)

(1) (Maximum Building Height)

Maximum building height is measured as the vertical distance from the adjacent average grade, or equivalent, opposite the center of the front of a building to:

- a. The top of a flat roof, including structures designed with a decorative mansard roof concealing a flat roof.
- b. The deck line of a gambrel or mansard roof.
- c. The midpoint height between the eaves and the ridge in the case of a pitched roof.

Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the ~~top~~ midpoint of the dormer.

Section 9.4 (Permitted Encroachments)

Table 9-1: Permitted Encroachments Into Required Setbacks

The following table should be modified to set a minimum distance that certain accessory structures can be located to a lot line.

Table 9-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Ground Unit <i>Min. of 1' from interior or rear lot line</i>	N	N	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall No building permit required</i>	Y	Y	Y	Y
Arbor <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade (Residential Uses) <i>Max. of 18" into front, interior side, or corner side setback</i> <i>Max. of 5' into rear setback</i>	Y	Y	Y	Y
Balcony or Balustrade <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 5' into any setback</i> <i>Min. of 2' from any lot line</i>	Y	Y	Y	Y
Canopy: Building Entrance (Residential Uses) <i>Max. of 5' into any setback</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i>	Y	Y	Y	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y
Deck or Terrace <i>Max. of 5' into front, corner side, or interior side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 2' from rear lot line</i> <i>Prohibited in front yard</i> <i>Max. height of 5' above grade</i>	Y	Y	Y	Y
Dog House <i>Prohibited in front or corner side yard</i> <i>No building permit required</i>	N	N	N	Y

Eaves <i>Max. of 4' into setback</i>	Y	Y	Y	Y
Exterior Stairwell <i>Max. of 5' into rear or interior side setback</i> <i>Min. of 1' from rear or interior lot line</i> <i>Prohibited in front yard</i>	N	N	Y	Y
Fire Escape and Window Well <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Gazebo or Pergola <i>Min. of 1' from interior, corner or rear lot line</i> <i>Prohibited in front yard</i>	N	N	Y	Y
Greenhouse <i>Min. of 5' from any lot line</i> <i>Prohibited in front and corner side yard</i>	N	N	Y	Y
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 5' from any lot line</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y

Section 10.5 (Parking Flexibilities, Exemptions, and Reductions)

(B) (Exemptions and Reductions from Parking Requirements)

(1) Non-residential uses of 2,500 square feet or less of gross floor area in the commercial districts are exempt from all off-street vehicle parking requirements. Non-residential uses of 2,500 square feet of gross floor area or less located within a multi-tenant retail center are not eligible for this exemption and must provide the required parking.

Non-residential uses of 2,500 square feet or less of gross floor area in the commercial districts are exempt from all off-street vehicle parking requirements. Non-residential uses of 2,500 square feet of gross floor area or less located within a multi-tenant retail center or a mixed-use building are not eligible for this exemption and must provide the required parking.

The addition of a mixed-use building to the above section is to clarify that the parking exemption for non-residential uses of 2,500 square feet or less only applies to a stand-alone commercial building with one use.

Section 15.2 (Nonconforming Use)

E. (Discontinuation or Abandonment)

If a nonconforming use is discontinued, or the structure that it occupies becomes vacant and remains unoccupied for a continuous period of ~~one year~~ six (6) months, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of God are not included in calculating the length of discontinuance for this section.

Modifying the period of discontinuance or abandonment from one year to six months was recommended by the North Avenue District Association. Staff agrees with the request.

Section 15.3 (Nonconforming Structure)

E. (Damage or Destruction)

(1) Non-residential and multiple-family nonconforming structures are subject to the following:

a. In the event that any non-residential nonconforming structure is damaged or destroyed by an act of God

to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.

b. When a non-residential nonconforming structure is damaged or destroyed by an act of God to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.

This land use (multiple-family) was not considered when the last Zoning Ordinance was updated in September of 2017.