

ARTICLE XIV-F

RESIDENTIAL PROXIMITY SLOPE

Section 1 **GENERAL:**

Residential Proximity Slope. The Residential Proximity Slope is a plane projected upward and outward from every site of origination as defined in Subsection 3.3. See Figures 1, 2, and 3 for graphic depictions. When referring to residential proximity envelopes, all slopes in this ordinance are stated as vertical rise to horizontal run. Specifically, the envelope is projected from the point formed by the intersection of:

1. The vertical plane extending through the boundary line (common property line) or right-of-way line of the site or origination; and
2. The finished floor elevation at grade level of the restricted building or structure, or
3. From natural grade of the restricted structure or building prior to fill, in situations where property is filled.

Section 2 **PURPOSE:**

The Residential Proximity Slope will be utilized to define the separation distance between a structure that is being utilized as a dwelling from adjacent property/structures of a non-residential nature. The Residential Proximity Slope is applicable only in those zoning districts where it is listed as a specific requirement.

This Article XIV-F shall apply only to the following zoning districts, to wit:

- “C-1” Light Commercial District
- “C-2” Heavy Commercial District
- “I-1” Light Industrial District
- “I-2” Heavy Industrial District

Section 3 **DEFINITION OF TERMINOLOGY:**

1. PRIVATE PROPERTY means any property not dedicated to public use, except that “private property” does not include the following:
 - a. A private street or alley
 - b. Property on which a utility or public service use such as a commercial radio or transmitting station, electrical generating plant, electrical substation, water tower, local utility, drainage easement, post office or government installation is being conducted as a main use
 - c. A railroad right-of-way

- d. A cemetery or mausoleum
 - e. A church
 - f. A school
2. RESTRICTED BUILDING OR STRUCTURE means the building or structure whose height is restricted by a Residential Proximity Slope.
3. SITE OF ORIGINATION means any private property in:
- a. Single-family, Duplex, or Apartment use or zoning district
 - b. An identifiable portion of a Planned Development or Planned Development-2, which portion is restricted to residential uses not exceeding 36 feet in height

Section 4

ANGLE AND EXTENT OF PROJECTION:

The angle of projection of the Residential Proximity Slope depends on the zoning category of the site of origination as follows:

Zoning District Site of Origination	Angle of Projection (Measured from Horizontal)
Single Family/Duplex Residency, PD*, PD-2*	18.4° (1 to 3 slope) first 500'
	Increase to 26.6° (1 to 2 slope) between 501' and 750'
	Increase to 45° (1 to 1 slope) between 751' and 1000'
Apartment, PD*, PD-2*	45° (1 to 1 slope)
	26.6° (1 to 2 slope) when a loading dock is within 100 feet of the Apartment property line

* A portion of a development plan in a “PD” or PD-2 district which is restricted to residential uses permitted in the districts listed above.

Section 5 **CALCULATION OF HEIGHT RESTRICTIONS:**

The horizontal distances used to calculate the height restrictions imposed by the Residential Proximity Slope may be determined by using the lot, block, and right-of-way dimensions as shown on the official plat or zoning maps of the City, or by scale measurement of the distances on such official maps. All dimensions and methodology used in determining the distance measurement are subject to the approval of the Director of Public Works or his designee.

Section 6 **RESIDENTIAL ADJACENCY:**

1. Residential adjacency exists if a building site is adjacent to a “Single-Family”, “Duplex”, or “Apartment” use or zoning district or is directly across a street or alley from one or more of these uses or districts.
2. Height requirements shall apply to all structures, excluding wireless telecommunication towers and antennas, or amateur communication towers/antennas which are addressed in Article XIV-A and Article XIV-B of the zoning ordinance, or to parking lot lighting.

Section 7 **SITE OF ORIGINATION WAIVER:**

1. For Residential Areas Surrounded by Non-residential Zoning and/or Uses. A lot or tract zoned “Single Family”/ “Duplex” or “PD/PD-2” for “Single Family” or “Duplex” or less intensive density and which are developed and are three acres or less in size, or undeveloped and five acres or less in size, and are surrounded on at least three sides by non-residential zoning and/or uses are not considered a Site of Origination.
2. For the purpose of this subsection, “developed” means property that has a habitable structure on it.

Section 8 **MAXIMUM BUILDING HEIGHT**

1. Special Height Provisions
 - a. Height is measured as the maximum vertical distance from the finished floor elevation at final grade at the lowest point of the structure to the top of the structure;
 - b. Structures shall be erected to any height in compliance with the Federal Aviation Administration air space limitations, airport flight overlay district regulations, residential proximity slope height restrictions, and the building code. Exceptions:
 - (1) Local utility transmission and distribution lines and supporting structures are exempt from residential proximity slope height restrictions.
 - c. The following structures may project a maximum of 12 feet above the maximum structure height specified in the district regulations where residential proximity slopes are required:

- (1) Structures on top of a building:
 - (a) Elevator penthouse or bulkhead
 - (b) Mechanical equipment room
 - (c) Cooling tower
 - (d) Tank designed to hold liquids
 - (e) Ornamental cupola or dome
 - (f) Skylights
 - (g) Clerestory
 - (h) Visual screens which surround roof mounted mechanical equipment
 - (i) Chimney and vent stacks
 - (j) Parapet wall, limited to a height of four feet

d. Church steeples are exempt from the maximum height provisions.

e. The maximum building height requirements in a Planned Development District-2 are controlled by the Planned Development-2 District regulations.

Figure 1

Height/Setback envelope: Single family / Duplex use or zoning district as the site of origination.

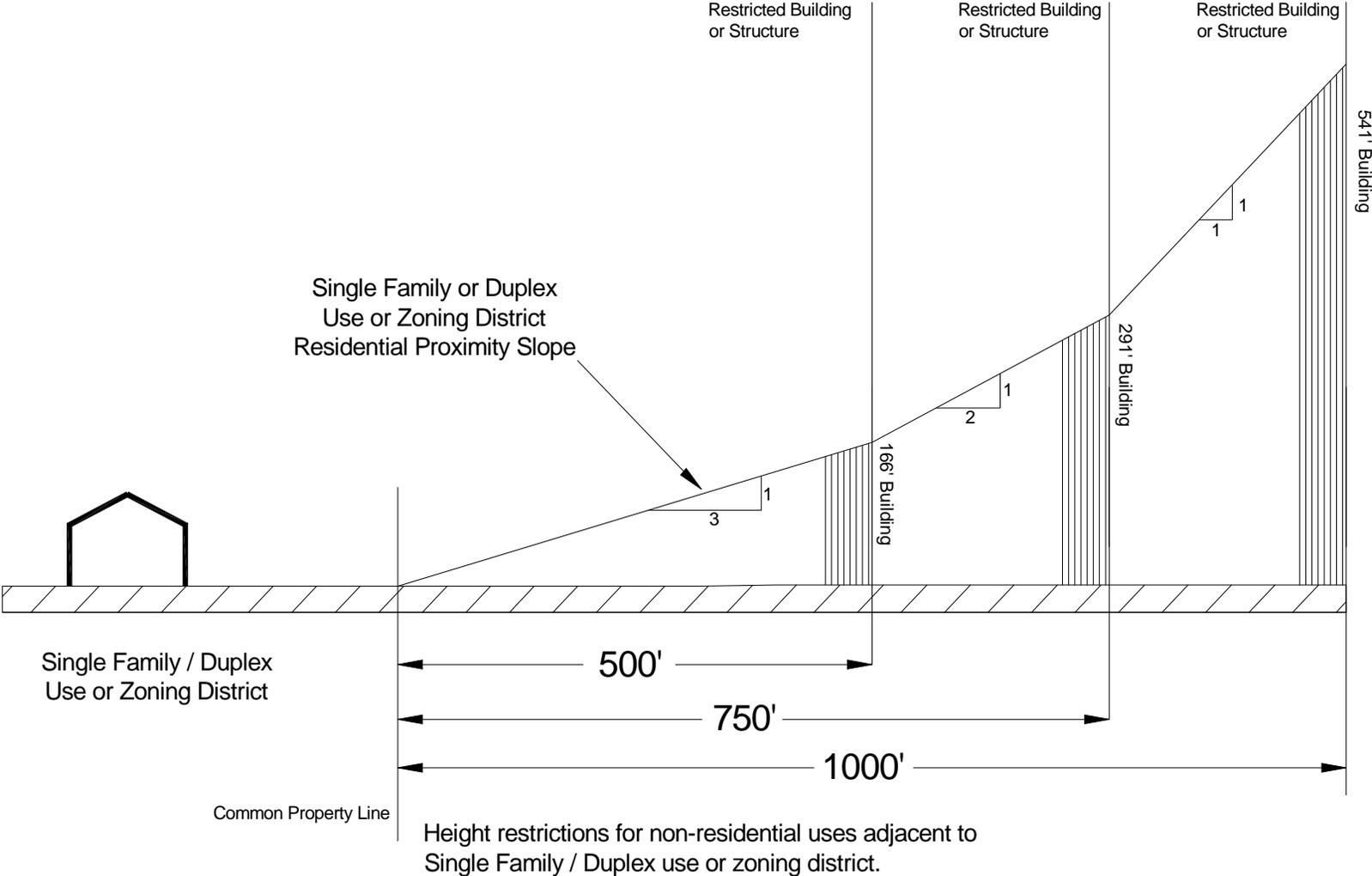


Figure 2

Height/Setback envelope:
Apartment use or Zoning District as the site of origination.

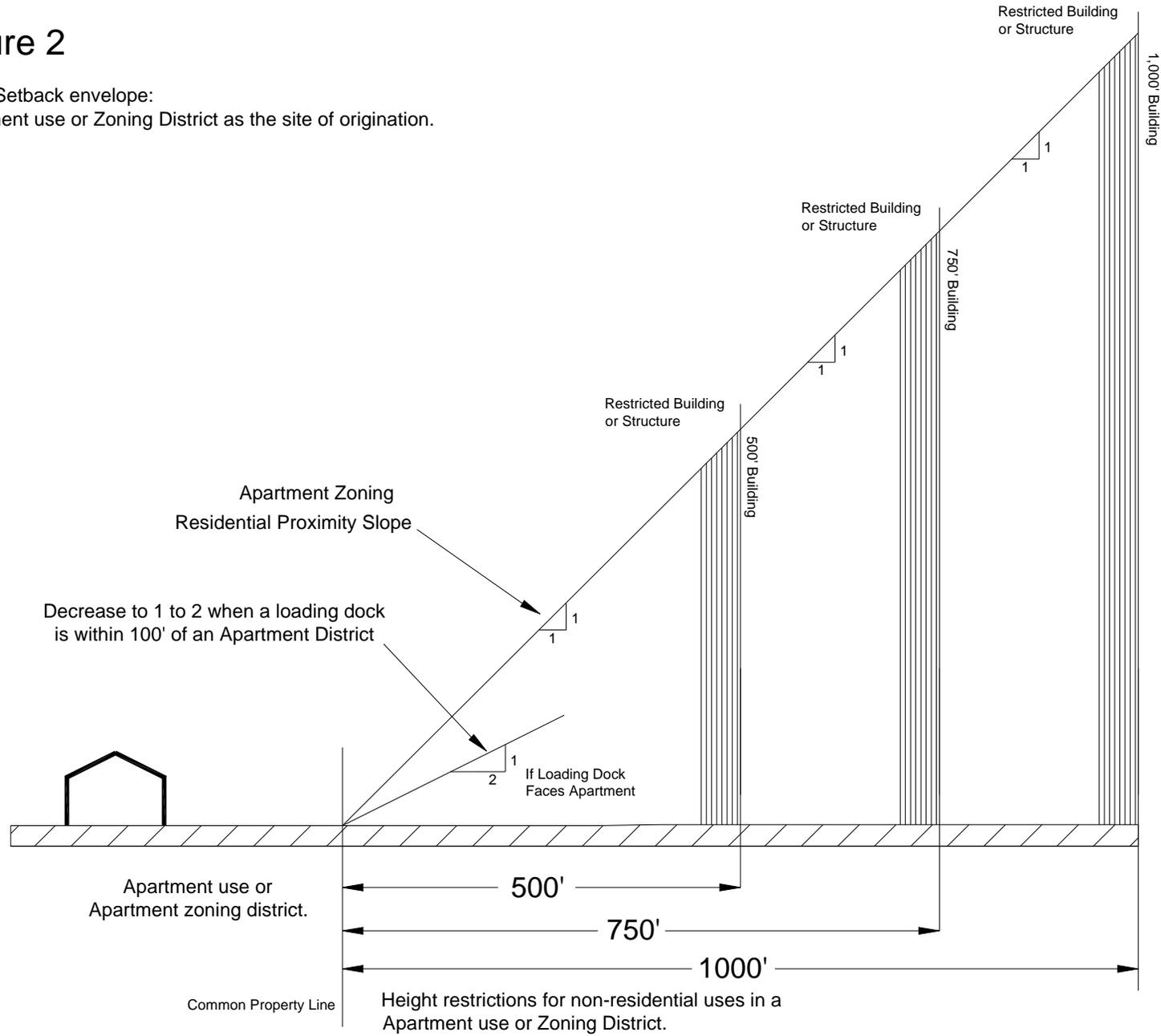


Figure 3

Height/Setback envelope: Method of measurement for change in grade

