

## Proposed Text Amendment to Modify the Building Height Definition

UPDATED 03/24/2023

**DELETE “Section 8, Height Regulations” and REPLACE Definition “Building Height” in Section 3.B., Defined Terms, with the following:**

### **Building Height**

The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch (1") vertical in one-foot horizontal, or the mean level between the eaves and the highest points of the roof if the roof is of any other type, measured as follows:

- 1. Buildings 10 feet or less from a Street Line.** If a *Building* is located ten feet (10') or less from a *Street Line*, then, the *Building Height* shall be measured (a) at the center of the front wall of the *Building* from the established grade of the curb; or (b) if no grade has been officially established and no curb exists, from the average level of the adjoining *Street* or right-of-way, or (c) if no such *Street* or right-of-way exists, from the finished ground surface across the front of the *Building*.
- 2. Buildings more than 10 feet from a Street Line.** If a *Building* is more than ten feet (10') from the *Street Line*, then the *Building Height* shall be measured from the average level of the finished ground surface at a point three feet (3') from the exterior walls of the *Building*. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three feet (3') above the average level of the existing ground surface at a point three feet (3') from the exterior walls of the *Building*. When a *Building* is subject to Section 15.B, Flood Prone Area Regulations, the *Building Height* may be measured from no more than three feet (3') above the Base Flood Elevation applicable to the *Building*. (203-38, 214-06)
- 3. Height of Accessory Structures.** The ~~h~~Height of *Accessory Structures* shall be measured from the average level of the ground surface adjacent to the exterior walls of the *Accessory Structure* to the highest point of the roof. (91-002)
- 4. Connected Buildings.** Where two (2) or more *Buildings* are connected by a *Hallway* or enclosed *Passageway*, each *Building* shall be treated as a separate structure for the purposes of determining the average level of the ground surface and determining *Building Height*.
- 5. Attached Buildings.** Attached *Buildings* separated by a firewall between *Buildings* shall be treated as separate structures for the purposes of determining the average level of the ground surface and measuring height.
- 6. Exceptions.** The *Building Height* requirements shall not apply to the building features or *Structures* listed below if such feature or *Structure* (a) does not cover more than 25% of the *Building Coverage*, and (b) is unoccupied *Floor Area*, such as mechanical space, circulation

areas or air space, and (c) does not exceed the maximum permitted *Building Height* by more than one (1) story or fifteen feet (15'), whichever is less.

- architectural screenings of rooftop equipment
- cables
- cupolas
- decorative towers or turrets
- mechanical penthouses and mechanical appurtenances including, but not limited to HVAC systems
- parapet walls
- Personal Wireless Service Facilities, radio and television and other antennae
- water tanks (76-012; 97-020; 210-21)
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**7. Exemptions.** The following shall be exempt from the Building Height requirements:

- chimneys
- church spires or similar features on other Houses of Worship
- flag poles
- green roofs
- greenhouses for food production
- monuments
- railings and other safety features required by the building code
- solar panels, both photovoltaic and thermal
- standpipes
- transmission towers and cables
- water towers

**8. Modifications of Building Height Requirements.** The Zoning Board may, by *Special Permit* approval and in its sole discretion, modify the height requirements of the underlying Zoning District for a *Building* feature or *Structure* if it finds that:-

- a. the *Building* feature or *Structure* exceeding such requirement does not contain any *Floor Area*;

- b. the *Building* feature or *Structure* exceeding such requirement complies with the *Light and Air* requirements of these Regulations;
- c. the relief requested is limited to the minimum relief necessary; and
- d. the relief requested is necessary for the intended function of such *Building* feature or *Structure*.

**AMEND title of Section 8 to read “SECTION 8 - DELETED and moved to Section 3.B., Defined Terms ‘Building Height’ ”**