

Text Amendment:

Chapter 155, Zoning Code
Article 9 – Building Height
(and other sections, where related)



P&Z Meeting:

November 20th, 2024

Amendment Overview

- **Affected Sections:**

- Article 3, Zoning Districts
- Article 5, Fences and Walls
- Article 9, Definition of Height

Objective:

- Introduce a new way to measure the height of a structure from the Finished Floor Elevation, rather than the finished grade.
- Correct note references, remove duplications, and clarify standards within the Zoning District standards
- Modified fence/wall height standard to measure from the finished grade on the interior side of the fence

Text Amendments

The Measurement of Height

155.9401 MEASUREMENT

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G. Height

The height of a habitable structure shall be determined by measuring the vertical distance from the **average required finished floor** elevation ~~of the existing finished grade at the front of the structure~~ to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof (See [Figure 155.9401.G](#): General Height Measurement.).

The height of an uninhabitable structure shall be determined by measuring the vertical distance from the average elevation of the finished grade at the front of the structure to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof (See Figure 155.9401.G: General Height Measurement.).

In no circumstance can fill be used to raise the point at which the maximum permitted height of a structure is measured to a point above the required finished floor elevation of a property or development.

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Text Amendments

Why?

Future Land Use Element - Policy 01.05.09

The City will amend the Zoning Code as necessary to ensure that properties proposing to build with a sustainable finished floor elevation that accommodates the necessary freeboard to accommodate adopted sea level rise projections **will not be penalized in relation to maximum building height.**

Climate Change Element - Policy 11.06.16

To improve resiliency and address impacts of sea level rise, the City will consider increasing freeboard requirements **while allowing the same building height from finished floor** in order to mitigate the economic impacts of adaptation for ground floor uses.

Text Amendments

Why?

DPOD Ground Floor Height for Commercial Spaces

155.3708.E.1.a. Areas intended for commercial uses on the ground floor of all non-residential and mixed-use buildings shall be a minimum of 12 feet in height;

EOD Ground Floor Height for Commercial Spaces

155.3709.D.2.a Areas intended for commercial uses on the ground floor of all non-residential and mixed-use buildings shall be a minimum of 12 feet in height;

Text Amendments

Residential Zoning Districts

155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

C. Intensity and Dimensional Standards ¹	
Height, maximum (ft)	35 ⁵
NOTES: ... 5. The maximum height may be increased to 40 feet where the lowest structural member of a building must be 14.5 feet or more above National Geodetic Vertical Datum of 1929 (N.G.V.D)	

Text Amendments

Residential Zoning Districts

155.3208. MULTIPLE-FAMILY RESIDENCE 7 (RM-7)

C. Intensity and Dimensional Standards ¹	
Height, maximum (ft)	35
Street side yard setback, minimum (ft)	8 ^{2,4}
Setback from the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	8 ^{2,4,5}
Rear yard setback, minimum (ft)	10 ⁴
Setback from the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	8 ^{2,3}
Rear yard setback, minimum (ft)	10
NOTES: 4. Those portions of a structure extending above a height of 20 feet shall be set back from the property line an additional 1 ft for each additional 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 20 ft of building height.	

Other Affected Residential Zoning Districts

RM-12, RM-20, RM-30, RM-45 – *amended notes only to match the above.*

Text
Amendments

C. Intensity and Dimensional Standards ¹

Height, maximum (ft)	105 ⁴
Street side yard setback, minimum (ft)	0 ⁵
Interior side yard setback, minimum (ft)	0 ^{2,5}
Rear yard setback, minimum (ft)	30 ⁵

NOTES:

2. For townhouse development, applies only to the development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.

5. Those portions of a structure extending above a height of 50 feet shall be set back from the property line an additional 1 ft for each additional 4 ft (or major fraction thereof) ~~the height of the portion of the structure exceeds 50 ft of building height.~~

D. Intensity and Dimensional Standards for Free-Standing Residential Buildings

Free-standing Residential Buildings shall comply with the following dimensional standards. Standards not listed below, including lot coverage, pervious area, and building height, shall be as required in Section [155.3303.C](#) above.

Lot area, maximum (acre)	5 ²
Lot area, maximum (acre) for properties within the NWCRA or AOD	10 ²
Interior side yard setback, minimum (ft)	10 ^{2,5}
Rear yard setback, minimum (ft)	10 ⁵

Other Affected Commercial Zoning Districts

B-3, B-4 – amended notes only to match the above, no residential in B-4.

Text Amendments

Marine Zoning Districts

155.3306. MARINE BUSINESS (M-1)

C. Intensity and Dimensional Standards ¹	
Setback from a waterway or canal.	10
Interior side yard setback, minimum (ft)	0 ²
NOTES: 2. 10 ft from a waterway or canal	

Text Amendments

Transit Oriented (T.O.) Zoning Districts

155.3501. TRANSIT ORIENTED (TO)

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M. TO District Exterior Lighting Standards

Exterior lighting shall comply with the standards in [Part 4](#) (Exterior Lighting) of [Article 5](#): Development Standards as well as the following additional and/or modified standards:

1. Light poles shall not exceed a height of 17.5 feet above the ~~adjacent~~ finished grade;

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O. TO District Design Standards

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2. Building Configuration and Design

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- h. Active Use Standards

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- ii. Ground floor active use nonresidential or residential lobby;

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- e) Ground floor window sills shall be placed at a maximum height of 24 inches above ~~finished~~ grade; and

Text Amendments

Fences and Walls

C. General Requirements for Fences and Walls

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6. Fences on Retaining Walls or Berms

If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to the fence or wall alone. The total height of a fence on top of a retaining wall is measured from the finished grade on the interior side of the retaining wall.

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D. Height Requirements for Fences and Walls

Except for fences or walls exempted by subsection b below, a fence or wall shall comply with the height limits in this subsection. Fence or wall height is measured from ~~natural~~ finished grade on the interior side of the fence or wall.

b. Exemptions

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v. Corner Lot Fences and Walls

(B) In no event shall fences or walls be permitted a higher maximum height than those permitted on abutting lot lines.

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Department Recommendation

Given the information provided to the Board, the Development Services Department provides the following alternative motion options, which may be revised or modified at the Board's discretion.

Alternative Motion I

The Board recommends approval of the code amendment as it finds the proposed revisions consistent with the Comprehensive Plan and meets the review standards for a zoning code text amendment.

Alternative Motion II

The Board recommends the item be tabled to give Staff time to address and issues raised by the Board, Staff, or the general public.

Staff Recommends Alternative Motion 1.