

MEMORANDUM

DATE: October 16, 2012

TO: Planning and Zoning Board

FROM: Ric Hartman, Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2012-25 – Establishing Height Limits for Structures Excepted from Building Heights in the Comprehensive Plan and for Waterfront Restaurants

The proposed ordinance would establish or clarify height limits for certain structures that are allowed to exceed the maximum heights allowed in several zoning districts. Section 158.153 of the Zoning Code sets out an upper limit of ten additional feet for one television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells, enclosed mechanical equipment areas, and chimneys. However, the table in Section 158.145 that provides maximum heights for all zoning districts does not provide for these additional heights. The proposed ordinance would insert Footnote (i) further clarifying the availability of these additional heights.

*(i) Per Section 158.153, the following exceptions to the listed maximum heights are allowed: One television or dish antenna per principal structure and enclosed elevator shafts, enclosed stairwells and parapet walls, enclosed mechanical equipment areas, and chimneys shall not exceed the height regulations by more than ten feet of the district in which it is located.

Last year during public hearings, the Town Commission adopted Ordinance 2012-06, which amended Future Land Use Element, Policy 1.1.10 (10) of the Comprehensive Plan. The amendment adopted the Board's recommendation that waterfront restaurants be allowed an additional five feet in building height above the maximum allowed in the applicable zoning district. Proposed Ordinance 2012-25 would establish this additional height in Section 158.145, Footnote (k) of the Zoning Code.

*(k) Waterfront restaurants may be granted up to five feet of additional building height through the site plan approval process.

At the meeting on September 18, 2012, the Board discussed options to establish maximum heights in the Zoning Code for non-habitable attached and unattached

structures appurtenant to houses of worship. These types of structures, including but not limited to, spires, steeples, and bell towers, are currently not established in the Zoning Code, which is where the Comprehensive Plan Future Land Use Element Policy 1.1.10. states they are located. The Board directed staff to draft an ordinance that would limit the maximum building height of house of worship appurtenant structures to ten feet above that allowed under the applicable zoning district, unless additional height is granted through the site plan review process. The proposed ordinance would amend Section 158.006 *Definitions*, by adding a definition for House of Worship and for House of Worship, Appurtenance. It would also amend Section 158.153 (B)(2) and insert Footnote (k) in Section 158.145, providing the following language, establishing the height limits and provision for additional height through the site plan approval process, as directed by the Board.

158.153 (B)(2):

(1) A church spire or tower may exceed the height regulations of the district within which it is located. The maximum height for a house of worship appurtenance shall not exceed ten feet above the maximum building height allowed by the applicable zoning district, unless additional height is granted through the site plan approval process.

158.145 footnote:

*(j) Per Section 158.153, the maximum height for a house of worship appurtenance shall not exceed ten feet above the maximum building height allowed by the applicable zoning district, unless additional height is granted through the site plan approval process.

Staff requests that the Board recommend and forward the proposed ordinance, with or without revisions, to the Town Commission workshop on November 12, 2012, or provide staff with further directions.