

## Section 2307 Structural Alterations or Additions to Nonconforming Structures

Structural alterations, refurbishing, or remodeling of existing Nonconforming Structures shall not result in an increase in any existing encroachment over current setbacks or result in an increase in the height of the reconstructed, refurbished, or remodeled structure over the actual height of the nonconforming portion of the existing structure or result in an increase in any other nonconforming aspect. Permissible alterations or additions to Nonconforming Structures shall vary based upon whether the alteration or addition is for a structural demolition or a new addition, as provided for below:

- A. Structural Demolitions: When permits are approved for structural remodels, alterations, or repairs (excluding such nonstructural cosmetic items as painting, flooring, cabinets, or appliances), covered by a single or multiple building permits issued within a thirty six (36) month period that together covers work which exceeds fifty (50) percent of the original square footage of an existing Nonconforming Structure, such Nonconforming Structure shall be made to conform to the requirements for new structures. For the purposes of this section, the term "Square Footage" means the aggregate of the area of all floors in a structure, whether at or above established grade, measured between the exterior faces of the exterior walls of the structure.
- B. New additions: All new additions to the existing Nonconforming Structure shall be in compliance with all current Zoning Code provisions.

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District height, area and other regulations are shown on Table 1001-A1, 1001-A2, and 1001B which follows. The district regulations hereinafter set forth in this article qualify or supplement, as the case may be, the district regulations appearing herein elsewhere in this ordinance.

Table 1001-A1 Primary Building Area, Width, Story, and Setback Limitations

District	Minimum Lot Size, sq ft	Minimum Lot Width, ft	Minimum Front Setback, ft	Minimum Side Setback, ft	Minimum Rear Setback, ft	Minimum Side/Rear with Frontage	Maximum Floor Area Ratio	Minimum Floor Area, sq ft <sup>1</sup>	Number of Stories
R-175 with a Primary Building built prior to June 13, 1991	175,000	165	40	20 <sup>2</sup>	40	40	25%	2,000	2
R-175 with no Primary Building built prior to June 13, 1991	175,000	165	100	20 <sup>2</sup>	100	100	25%	2,000	2
R-43	43,560	165	40	20	40	40	25%	2,000	2
R-35	35,000	150	40	20 <sup>3</sup>	40	40	25%	1,800	2
R-35A	35,000	150	40	15 <sup>3</sup>	40	40	25%	1,800	1
R-18	18,000	120	40	20	40	40	25%	1,500	1
R-18A	18,000	120	35	10	35	35	25%	1,500	1
R-10	10,000	100	20 <sup>4</sup>	7 <sup>4</sup>	25 <sup>4</sup>	20 <sup>4</sup>	None	1,500	1

- <sup>1</sup>The Minimum Floor Area includes the walls proper of the structure but excludes open porches, pergolas, attached garages or carports or other similar extension thereof.
- <sup>2</sup>Side Yards are a minimum of 40 feet for lots with buildings two (2) stories or a height greater than 24 feet. On lots with buildings of one story and a height not greater than 24 feet, the minimum side yard is 20 feet.
- <sup>3</sup>In the R-35 and R-35A Districts Side Yard requirements are as follows: If there is a building with a second story, regardless of the total height of the building, then the second

story shall be set back forty (40) feet. If the structure is a single story, then all portions higher than twenty-four (24) feet shall be set back forty (40) feet.

- <sup>4</sup>In the R-10 District, front, side and rear yards shall meet the requirements indicated above or as shown on a previously recorded plat, or as existing at the time of annexation. Lots having double frontage and lots located at the intersection of two or more streets shall meet the requirements of this Table or as shown on a previously recorded plat, or as existing at the time of annexation.

Table 1001-A2 Primary Building Height Limitations

Lot Size, acre	Maximum Building Height, feet
Less than 3	24 not including chimneys
3 or greater but less than 4	26 not including chimneys
4 or greater	30 including chimneys

Height measurement shall include the vertical distance from the lowest point of the natural grade below a structure to the highest point of the structure. Please refer to illustrations A,B,D, and E of Figure 1001-1, for examples. Where lowest natural grade occurs in a wash or an anomaly, the Town Manager or designee shall eliminate the wash or anomaly from the calculation and interpolate a simulated natural grade between the contour on each side of the anomaly for use when measuring the height of the building or structure. Where natural grade has been excavated to a point that is lower than the lowest natural grade below the structure and not restored back against the walls of the structure, the total height of the structure shall be measured from the lowest excavated grade elevation adjacent to the walls of the structure. Please refer to illustration E of Figure 1001-1 for example. Basement exits including window wells, stairways, and patio areas shall not be included in the height measurement if the earth has been restored so as to fully screen the portion of the basement from view at natural grade level. Please refer to illustrations F and G of Figure 1001-1 for example. Basement exits, with the exception of standard window wells, shall be included in the Floor Area Ratio for the structure and shall meet all setbacks for the structure; however, the floor area of any fully subterranean portions of the actual basement shall be excluded from the Floor Area Ratio. Please refer to illustration C of Figure 1001-1 for detailed window well limitations. Height measurement as defined herein shall not be applicable in Hillside Development Areas.

Additional Height Measurement for R-43 and R-175, non-hillside, lots:

No building shall penetrate an imaginary plane beginning sixteen (16) feet above the twenty (20) foot setback line, and which plane rises toward the center of the lot at a slope of twenty (20) percent (see Figure 1001-2). All height measurements shall be taken from the elevation at the twenty-foot setback line. Measurements shall be taken from the high points of the structure to the closest point at the twenty-foot setback perpendicular to that portion of the structure.

Notwithstanding the above no building or structure shall be placed closer to a property line than specified in Table 1001-A1, 1001-B, or elsewhere in this ordinance. No building may at any

point exceed the maximum building height allowed on the lot. In the event of a conflict between this section and section 201, this section shall prevail.

Table 1001B -Setbacks and Height Limits for Accessory Buildings and Structures

DISTRICT	MAXIMUM STORIES	FRONT SETBACK (feet)	MAXIMUM HEIGHT (feet)	SIDE SETBACK (feet)	REAR SETBACK (feet)	SIDE WITH FRONTAGE	REAR WITH FRONTAGE
R-175 with a Primary Building built prior to June 13, 1991	1	60	16	20	20	40	40
R-175 with no Primary Building built prior to June 13, 1991	1	100	16	20	20	40	40
R-43	1	60	16	20	20	40	40
R-35	1	60	15	10	10	40	40
R-35A	1	60	15	10	10	40	40
R-18	1	60	15	10	10	40	40
R-18A	1	60	15	10	10	35	35
R-10	1	20 <sup>1</sup>	15	7 <sup>1</sup>	7	20 <sup>1</sup>	20 <sup>1</sup>

- <sup>1</sup>In the R-10 District, front, side and rear yards shall meet the requirements indicated above or as shown on a previously recorded plat, or as existing at the time of annexation. Lots having double frontage and lots located at the intersection of two or more streets shall meet the requirements of this Table or as shown on a previously recorded plat, or as existing at the time of annexation.