



Height Exception

§ 24-31 Height Restrictions-Declaration of Policy and Purpose

The City council hereby declares that the unregulated placement and erection of buildings more than thirty-five feet in height may be detrimental to the proper development and orderly growth of the City and contrary to the public health, safety and welfare. Therefore, the City council finds that the general height restriction, the review of proposed buildings to exceed the general height restriction and the regulatory provisions of this article will protect, preserve and promote the orderly growth and development of the City and the public health, safety and welfare by:

- (A) Review of buildings that are proposed to exceed the general height restriction to ensure the safety and adequacy of the public facilities including streets, police and fire protection and water and sewer utilities serving the increased demands created by the proposed building;
- (B) Providing that the structures which exceed thirty-five feet in height will be in close proximity to facilities and services appropriate to the nature of the structure's occupancy and use;
- (C) Providing, by design review and open space requirements, that adequate light and air will ensure to surrounding properties and that the proposed building will not interfere with light and air of the community at large;
- (D) Providing, by design review, for flexibility as to as to the expansion of certain buildings incident to their rehabilitation or preservation;
- (E) Encouraging the utilization of land area for pedestrian oriented occupants and users (e.g. elderly persons) without overcrowding the land;
- (F) Promoting the development of land and property in conformity with the City's comprehensive and long-range planning;
- (G) Protecting and maintaining the integrity and character of surrounding neighborhoods;
- (H) Providing for review to assure additional firefighting equipment needs are not required at an expense to the City's residents;

- (I) Conserving and enhancing property values;
- (J) Providing for property development that is compatible with the community.

§ 24-32 General height restriction.

- (A) For purposes of this section, the term "appurtenances" shall mean all items of construction normally carried above the roof level of a building, and shall include, but not be limited to, the following: mechanical penthouses, ventilators, skylights, parapet walls, cornices without windows, commercial and private antennas, chimneys, domes, church spires, belfries, cupolas and silos.

(B) Residential Zones.

- (1) The maximum building height shall be thirty-five feet.
- (2) Addition to building of unoccupied appurtenances:
 - (a) Where the addition of the appurtenances does not cause the building height to exceed thirty-five feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof): the addition shall be permitted.
 - (b) Where the addition of appurtenances cause building height to exceed thirty-five feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof):
 - [1] All appurtenances other than private television antennas, solar collectors and chimneys may be permitted by the planning department when not inconsistent with the purposes and standards of this article, but in no event shall such appurtenances exceed sixteen feet in height and take up more than twenty-five percent of the roof area, provided, however, no unscreened mechanical equipment shall be permitted.

(C) All Zones other than Residential.

- (1) Building height:
 - (a) Buildings up to, and including, thirty-five feet are permitted provided that for buildings twenty-five to thirty-five feet in height usable open space is at least ten percent of the lot, or as required by

the applicable bulk requirements in Article III, whichever is greater.

- (b) Buildings in excess of thirty-five feet and up to, and including, sixty-five feet: may be permitted with a conditional use permit obtained in accordance with Article II.
 - (c) Maximum building height shall be sixty-five feet.
- (2) Addition to building of unoccupied appurtenances:
- (a) Where the building height does not exceed thirty-five feet, and where addition of the appurtenance would not cause the building height to exceed thirty-five feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof): the addition is permitted.
 - (b) Where the building height does not exceed thirty-five feet, but addition of appurtenance causes building height to exceed thirty-five feet (considering, for this purpose only, the uppermost point of the appurtenance to be the uppermost point of the roof);
 - [1] All appurtenances other than chimneys, solar collectors, church spires and private television antennas may be permitted by the planning department when not inconsistent with the purposes and standards of this article, but in no event shall such appurtenances exceed sixteen feet in height and take up more than twenty-five percent of the roof area; provided, however, that no unscreened mechanical equipment shall be permitted.
 - [2] Chimneys, church spires, solar collectors and private television antennas are permitted but in no event may exceed sixteen feet in height and take up more than twenty-five percent of the roof area.
 - (c) Where the building height exceed thirty-five feet: the addition may be permitted by the planning department when not inconsistent with the purposes and standards of this article, but in no event may the addition exceed sixteen feet in height and take up more than twenty-five percent of the roof area, provided, however, no unscreened mechanical equipment shall be permitted.

(D) Windmills. Windmills for generation of electrical power are permitted in all zones as accessory uses, as a principal use if equal to or less than thirty-five feet in height or on

the roof of a building as an appurtenance subject to the limitations of appurtenances as described in subsections B and C of this section.

§ 24-33 Height exception procedure. [Amended by Ord. No. 95-16]

Applications for building heights which exceed those permitted by section 24-16, or fence heights which exceed those permitted by section 24-22 shall be made, reviewed and approved following the conditional use procedures of Article II, except such parts thereof as are clearly inapplicable. The posting of the property required by Article II shall recite "Height Exception Applied For." The standards and requirements of both Article II, as applicable, and this article shall apply.

§ 24-35 Standards for review.

The review of any application for a building height exception shall include the following considerations, in addition to the standards and requirements of conditional uses specified in Articles II and V of this chapter:

- (A) The geographical position and possible visual effects on existing structures or established district;
- (B) Potential problems on neighboring sites caused by shadows, loss of air circulation, or closing of the view;
- (C) The influence on the general vicinity, including contrast with existing buildings and structures, streets, traffic circulation conditions and adjacent open space;
- (D) Appropriateness of the uses within the building;
- (E) Landscaping and physical separators that may be proposed to buffer the site from adjacent uses;
- (F) The relationship of the building to open space, location of parking, pedestrian movement, circulation and buildings on adjacent properties;
- (G) The proximity and adequacy of all public facilities, including vehicular and pedestrian traffic carriers, parking, water and sewer utilities, fire protection, and other safety protection measures;
- (H) The side yards between buildings and adjacent to streets and alleys and their relationship to pedestrian movement and open space;
- (I) The sideyards between buildings which exceed thirty-five feet should approximately equal the average of the combined height of the subject buildings.



Complete Height Exception Application

The following attachments are required in addition to the online permit request [application](#):

For an application to be considered complete-

- 1) List of property owners within 300 feet of the requested address (this can be acquired from the [Unita County website](#))
- 2) Completed narrative (explanation of the request/addressing review standards)
- 3) Completed [Conditional Use Permit Criteria Sheet](#)
- 4) Any additional requirements will be provided after review of the initial application and attachments
- 5) Once all requirements are completed, the permit fee must be paid



Conditional Use Criteria

(1)

Size and location of site;

(2)

Street and road capacities in the area;

(3)

Ingress and egress to adjoining public streets;

(4)

Location and amount of off-street parking;

(5)

Internal traffic circulation system;

(6)

Fencing, screening and landscaped separations;

(7)

Building bulk and location;

(8)

Usable open space;

(9)

Signs and lighting;



Conditional Use Criteria

(10)

Noise, vibration, air pollution and other environmental influences;

(11)

Number of employees;

(12)

Volume of business in terms of number of customers per day;

(13)

Hours of operation;

(14)

Location of the use with respect to similar uses in the immediate area;

(15)

Intensification of traffic congestion or hazard caused by the use which may be over and above normal traffic for the area, and a means to address this issue;

(16)

The design of existing or new buildings to be used to determine compatibility with surrounding land uses and its location;

(17)

Security;

(18)



Conditional Use Criteria

Infrastructure needs including water, sewer, solid waste and employee housing needs;

(19)

Accessory uses;

(20)

Licensing requirements.

