

# Land Use Ordinance (LVO)

## Heights, Chapter 4-7

### Sec. 21-4.60 Heights.

- (a) All structures shall fall within a building height envelope at a height specified by this chapter or as specified on the zoning maps. Exceptions are specified under subsection (c), and others may be specified under special districts.
- (b) The building height envelope shall run parallel to existing or finish grade, whichever is lower (see Figure 21-4.3), except where finish grade is higher than existing grade in order to meet city construction standards for driveways, roadways, drainage, sewerage and other infrastructure requirements, or to meet conditions of permits approved under the provisions of this chapter. In these cases, height shall be measured from finish grade.
- (c) The following structures and associated screening shall be exempt from zoning district height limits under the specified restrictions:
  - (1) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 18 feet above the governing height limit, except that structures housing rooftop machinery on detached dwellings and duplex units shall not be exempt from zoning district height limits.
  - (2) Chimneys.
  - (3) Safety railings not to exceed 42 inches above the governing height limit.
  - (4) Utility Poles and Antennas. The council finds and declares that there is a significant public interest served in protecting and preserving the aesthetic beauty of the city. Further, the council finds that the indiscriminate and uncontrolled erection, location, and height of antennas can be and are detrimental to the city's appearance and, therefore, image; that this can cause significant damage to the community's sense of well-being, particularly in residential areas, and can further harm the economy of the city with its tourist trade which relies heavily on the city's physical appearance. However, the council also finds that there is a need for additional height for certain types of utility poles and antennas and that there is a clear public interest served by ensuring that those transmissions and receptions providing the public with power and telecommunications services are unobstructed. Therefore, in accord with the health, safety and aesthetic objectives contained in Section 21-1.20, and in view of the particular public interest needs associated with certain types of telecommunications services:
    - (A) Utility poles and broadcasting antennas shall not exceed 500 feet from existing grade.

- (B) Antennas associated with utility installations shall not exceed 10 feet above the governing height limit, but in residential districts where utility lines are predominantly located underground the governing height limit shall apply.
- (C) Receive-only antennas shall not exceed the governing height limit, except as provided under Section 21-2.140-1.
- (5) Spires, flagpoles and smokestacks, not to exceed 350 feet from existing grade.
- (6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.
- (7) Wind machines, where permitted, provided that each machine shall be set back from all property lines one foot for each foot of height, measured from the highest vertical extension of the system.
- (8) Any energy-savings device, including heat pumps and solar collectors, not to exceed five feet above the governing height limit.
- (9) Construction and improvements in certain flood hazard districts, as specified in Sections 21-9.10-6 and 21-9.10-7.
- (10) Farm structures in agricultural districts, as specified in Article 3.
- (d) The following structures and associated screening may be placed on top of an existing building which is nonconforming with respect to height, under the specified restrictions:
  - (1) Any energy-savings device, including heat pumps and solar collectors, not to exceed 12 feet above the height of the building.
  - (2) Safety railings not to exceed 42 inches above the height of the building.

(Added by Ord. 99-12)

Figure 21-4.3  
HEIGHT MEASUREMENT

HEIGHT OF STRUCTURE (H1, H2)  
IS MEASURED FROM EXISTING OR  
FINISH GRADE, WHICHEVER IS LOWER

