

Article 21-02: Definitions & Measurements

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Section 21-02.01: Rules of Interpretation

(a) Definitions

Whenever a defined word appears in the Ordinance, its meaning is as set forth in this article. Words not defined in this Ordinance are interpreted in accord with their usual dictionary meaning and customary usage.

(b) Current Versions and Citations

All references to other regulations or manuals in this Ordinance refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Ordinance requirements for compliance are no longer in effect.

(c) Text and Graphics

Illustrations, diagrams, and flowcharts are included in this Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.

(d) Fractions

Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.

(e) Interpretation of Terms or Words

The language of this Ordinance shall be interpreted in accordance with the following regulations.

- (1) The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural

number includes the singular, in each case, if the context so requires.

- (3) The word "shall" is mandatory, the word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended," "designed," "constructed," "altered," or "arranged" to be used or occupied.
- (5) The word "lot" includes the words "plot," "tract," or "parcel."
- (6) The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
- (7) Section headings are provided for ease of use and organization, and shall not be interpreted as regulatory.

(f) Conjunctions

Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (3) "Either ... or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

Section 21-02.02: Definitions

The following terms or words used in the text of this Ordinance shall have the following meanings, unless a contrary meaning is (i) required by the context of a particular sentence or phrase; or, (ii) specifically prescribed in a particular sentence or phrase.

A

Abandoned. A condition that exists after a voluntary act or failure to act by the owner of a nonconforming use which evidences that the owner neither claims nor retains the right to exercise the nonconforming use.

Access. The manner in which ingress and egress is provided to a lot from a public right-of-way along said lot.

Accessory (Structure, Building, or Use). A subordinate structure, building, or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, area, and height to the primary structure, building, or use, and is located on the same lot as the primary building, structure, or use.

Administrative Lot Line Adjustment. The process of allowing for an adjustment of a lot line or lines, and easements, as shown on a recorded subdivision, which does not affect any street layout, whether existing or proposed; and does not increase the total number of lots within the area proposed to be replatted.

Alley. A right-of-way used as a secondary means of public access to a lot otherwise abutting upon a street and not intended for traffic other than public services and circulation to and from said lot.

Articulation. Elements in the massing of a building that create changes in the facade surface, which establish visual interest and avoid a flat appearance.

Authorized Agent. Any party duly authorized in writing by the Owner of a subject lot to act on the Owner's behalf with respect to any development petition, including, but not limited to, a petition for zone map change; platting of a subdivision; development plan approval; variance; or vacation of land in a plat.

B

Basement. That portion of a building with an interior vertical height clearance of not less than 84 inches and having one-half or more of its interior vertical height clearance below grade level.

Belt Course. A design element aligned horizontally along a building wall, typically a continuous row or layer of stones, tiles, bricks, shingles, or similar materials. Also called a string course or band course.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, water bodies, or municipal boundary lines.

Block Face. The frontage of a block, which may contain one or more lots, along one side of a public or private street between intersections.

Board of Public Works. The South Bend Board of Public Works.

Board of Zoning Appeals. The South Bend Board of Zoning Appeals.

Buffer. A landscape planting, fence, and/or other component used to provide screening of incompatible uses.

Buildable Area. The area of a lot remaining after the minimum setbacks and lot size requirements of this Ordinance have been met and in which development may occur subject to compliance with all applicable development standards.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

Building Commissioner. The duly appointed building commissioner for the City of South Bend, Indiana.

Definitions

Building Coverage. The total ground area within the lot or project covered by the primary structure plus any accessory structures with a roof.

Building Line, Established. A line parallel to any front, corner, side, or rear lot line which passes through the nearest point of any building, excluding a building frontage type.

Building Mass. The relationship between height, width, and depth of a building or structure. A building may consist of a primary form with additional elements attached such as building frontage types (i.e., porch, stoop, or awning), building components (i.e., bay window, balcony, or dormer) or secondary forms (i.e., side or rear building wing or attached garage).

Building Material. Exterior surface materials, exclusive of materials used for windows; doors; roofing; fascia; soffit; balconies; railings; handrails; stairs; foundations; vents; and support beams or columns less than 18 inches in width.

Building Permit. A permit issued by the City of South Bend in compliance with the terms and provisions of the City of South Bend Building Code.

Building Scale. The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

Building Segment. A vertical unit of a building that consists of regularly repeated spatial elements making a vertical division in a structure, commonly defined by the number of window and door openings per floor or by the space between columns and/or piers.

C

Caliper. The diameter of a tree trunk, measured in inches, at 6 inches above the ground.

Certificate of Occupancy. A certificate issued by the Building Department authorizing an occupancy under the local building codes and ordinances of the City of South Bend, Indiana.

City Engineer. The City Engineer of the City of South Bend, Indiana.

Commitment. A legally binding, written restriction on the use and development of real estate entered into in connection with a petition for zoning map change, development plan approval, special exception, or variance.

Common Council. The Common Council of the City of South Bend, Indiana.

Comprehensive Plan. The Comprehensive Plan for the City of South Bend or any supplemental or replacement comprehensive plan subsequently recommended by the Plan Commission and adopted by the Common Council pursuant to Indiana law.

Condominium. A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.

Conforming. The state of being in compliance with the permitted use or development standards regulations of the district to which the real estate is zoned pursuant to this Ordinance.

Cornice. Projecting ornamental molding along the top of a building or wall.

D

Development Petition. Any petition or review process required by this Ordinance prior to the issuance of an improvement location permit, including but not limited to petitions for zone map changes, variances, special exceptions, subdivisions, vacations, or development plans.

Development Plan. Specific plans for a lot(s) filed in connection with a development review procedure. A development plan may include, but are not limited to, a site plan, landscape plan, building elevations, signs, and other plans which are reasonably necessary to depict or describe certain information and data as required by this Ordinance

District. Any zoning district or overlay district applicable to a section of the territory within the jurisdiction of this Ordinance.

District, Zoning. A section of the territory within the jurisdiction of this Ordinance for which uniform regulations over the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land, including, but not limited to permitted uses, height, area, size, and intensity of use of buildings, structures, land, and open spaces about buildings or structures, are established by this Ordinance.

District, Overlay. A section of the territory within the jurisdiction of this Ordinance in which additional requirements are imposed on certain properties within one or more underlying zoning district.

Drive, Interior Access. A way for internal vehicular movement in and around an individual lot or integrated center.

Driveway. A vehicular lane within a lot, or shared between two or more lots, typically providing access from a street or alley to a garage or other parking area.

Dwelling. Any building, or portion of a building, which is designed or used primarily for residential purposes, including a 1 unit dwelling, 2 unit dwelling, and multi-unit dwelling but not including hotels or bed & breakfasts.

Dwelling Unit. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including permanent provisions for living, sleeping, eating, cooking, and sanitary facilities per the definition of the Building Code. The term shall include mobile dwellings, modular dwellings, and manufactured dwellings but shall not include recreational vehicles.

E

Easement. A grant by a property owner to the general public and/or public utility or utilities for the use of land for a specifically stated purpose or purposes.

Eaves. The projecting overhang at the lower edge of a roof.

F

Facade. External face of a building, including the portion of any exterior elevation of a building, extended from grade to the top of the parapet wall or eaves, and extending the entire width of the building elevation. The facade includes all building faces that are oriented toward the lot line to which the building elevation is oriented.

Family. One or more persons related by blood, legal adoption, or marriage, living and cooking together as a single housekeeping unit; or, a number of persons, but not exceeding two, who are not related by blood, legal adoption, or marriage, living and cooking together as a single housekeeping unit, shall be deemed to constitute a family. A person or persons residing with a family as hereinabove defined by reasons of placement by a publicly licensed placement agency shall be considered as members of that family.

Fenestration. The arrangement, proportioning, and design of windows and doors in an exterior wall of a building.

Floor Area, Finished. That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities mentioned above shall not be considered finished floor area.

Floor Area, Gross. For dwelling units, the total area, computed on a horizontal plane inclusive of finished basements, attached garages, entrances, hallways, stairways, and other enclosed areas, but exclusive of unfinished basements, cellars, and attics. For commercial or industrial buildings, the sum of all horizontal surface areas of all floors of a building or structure measured from the exterior faces of the exterior walls or from the center line of walls separating abutting buildings or structures.

Floor Area, Main. That portion of the finished floor area located on the first floor of the dwelling unit.

Frontage. The line of contact of an abutting lot with the street right-of-way along a front lot line which allows unobstructed, direct access to the lot.

G

Glare. The harsh appearance of a direct source of light as discernible from adjacent properties and which causes annoyance, discomfort, or loss of visual performance and visibility.

Grade. The average level of the finished surface of the ground 5 feet from the building, structure, or proposed building pad.

H

Historic Landmark. A building, structure, object, district, land use, area, or site of historical significance and designated as an historic landmark on the Historic Preservation Plan or by Ordinance of the Common Council.

Historic Preservation. The research, protection, maintenance, restoration, rehabilitation, reconstruction, or development of historic landmarks and historic preservation districts. For the purposes of this Chapter, this definition shall apply to the preservation of exterior features only.

Historic Preservation Commission. The Historic Preservation Commission of South Bend and St. Joseph County.

Historic Preservation District. A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, a sense of cohesiveness, or related historic association and designated as an historic preservation district on the Historic Preservation Plan or by Ordinance of the Common Council.

I

Improvement. Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

Improvement Location Permit. A permit stating that the proposed erection, construction, enlargement, or moving of a building or structure, and uses thereof, complies with the provisions of this Ordinance.

Incidental. A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

J

K

L

Legally Established. The condition of being in compliance with all applicable development regulations at the time of recording, construction or erection of a lot, building, structure, use, or sign.

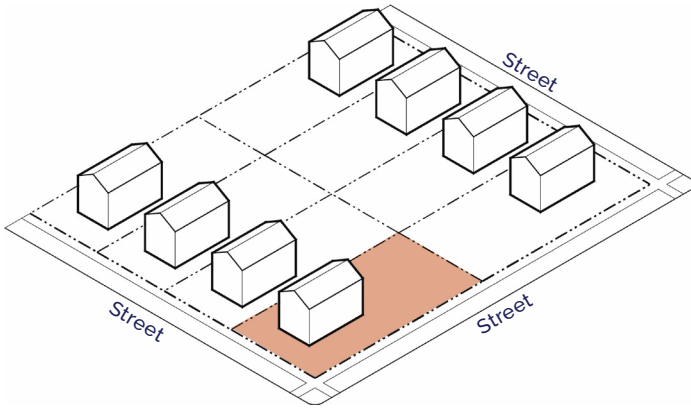
Limited Access Highway. See Street, Limited Access Highway.

Loading Area. Any area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility. Loading area includes the loading space and maneuvering area required to enter the loading space.

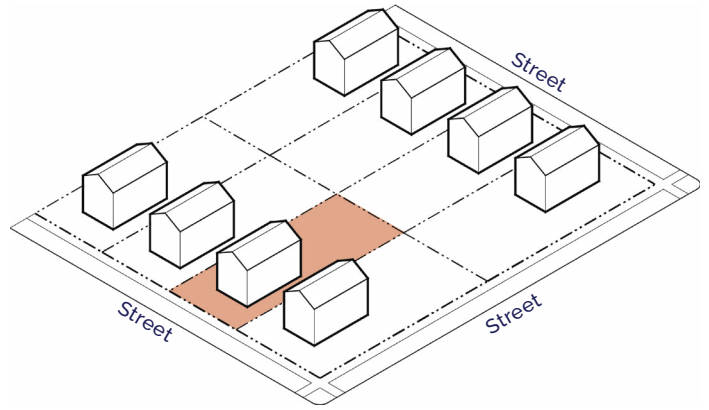
Loading, Off-Street. A loading area located completely on a lot and accessed via interior access drives, interior access driveways, access drives, or driveways in which no individual loading spaces gain direct access to a public street or private street.

Loading Space. A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

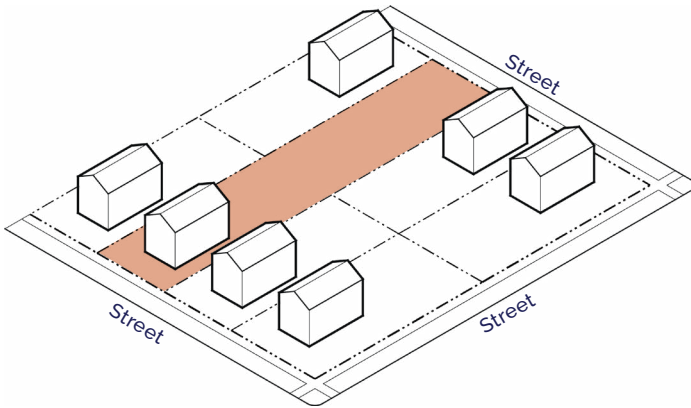
Lot. A piece, parcel, plot, or tract of land designated by its owner or developer to be used, developed, or built upon as a unit under single ownership or control and may consist of a single lot of record or a combination of complete lots of record. For purpose of this definition, the ownership of a lot is further defined to include the person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the St. Joseph County Assessor.



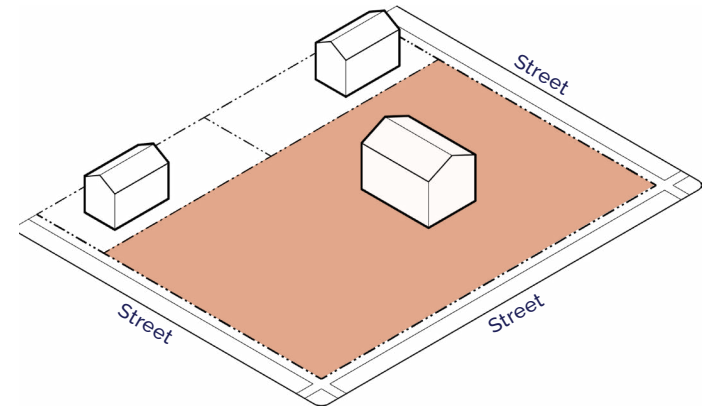
Corner Lot



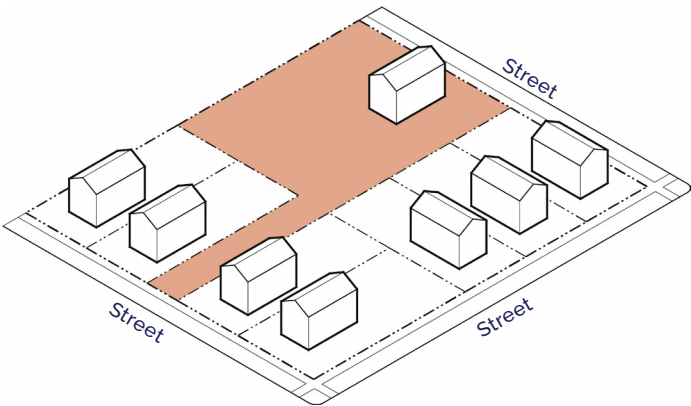
Interior Lot



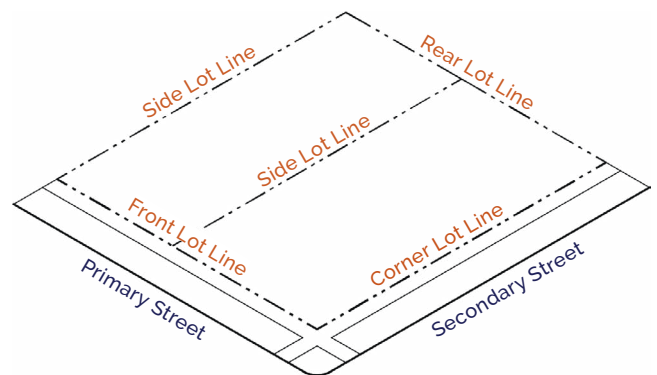
Double Frontage Lot



Multiple Frontage Lot



Flag Lot



Lot Lines

Definitions

Lot Area. The total area of a lot bounded on all sides by any front, corner, side, or rear lot line, provided, however, lot area shall not include any area lying within the right-of-way of any public or private street or easement for surface access into the subject lot or adjoining lots; or land reserved for drainage pond, wetland or lands subject to periodic flooding. No part of the minimum lot area required under the commitment, variance grant, or development plan approval may be satisfied by land that is under water.

Lot, Corner. A lot abutting two or more streets at their intersections.

Lot, Double Frontage. A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot.

Lot, Flag. An irregularly shaped lot with a limited amount of street frontage and only a thin strip of land, often consisting primarily of a driveway, connecting the street to a wider part of the lot. On a flag lot, only the wider portion of the lot is used to measure lot width.

Lot, Non-Frontage. A lot with no frontage that is interior to a development.

Lot, Multiple Frontage. A lot abutting three or more streets or public open spaces.

Lot, Interior. A lot which is not a corner lot or a double frontage lot.

Lot Line. The line of separation of a lot from any abutting public right-of-way or adjoining lot.

Lot Line, Corner. The lot line separating a lot from an abutting secondary street or limited access highway.

Lot Line, Front. The lot line separating a lot from an abutting primary street or limited access highway.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line not designated as a front lot line, corner lot line, or rear lot line.

M

Masonry. Wall construction of cut, shaped, or molded units such as stone, brick, concrete, etc.

N

Nonaccess Easement. A public easement along a public right-of-way across which access to the lot is not permitted.

Nonconforming. The state of not being in compliance with the permitted use or development standards regulations of the district to which the real estate is zoned pursuant to this Ordinance.

Nonconforming, Legally Established. Any continuous, lawfully established land use, building, or structure erected, constructed, commenced: (a) prior to the time of adoption, revision, or amendment of this Ordinance but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district; (b) pursuant to a granted variance; or, (c) prior to a right-of-way acquisition or access rights acquisition by a governmental entity but which fails by reason of such right-of-way acquisition or access rights acquisition by a governmental entity to conform to the present requirements of the district.

O

Occupancy. The use to which a building or premises is devoted.

Off-Street. An area, typically set aside for parking or loading, which is located on private lot and does not occur in the right-of-way of any public or private street.

On-Street. An area, typically set aside for parking or loading, which is located within the right-of-way of any public or private street.

Open Space. Any property designated, dedicated, or developed for use as a park, civic space, or outdoor open space for passive and active forms of recreation.

Out Lot. For the purposes of subdivisions, the term out lot shall mean a non-buildable portion of a subdivision.

Outdoor Light Fixture. Any outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps, and similar devices including all parts used to distribute the light or protect the lamp, permanently installed or portable, used for flood lighting, general illumination, or location identification.

P

Parapet. A low, solid, protective wall or railing along the edge of a roof or balcony.

Parking Area. Any area intended for the temporary storage of motor vehicles including parking spaces and the area allocated to the egress/ingress of motor vehicles to and from the actual parking space.

Parking Lot. An off-street parking area with 4 or more spaces.

Parking, Off-Street. A parking area located completely on a lot typically accessed via interior access drives, access drives, or driveways.

Parking, On-Street. A parking area located partially or completely within the right-of-way of a public or private street.

Permitted Use. The use of land or the use of a building or structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a special exception, accessory use, home occupation, or temporary use) in the district applicable to the land.

Plan Commission. The South Bend Plan Commission, established pursuant to the Advisory Planning Law (IC 36-7-4 et seq.) of the State of Indiana.

Public. Any property or place designated, dedicated, or developed by or on behalf of a government entity for use of the general population.

Public Realm. All exterior places, linkages, and built form elements that are physically accessible regardless of ownership. The public realm includes, but is not limited to, rights-of-way, greens, squares, plazas, courtyards, paths, sidewalks, and transit stations.

Primary Building. The building in which the principal permitted use of the lot is conducted.

Primary Building Facade. The side of a building facing the primary street or open space, which contains the main building entrance.

Principal Use. A permitted use of land or a permitted use of a building or structure on land which is allowed as a matter of right in the district applicable to the land, subject only to compliance with the development standards applicable to that district.

Private. Any property or place belonging to or designated for the use of one particular person or group of people only, provided for or owned by an individual or a non-government entity.

Project. The development of real estate for any use.

Project Area. The total land area of a site, less area included in: the existing right-of-way or proposed right-of-way of a perimeter street; and, the area included in floodway or other undevelopable portions of the site.

Q

R

Recreational Vehicle. A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use, including, but not limited to travel trailers, truck campers, camping trailers, self-propelled motor homes, personal watercrafts, and boats.

Right-of-Way. Specific and particularly described land, property, or interest therein devoted to and subject to lawful use, typically as a thoroughfare for passage of pedestrians, vehicles, or utilities, as set forth in a written grant, declaration, or conveyance that is recorded in the Office of the Recorder of St. Joseph County, Indiana.

Right-of-Way, Existing. The total right-of-way width of a street as created or expanded by the most recent grant, declaration, or conveyance that is recorded in the Office of the Recorder of St. Joseph County, Indiana.

Right-of-Way, Proposed. The recommended right-of-way width for a street based upon that street's classification in the officially adopted Thoroughfare Plan portion of the City of South Bend Comprehensive Plan.

S

Secondary Building Facade. The side facade of a building on a corner lot facing the secondary street, which does not contain the primary building entrance.

Semi-Trailer. A freight trailer, tanker, or other large vehicles or machinery with a forward portion designed to be supported by a fifth wheel device of a truck tractor when in motion.

Setback. The distance measured perpendicularly from the lot line to the closest point of the building facade, structure, sign structure, parking area, or any other permanent improvement.

Sidewalk. A defined pedestrian way which is typically constructed of concrete, separated from and located parallel to the improved surface of a public or private street, and located within a right-of-way of said street.

Sign. Any object, device, display, structure, fixture, placard, announcement, declaration, demonstration, or insignia, or part thereof, used to draw attention; provide direction, information, identification; or advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Special Exception. The use of land or the use of a building or structure on land which is allowed in the district applicable to the land only through the grant of a special exception.

Staff. Shall include: The Building Commissioner; the Zoning Administrator; any employee of the Plan Commission; or, any other employee, attorney, agent, or designee of the City of South Bend related to the review, recommendation, or approval process for development.

Street. Any public or private right-of-way, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the

purposes of vehicular and pedestrian travel affording access to abutting lot, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking spaces, and similar features..

Street, Limited Access Highway. A street along which access is restricted due to the acquisition of access rights from adjoining properties by the appropriate governmental agency having jurisdiction over such street.

Street, Primary. The street on which the parcel's front lot line abuts and address is platted.

Street, Secondary. The street that intersects with the Primary Street on which the parcel's corner lot line abuts.

Streetwall. The continuation of building facades along a Primary Street.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, walls, parking areas, loading areas, towers, antenna, and signs.

Subdivision. A division of land either by metes and bounds description or by plat, into two or more lots or parcels for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale. The term "subdivision" shall also include redivision of land or platting of unsubdivided land.

Subdivision, Major. A division of land, over any period of time, into two or more lots or parcels, requiring any new streets, alleys, roads, or involving the extension of any municipal facilities.

Subdivision, Minor. A division of land, over any period of time, into two or more lots or parcels, not requiring any new streets, alleys, roads, or involving the extension of any municipal facilities, and not adversely affecting the development of the remainder of the parcel or any adjoining lot.

T

Temporary Use. A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Trailer. A non-automotive vehicle designed to be hauled on the road.

Truck. A motor vehicle designed, used, or maintained primarily for the transportation of property.

U

Use. The purpose or activity for which land, buildings, or structures are designed, arranged, or which land, buildings, or structures are occupied or maintained.

Use, Permitted. See Permitted Use.

V

Vacant. A structure or lot that is not occupied or otherwise used for an allowed zoning activity.

Variance. Permission granted by the Board of Zoning Appeals to depart from the literal requirements of this Ordinance.

W

Waiver / Waived. Permission granted in connection with: (a) the approval of a development plan; (b) the approval of a primary plat for a subdivision; or, (c) a special exception, to allow a deviation from the development standards or development requirements of this Ordinance.

Walkway. A defined pedestrian way, typically improved with concrete or asphalt, which provides for pedestrian movement on private property. A walkway may or may not be located in an pedestrian easement.

X**Y**

Yard, Established. An open space, unobstructed to the sky, with the exception of permitted encroachments, extending fully across the lot while situated between the front, corner, side, or rear lot line and an established front, corner, side, or rear building line.

Z

Zoning Administrator. The individual having the responsibility for the interpretation and administration of this Ordinance.

Section 21-02.03: Measurements

The following section explains the regulations established in the tables and diagrams for each zoning district. Refer to 21-03.01 through 21-04.04 for regulations specific to each district.

(a) Uses

Principal use tables identify the permitted uses allowed by zoning district, with a reference section listed for specific use definitions and additional standards that may apply.

- (1) Land Use Separation.** Measurement of distance shall be from the lot line of the lot or out lot occupied by the use, measured in a straight line, without regard for intervening buildings, structures, or objects. If an use is part of a business or industrial center, then all measurements shall be from the perimeter wall of the tenant space.

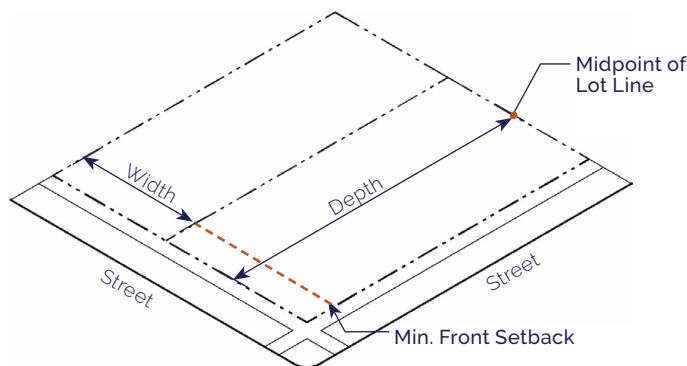
(b) Building Placement

These regulations define where a building can be situated within a lot.

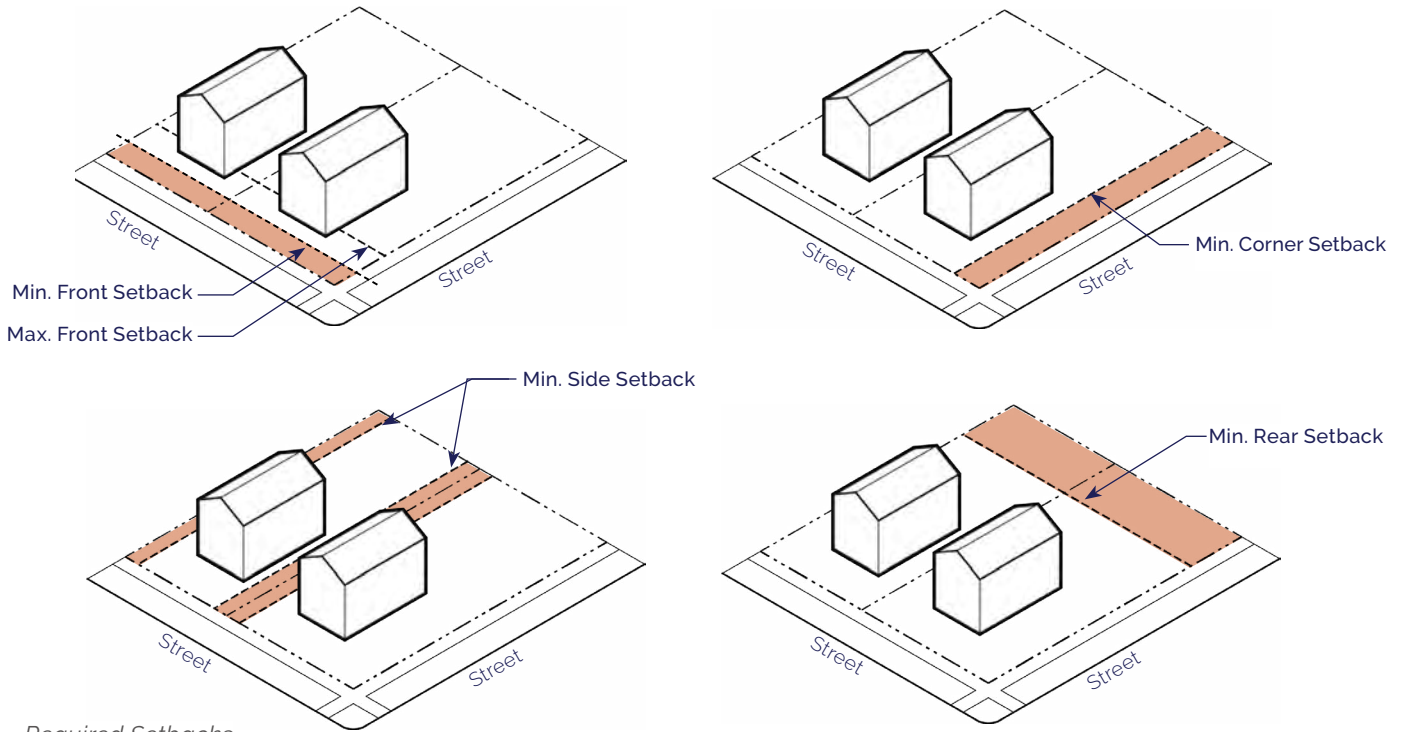
(1) Lot Size

- (A) Lot width is the full horizontal distance measured between lot lines along the minimum front building setback line.
- (B) Lot depth is measured as the distance from the midpoint of the front lot line to the midpoint of the rear lot line.

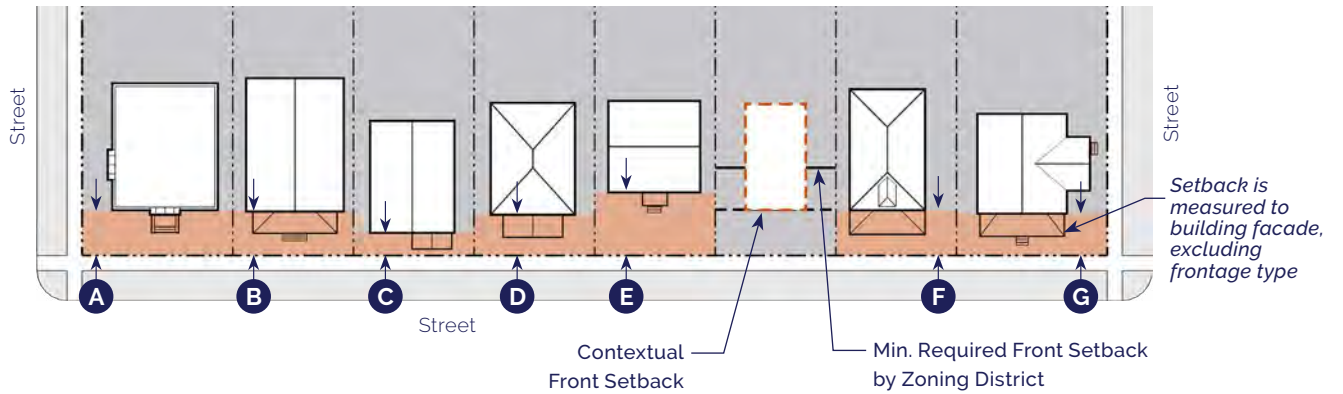
- (2) Lot Line Determination.** For non-frontage, double frontage, and multiple frontage lots, the Zoning Administrator shall determine which lot lines shall be considered front, corner, side, or rear based on the context of the development.
- (3) Building Setbacks.** A setback distance is measured perpendicularly from the lot line to the closest exterior wall of a building's facade, exclusive of building frontage type (e.g., porch, stoop). A setback is measured from the greater of an actual or proposed right-of-way.
 - (A) Corner (or Secondary Street) Setback.** For all corner lots, one street shall be designated as a primary street frontage and one shall be designated as a secondary street frontage. The Zoning Administrator shall determine which street or streets shall be considered primary and secondary.
 - (B) Contextual Setback.** In order to create consistent setbacks along a block where existing buildings are in front of the required minimum front setback or beyond the maximum front setback, any new building may use the average setback of existing buildings along the same block face.
 - i. Where less than 25 percent of the lots along a block face have primary buildings, the contextual front setback line shall be determined by the Zoning Administrator.
 - ii. Where one or more adjacent lots, located along the same block face as the subject lot, vary from the average front setback line by more than 10 feet, the contextual front setback line shall be determined by the Zoning Administrator.



Lot Width & Depth

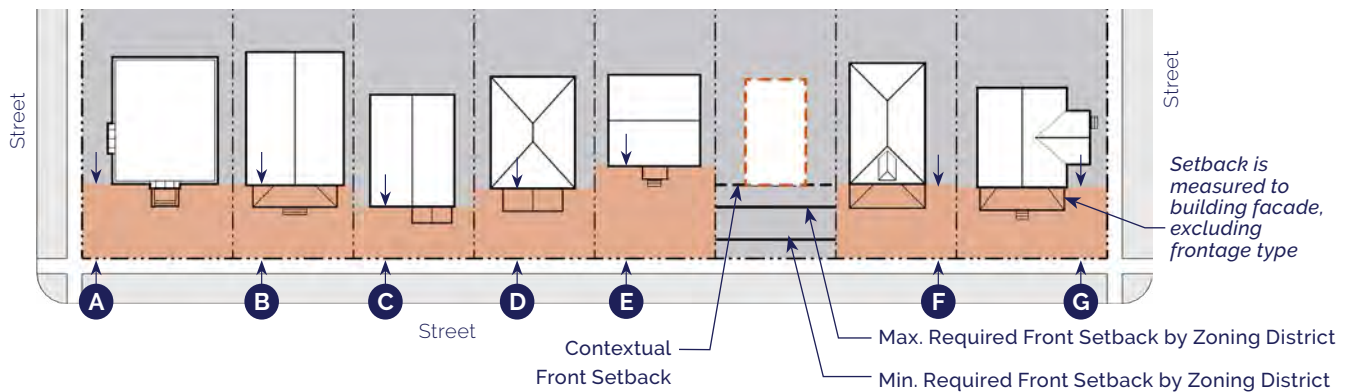


Required Setbacks



Contextual Front Setback - In front of Minimum Setback

$$\frac{\text{Sum of A + B + C + D + E + F + G}}{7} = \text{Contextual Front Setback}$$



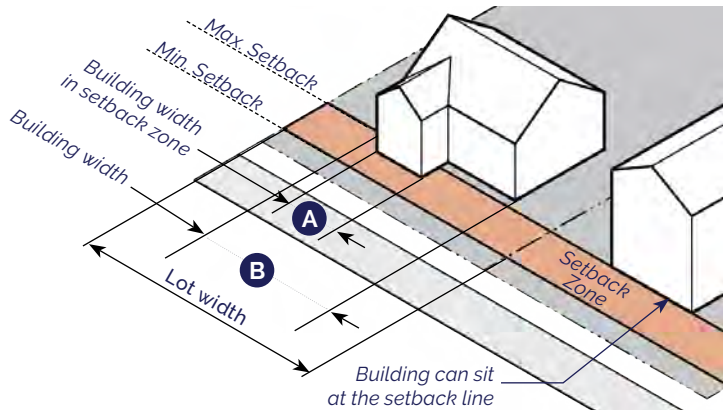
Contextual Front Setback - Beyond Maximum Setback

Measurements

(4) Facade within Setback Zone.

This regulation specifies the percentage of the width of the building facade, measured along the adjacent right-of-way line, which shall be located within a setback zone.

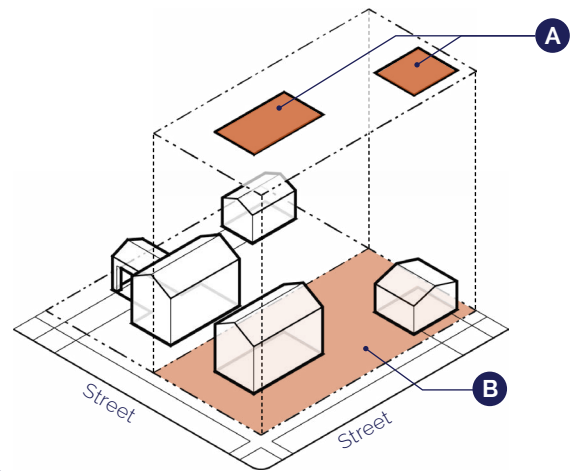
- (A) On lots with an angled front lot line, the percentage of the facade required within the setback zone may be reduced by the Zoning Administrator provided the reduction is not more than 50 percent of what is required and meets the intent of the Ordinance.
- (B) For the purpose of this regulation, the percentage of facade required within a setback zone is applied only to the portion of facade below the top of the 3rd story.
- (C) For a multiple frontage lot or double frontage lot, the Zoning Administrator may waive the requirement for a maximum setback on one frontage provided the development meets the intent of the district in which it is located.
- (D) For projects containing multiple buildings, only the facades of buildings visible in elevation view from a street shall be used to determine the percentage of the facade within a setback zone.



$$\frac{\text{A}}{\text{B}} \times 100 = \% \text{ of Facade within Setback Zone}$$

Facade within Setback Zone

- (5) Building Coverage.** Building coverage is measured by dividing the total area of building footprints for all primary and accessory structures by the total lot area. Driveways, walkways, fences, decks/patios less than 30" above grade, above-ground or in-ground pools, and walls not attached in any way to a roof do not count toward building coverage.



$$\frac{\text{Sum of A}}{\text{B}} \times 100 = \% \text{ Building Coverage}$$

Building Coverage

(c) Access and Parking

These regulations allow for parking that supports the function of abutting land uses while preserving the character of neighborhoods.

- (1) Required Spaces.** Indicates the minimum required number of on-site parking spaces, if any, based on the land use or combination of land uses on an individual lot.

- (A) Any fractional result shall be rounded up to the next whole number. For example, if a minimum of 2 spaces is required per 1,000 square feet for a 4,200 square foot area, the resulting fraction of 4.2 is rounded up to 5 required parking spaces.

(d) Building Form

These regulations ensure that buildings are in scale with the surrounding context and address the street in a way that reinforces the desired character. A building shall comply with the required height in both feet and stories for the applicable zoning district.

(1) Building Height (Feet).

Height is measured as the vertical distance from the average finished grade adjacent to the front of the building to the highest point of the building (typically the peak of the roof).

- (A) Elements such as chimneys, cooling towers, elevator bulkheads, mechanical penthouses, stage towers, water towers, radio or television antenna, ornamental towers, cupolas, domes, smoke stacks, steeples, and spires, may exceed the maximum building height, up to 25 feet in height above the roof line.

- (B) Parapet walls may exceed the maximum building height, provided such parapet walls do not exceed 4 feet in height above the roof line.

(2) Building Height (Stories).

A story is measured from the finished floor level to the surface of the floor above or, in the case of a one story building, from the finished ground floor level to the surface of the roof.

- (A) A half-story is located either completely within the space under a sloping roof or in a visible basement exposed a maximum of one half story above grade. A building incorporating both a half story within the roof and a visible basement shall count the 2 half stories as one full story.
- (B) When building height allows for half-stories, the half-story shall be a maximum of 5 feet above grade or calculated between the line of

intersection of roof decking and exterior wall face above the top floor level.

- (C) When a lot slopes downward from the front lot line, additional stories do not count toward the maximum number allowed. These stories are only allowed on the lower rear portion of the lot.

- (D) A single one-story shared amenity space on a Stacked Flats, Shop, or Mid-Rise/Tower building type shall not count as a story toward the maximum number if it meets the following criteria:

- i. Is open only to building occupants and their guests;
- ii. Has a gross floor area of no more than 25% of the gross floor area of the floor below;
- iii. Is set back where it is not visible from the street; and
- iv. Has no significant impact, as determined by the Zoning Administrator, on surrounding residential uses in a S1, U1, or U2 district.

(3) Ancillary Dwelling Height Allowance.

The maximum height of a detached ancillary dwelling unit is determined by its distance from the rear lot line and whether or not a rear alley is present.

(e) Building Components

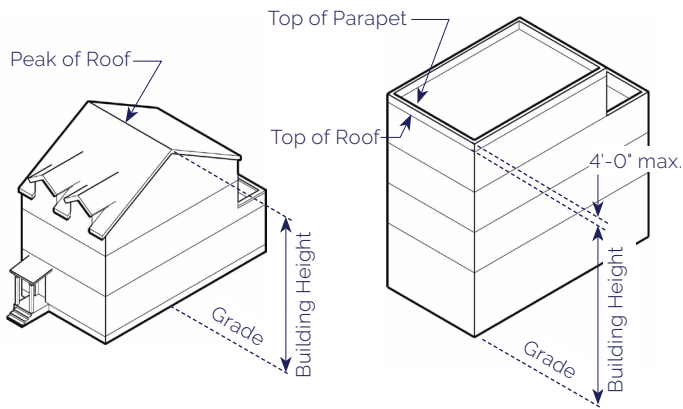
These regulations discuss elements that are commonly attached to a building.

- (1) When a building component is allowed to be built into a minimum required setback, it is called an encroachment and shall meet all regulations for building components per [Section 21-08.01](#). Where a contextual setback is applied, the Zoning Administrator may allow additional building frontage type encroachment.

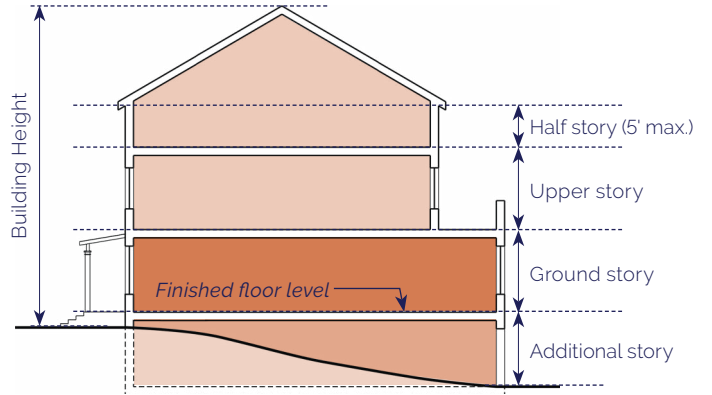
DEFINITIONS & MEASUREMENTS

21-02.03

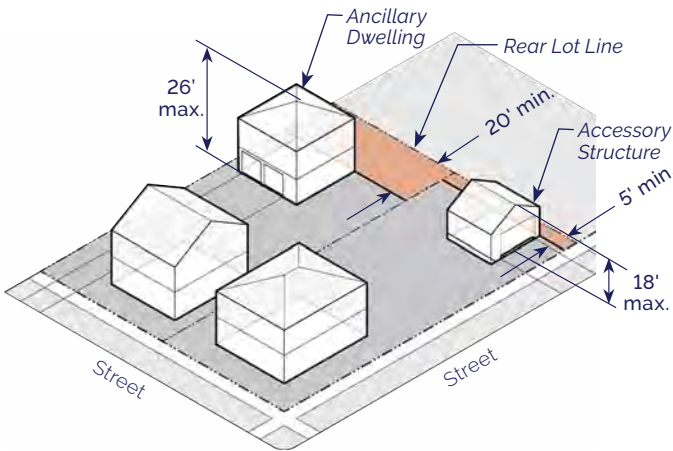
Measurements



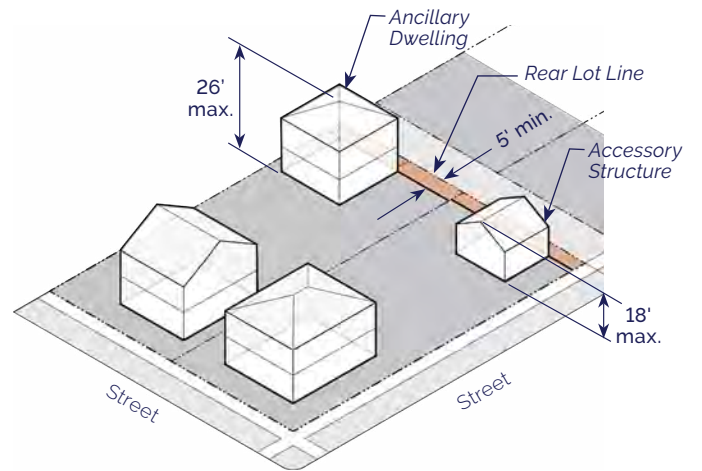
Building Height (Feet)



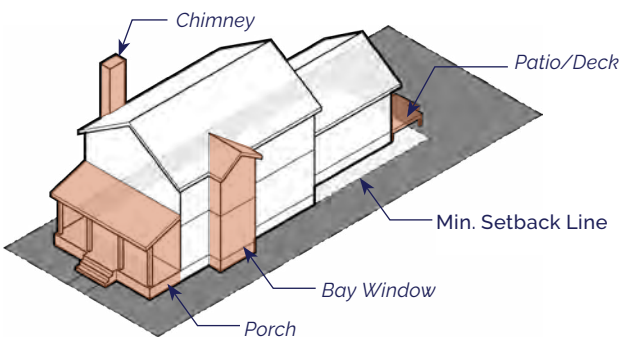
Building Height (Stories)



Ancillary Dwelling Height Allowance - No Alley



Ancillary Dwelling Height Allowance - Alley



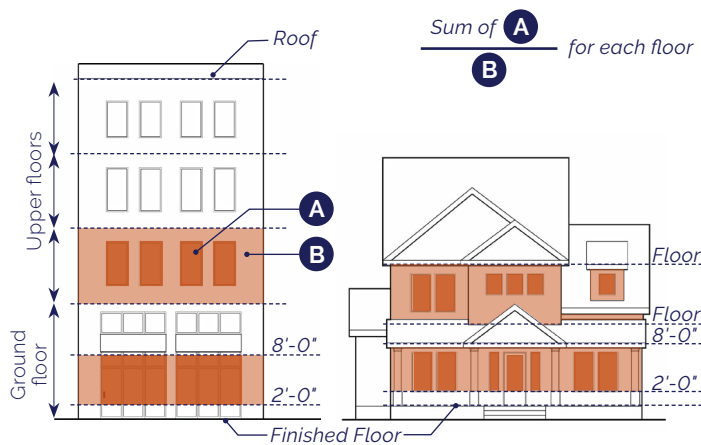
Encroachment of Building Components

(f) Building Standards

These regulations define certain attributes that affect a building's appearance and are intended to improve the physical quality of buildings, emphasizing the importance of how buildings relate to the public street.

(1) Facade Transparency.

- (A) In order to count towards this requirement, windows and doors shall have clear, transparent glass that has a minimum Visible Light Transmittance (VLT) of 50 percent and a maximum Visible Light Reflectance (VLR) of 25 percent as indicated by the glass manufacturer.
- (B) Facade transparency percentages are calculated independently for each floor on each facade.
- (C) Ground floor transparency is calculated based on the total facade area located between 2 feet and 8 feet above the finished ground floor level.
- (D) Upper floor transparency is calculated based on the total facade area located between the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the surface of the roof. The Zoning Administrator may reduce the required transparency on the top floor of a building by up to 50% for designs consistent with the building's architectural style.



Facade Transparency

(2) Building Width.

Width is measured as the horizontal length of a building facade measured parallel to a primary or secondary street. Building widths are applied only to facades visible from a street.

(A) For the Stacked Flats, Shop, and Mid-Rise/Tower building types, the Zoning Administrator may grant the following allowances if the building design meets the intent of the ordinance:

- i. If buildings or parts of a building are connected by an elevated hallway (open at the ground floor), the width of each building or part of a building shall be measured independently. The connection, which shall not count toward building width, shall be set back a minimum of 20 feet from the front or corner facade.
- ii. In a U3 or UF district, if buildings or parts of a building are at least four stories in height and connected by a hallway, the width of each building or part of a building shall be measured independently. The connection, which shall not count toward building width, shall be set back a minimum of 20 feet from the front or corner facade and may be at grade or elevated.
- iii. In a NC or DT district, if a building is designed as multiple buildings, the building width of each uniquely designed part shall be measured independently. Each part shall not exceed 120 feet in width, shall have a frontage type, and shall be made architecturally distinct through means such as variations in building and parapet heights, building materials and ornamentation, and window pattern, grouping, and size.
- iv. The maximum building width may be increased up to 25% to fill out the lot frontage when it is contextually appropriate.

Measurements

(g) Site Development

These regulations affect elements that may be located on a lot, typically detached from the primary building.

(1) Established Yards.

(A) Established yard is the area defined between a lot line and a line running parallel to the nearest point of the building facade oriented to that lot line. An established yard may be different than the required minimum setback.

(2) Fences and Freestanding Walls.

Fences and freestanding walls may be located along any lot line or within any established yard but shall not exceed the height limits regulated by the applicable zoning district.

(A) The height of all fences and walls is measured from the average natural ground level within 2 feet of the base of the fence or wall.

(B) The open space percentage of the fence is calculated by dividing the area of fence that is open or transparent by the total fence area.

(C) An additional 1 foot of height is allowed, above the maximum permitted height, for posts, columns, or light fixtures.

(h) Landscape

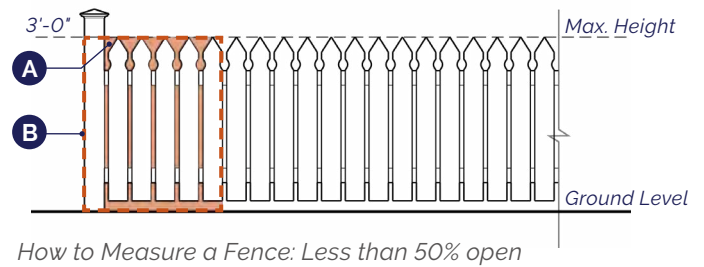
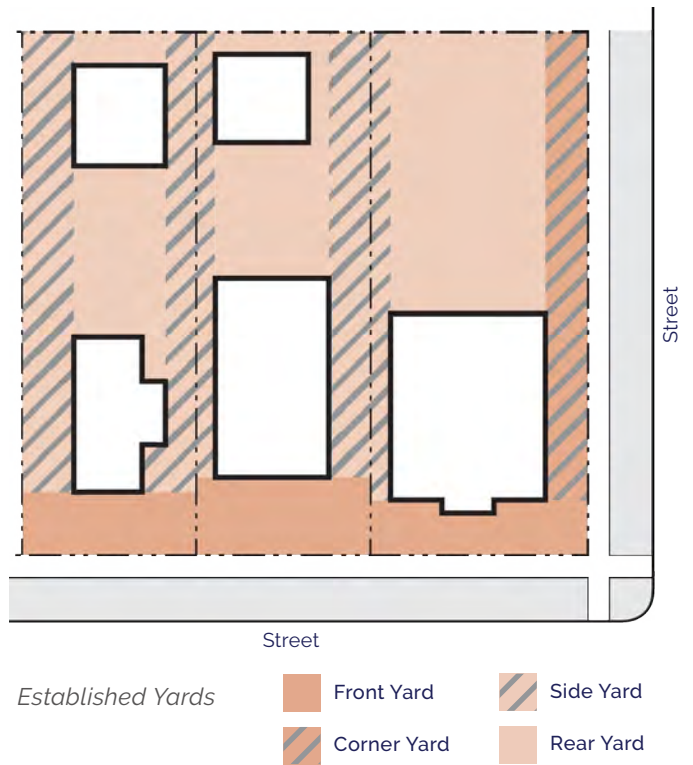
Landscape requirements increase the safety, comfort, visual appeal, and sustainability of each individual lot.

(1) See [Section 21-09.01](#) for measurement standards of all required landscaping.

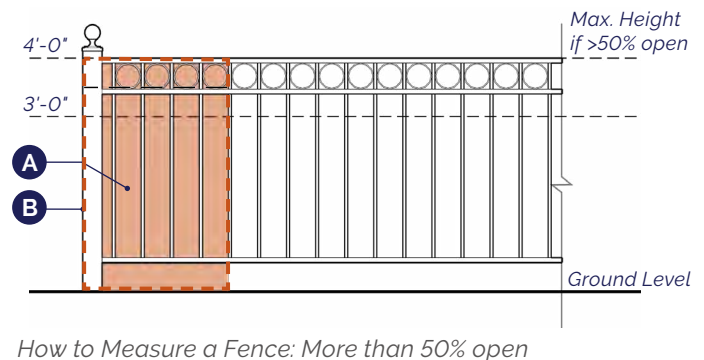
(i) Signs

These regulations determine the size, number, and location of signs used for residential, non-residential, or off-premise uses on a lot.

(1) See [Section 21-10.04](#) for the measurement standards of signs.



$$\frac{\text{Sum of } \textcircled{A}}{\textcircled{B}} \times 100 = \% \text{ Open}$$



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