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Chuck Broerman

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RESOLUTION NO. 22-400

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF AMENDMENT TO THE LAND DEVELOPMENT CODE LDC-22-002
RM-12 (RESIDENTIAL MULTI-DWELLING)

WHEREAS, pursuant to §§ 30-28-113 and 30-28-116, C.R.S., the Board of County Commissioners of El Paso County, Colorado ("Board") is authorized to adopt and amend zoning regulations applicable to unincorporated El Paso County; and

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of amendments to Chapters 3 and 5 of the Land Development Code as herein described, including other conforming amendments throughout the Code; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 3, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the proposed amendments; and

WHEREAS, a public hearing was held by this Board on November 15, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The proposed amendments to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission.
2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, all pertinent facts, matters and issues were submitted, and all interested persons were heard at that hearing.
4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were received into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.

5. For the above-stated and other reasons, the proposed Amendments are in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Board of County Commissioners hereby approves the amendments to Chapter(s) 3 and 5 of the El Paso County Land Development Code, including other conforming amendments throughout the Code, as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions).

BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 15th day of November, 2022, at Colorado Springs, Colorado.

ATTEST:

By:



County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:

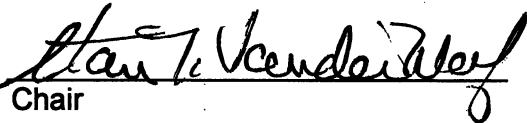

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EXHIBIT A

Chapter 3 GENERAL ZONING DISTRICTS

3.1. ESTABLISHMENT OF ZONING DISTRICTS

Table 3-1 lists the general zoning districts included in this Code. General zoning districts are base zoning districts.

Table 3-1, List of Established Zoning Districts

Symbol	Name
A, Agricultural and F, Forestry Districts	
F-5	Forestry and Recreation
A-35	Agricultural
A-5	Agricultural
RR, Residential Rural Districts	
RR-5	Residential Rural
RR-2.5	Residential Rural
RR-0.5	Residential Rural
RS, Residential Suburban Districts	
RS-20000	Residential Suburban
RS-6000	Residential Suburban
RS-5000	Residential Suburban
RM, Residential Multi-Dwelling Districts	
RM-12	Residential Multi-Dwelling
RM-30	Residential Multi-Dwelling
Commercial Districts	
CC	Commercial Community
CR	Commercial Regional
CS	Commercial Service
Industrial Districts	
I-2	Limited Industrial
I-3	Heavy Industrial
Zone Districts Removed from Land Development Code per Resolution 12-008	
CN	Commercial Neighborhood
CO	Commercial Office
I-1	Research and Development

3.2. ZONING DISTRICT PURPOSES

3.2.1. A, Agricultural and F, Forestry District Purposes

- (A) **F-5, Forestry and Recreation District.** The F-5 zoning district is a 5 acre district intended to accommodate the conservation of forest resources, protect the natural environment and preserve open space, while accommodating limited residential use.
- (B) **A-35, Agricultural District.** The A-35 zoning district is a 35 acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.
- (C) **A-5, Agricultural District.** The A-5 zoning district is a 5 acre district primarily intended to conserve agricultural resources and ranching operations and accommodate limited residential use.

3.2.2. RR, Residential Rural District Purposes

- (A) **RR-5, Residential Rural District.** The RR-5 zoning district is a 5 acre district intended to accommodate low-density, rural, single-family residential development.
- (B) **RR-2.5, Residential Rural District.** The RR-2.5 zoning district is a 2.5 acre district intended to accommodate low-density, rural, single family residential development.
- (C) **RR-0.5, Residential Rural District.** The RR-0.5 zoning district is a .5 acre district intended to accommodate rural residential uses where urban services are generally available.

3.2.3. RS, Residential Suburban District Purposes

- (A) **RS-20000, Residential Suburban District.** The RS-20000 zoning district is a 20,000 square foot district intended to accommodate larger lot, single-family residential development with available urban services.
- (B) **RS-6000, Residential Suburban District.** The RS-6000 zoning district is a 6,000 square foot district intended to accommodate single-family residential development.
- (C) **RS-5000, Residential Suburban District.** The RS-5000 zoning district is a 5,000 square foot district intended to accommodate single-family and 2-family residential development.

3.2.4. RM, Residential Multi-Dwelling District Purposes

- (A) **RM-12, Residential Multi-Dwelling District.** The RM-12 zoning district is a 12 dwelling unit per acre district intended to accommodate moderate density single-family attached and detached, and low-density multi-dwelling development.
- (B) **RM-30, Residential Multi-Dwelling District.** The RM-30 zoning district is a 30 dwelling unit per acre district primarily intended to accommodate moderate-density multi-dwelling development.

3.2.5. Commercial District Purposes

- (A) **CC, Commercial Community District.** The CC zoning district is intended to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods.

Table 5-1. - Principal Uses.

Notes:

"A" = Allowed Use, "S" = Special Use, "T" = Temporary Use

¹ Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status.

² Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status.

³ Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status.

⁴ Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.

⁵ A minimum of 1 acre is required.

⁶ Menjuna's Club is prohibited in all zoning districts.

⁷ Minimum area of 35 acres. When less than 35 acres a special use is required.

⁸ Use requires central water and wastewater services.

⁹ The 1 acre size limitation shall be a combined total footprint of all greenhouses on the subject lot or parcel.

Use Type	Agricultural Zoning Districts		Residential Zoning Districts										Commercial Zoning Districts				Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Standards?	Site Development Plan Required to Initiate Use?	Site Plan Required to Initiate Use?			
	F-5	A-25	A-S	RR-S	RD	RD-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1				C-2	M	R-4
Dwelling, Attached Single-Family									A ²	A ²	A ²	A ²	A ²	A ²													YES	YES
Dwelling, Detached Single-Family	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	A									S		YES	YES
Dwelling, Multifamily														A ²	A ²												YES	
Dwelling, Two-Family	S ²	A ²	S ²	S ²	S ²	S ²	S ²					A ²	A ²	A ²	S ²												YES	YES

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5.4. DENSITY AND DIMENSIONAL STANDARDS

5.4.1. General Density and Dimensional Standards

Tables 5-4 and 5-5 list the density and dimensional standards that apply within each zoning district. Other regulations of this Code or site specific conditions may further limit development. A blank cell means there is no applicable standard.

5.4.2. Application of Density and Dimensional Standards

- (A) **Measuring Minimum Lot Width.** Minimum lot width is the minimum lot width at the front building setback line.
- (B) **Measuring Setbacks.** Setbacks are measured from the property line, unless noted otherwise.
- (C) **Setbacks for Corner Residential Lots.** Corner residential lots may have a reduced setback.
- (D) **Setbacks for Specific Uses.** Some uses have a modified setback or height allowance.
- (E) **Accessory Structure Not Located in Easement.** An accessory structure shall not be located within an easement, unless express permission from the beneficiary of the easement is provided.
- (F) **Overlay Zoning District Standards May Apply.** Special limitations or allowances may apply to land within an Overlay Zoning district.

Table 5-4. Density and Dimensional Standards for Agricultural, Residential and Special Purpose Districts

Zoning District	Maximum Density (DU/ac)	Minimum Lot Size		Minimum Setbacks Principal(Accessory) ^{14,3}			Maximum Lot Coverage	Maximum Height
		Area ¹	Width (at front setback line)	Front	Rear	Side		
Forestry and Agriculture								
F-5		5 acres ²	200 ft	25 ft ^{3,4}	25 ft ^{3,4}	25 ft ⁴	25%	30 ft
A-35		35 acres	500 ft	25 ft ^{3,4,5}	25 ft ^{3,4,5}	25 ft ^{3,4,5}	None	30 ft ⁶
A-5		5 acres ²	200 ft	25 ft ^{3,4}	25 ft ^{3,4}	25 ft ^{3,4}	None	30 ft
Rural Residential/Rural Suburban								
RR-5		5 acres ²	200 ft	25 ft ³	25 ft ³	25 ft ³	25%	30 ft
RR-2.5		2.5 acres	200 ft	25 ft ³	25 ft ³	15 ft ³	None	30 ft
RR-0.5		21,780 sq ft	100 ft	25 ft ^{3,11}	25 (5) ft ³	10 ft ^{3,11}	None	30 ft
Residential Suburban Zoning Districts								
RS-20000		20,000 sq ft	100 ft	40 ft	40 (15) ft	15 ft	20%	30 ft
RS-6000		6,000 sq ft ^{7,13}	50 ft	25 ft ¹³	25 (5) ft ¹³	5 ft ¹³	40%/45% ¹⁵	30 ft
RS-5000		5,000 sq ft ^{7,13}	50 ft	25 ft ¹³	25 (5) ft ¹³	5 ft ¹³	40%/45% ¹⁵	30 ft

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Residential Multifamily Zoning Districts								
RM-12	12	3,500 sq ft ^{8,13}	35 ft	20 ft ^{10,13}	15 ft ^{10,13}	5 ft ^{10,13}	70%	40 ft
RM-30	30	5,000 sq ft ^{9,13}	75 ft	25 ft ^{10,13}	15 ft ^{10,13}	15 ft ^{10,13}	60%	40 ft
Special Purpose Zoning Districts								
R-T		5 acres	200 ft	25 ft	25 (5) ft	25 ft ¹²	30%	30 ft
MHP	All standards are located in the zoning district standards.							
MHS	All standards are located in the zoning district standards.							
RVP	All standards are located in the zoning district standards.							
PUD	All development standards for principal and accessory uses are established by the Development Plan.							
¹ Specific uses may be subject to larger minimum lot area requirements.								
² In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.								
³ Agricultural stands shall be setback a minimum of 35 feet from all property lines.								
⁴ Sawmills shall be setback a minimum of 300 feet from all property lines.								
⁵ Livestock feed and sales yards shall be setback a minimum of 200 feet from all property lines, except that loading facilities may be located adjacent to a road right-of-way where loading/unloading of animals takes place.								
⁶ One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet. For example, a maximum height of 35 feet is allowed for structures setback a minimum of 30 feet from all property lines and a maximum height of 50 feet is allowed for structures setback a minimum of 45 feet from all property lines.								
⁷ Minimum lot area applies to single-family detached dwellings. For two-family dwellings and all other uses a minimum lot area of 7,000 square feet is required.								
⁸ The minimum lot area of 3,500 square feet applies to single family attached dwellings. The minimum lot area for single-family detached dwelling units is 3,500square feet. The minimum lot area for two-family dwellings and all other allowed uses is 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.								
⁹ Minimum lot area of 5,000 square feet applies to single-family detached dwellings, Two-family dwellings and the first 2 units of a multi-family development. An additional 1,000 square feet of lot area is required each additional dwelling unit within a multi-family development. The maximum multi-family density may not exceed 30 dwelling units per acre. All other uses are subject to a minimum lot area of 7,000 square feet. Central water and wastewater services are required regardless of lot size or conforming status.								
¹⁰ The minimum distance between buildings shall be 10 feet.								
¹¹ The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 from the front property line or nearest road right of way, where a 5 feet setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure.								
¹² The side yard setback is 25 feet when the lot is 5 acres or larger, or 5 feet if the lot is less than 5 acres.								

Within the zoning district, a

¹³ If the building is established as or converted to condominium or townhome units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks requirements, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements. A 25 foot perimeter boundary setback shall be maintained around the entire development, but a zero foot setback is allowed along any internal lot line within the development.

¹⁴ If no separate setback is shown in parentheses for accessory structures, the principal structure setback applies to accessory structures.

¹⁵ Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45% of the total lot area.

(Res. No. 16-164, 5-17-2016; Res. No. 16-165 , Exh. A, 5-17-2016; Res. No. 17-374 , Exh. A, 12-12-2017; Res. No. 18-496 , Exh. A, 12-20-2018; Res. No. 19-330 , Exh. A, 8-27-2019)

Table 5-5. Density and Dimensional Standards for Commercial, Industrial and Obsolete Districts

Zoning District	Zoning District Area	Minimum Lot Size	Minimum Setbacks			Maximum Lot Coverage	Maximum Height
	Minimum		Front	Rear	Side		
Commercial Zoning Districts							
CC	1 acre ¹¹		25 ft ^{1,11}	25 ft ^{2,11}	25 ft ^{2,11}		40 ft
CR	5 acres ¹¹		50 ft ^{3,4,11}	25 ft ^{2,3,4,11}	25 ft ^{2,3,4,11}		45 ft
CS	2 acres ¹¹		25 ft ^{1,3,11}	25 ft ^{1,2,3,11}	25 ft ^{1,2,3,11}		45 ft
Industrial Zoning Districts							
I-2	20 acres	1 acre ¹¹	50 ft ^{5,11}	50 ft ^{5,11}	30 ft ^{5,11}	35%	45 ft
I-3	40 acres	1 acre ¹¹	30 ft ^{6,11}	30 ft ^{6,11}	30 ft ^{6,11}	25%	40 ft ⁷
Obsolete Zoning Districts							
C-1			15 ft ^{1,11}	15 ft ^{9,10}	8, 9		30 ft
C-2			15 ft ^{1,11}	20 ft ^{9,10}	8, 9		50 ft
M			15 ft ^{1,11}	15 ft ¹⁰			50 ft
R-4	All development standards for principal and accessory uses are established by the Development Plan.						
1 Gasoline pumps and canopies shall be at least 15 feet from the front property line or public right-of-way, except where the landscaping regulations require a greater setback.							
2 The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.							
3 Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.							
4 Gasoline pumps and canopies shall be setback at least 25 feet from all property lines.							
5 Minimum building setback distance from any adjoining residential zoning district boundary is 125 feet. The PCD Director may allow a reduction in the setback where appropriate actions are taken including landscaping, fencing, berms or building design, or where the use can be limited to mitigate potential impacts.							

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(Supp. No. 1)

⁶ Minimum building setback distance from any adjoining residential zoning district boundary is 175 feet. The PCD Director may allow a reduction in the setback where appropriate actions are taken including landscaping, fencing, berms or building design, or where the use can be limited to mitigate potential impacts.
⁷ The maximum height of any structure is in accordance with the following formula: A plane with a pitch of 2 feet horizontal to one foot vertical beginning at a height of 25 feet above all property lines using the mean property line elevations as the datum.
⁸ The side yard setback is subject to the following restrictions: (1) Where adjacent to a residential zoning district, the setbacks of the residential zoning district shall apply; (2) If the side wall of the building is constructed of 4 hour fire rated material, a setback between buildings of 3 feet is required if the wall does not serve as a common wall where no setback is required; and (3) If the side wall is not constructed of 4 hour fire rated material, the side yard setback and building separation is 5 feet.
⁹ Where adjacent to a residential zoning district, the rear yard setback of the residential zoning district shall apply.
¹⁰ The setback for stables and corrals is 50 feet.
¹¹ If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

(Res. No. 16-164, 5-17-2016; Res. No. 17-374 , Exh. A, 12-12-2017)

5.4.3. Measurements and Exceptions

- (A) **Purpose.** The purpose of these standards is to explain setback standards and allow exceptions for certain unique circumstances, while maintaining the basic purposes of use of setbacks, which include:
- Provide for adequate open spaces;
 - Promote and protect the public health, safety and welfare;
 - Establish uniform standards;
 - Protect property values;
 - Protect the public from damage or injury which may be attributable to distractions or obstructions caused by improperly situated buildings or structures; and
 - Enhance the overall quality of development in any zoning district.
- (B) **Applicability.** These standards apply to all buildings, structures, accessory structures, and uses which are subject to regulation by this Code.
- (C) **General Provisions.**
- (1) **Use Specific Standard Supersedes Zoning District Standard.** Where a different density or dimensional requirement is established for a specific use in this Code, it shall supersede the density or dimensional requirement in Table 5-4 and 5-5.
 - (2) **No Projection of Structure into Easement.** No portion of a structure shall project into any utility or drainage easement except with the permission the agency or agencies having jurisdiction over the easement.

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- (3) **Public or Quasi-Public Utility Buildings Not Subject to Standards.** Utility buildings or facilities owned by a governmental, quasi-governmental or public entity are not subject to the development standards of the respective zoning district, but are instead governed by the standards of the approval of location, site development plan, or site plan submitted with the development application.

(D) **Setback Measurement.**

- (1) **Setbacks for Structures.** All setbacks are for structures, unless otherwise provided. Setback requirements are applicable, even if a building permit is not required.
- (2) **Setbacks Measured from Property Line.** All setbacks shall be measured from the property line of the lot or parcel unless otherwise provided. In the case of an easement or other right-of-way for public road, the setback shall be measured from the easement or right-of-way line. Where the lot or parcel includes vacated right-of-way, the setback is measured from the new property line resulting after the right-of-way vacation. In the event the right-of-way is bounded by a public improvement easement, the setback shall be measured for the edge of the right-of-way and not the public improvement easement.
- (3) **Setback from Planned Roadways and Associated Rights-of-Way.** In accordance with BoCC policy and the right-of-way standards established by the ECM, all setbacks shall be measured from the proposed right-of-way line of roadways as depicted within the MTCP.
- (4) **Separation Requirements Between Land Uses.** Some zoning districts and land uses have specific separation distance requirements which are indicated in the use standards and in the density and dimensional standards.
- (5) **Corner Lot Setbacks Modification in Residential Zoning Districts.** The required front yard setback for corner lots, located in residential zoning districts (including a residential PUD) with a minimum required lot size of $\frac{1}{2}$ acre or less, on the side of the dwelling where the driveway access is not located may be $\frac{1}{2}$ the required front yard setback of zoning district, or 15 feet, whichever is greater, provided further, no part of any structure shall project into the sight distance triangle as defined in the ECM.
- (6) **Flag Lot Setbacks.** The required front, side and rear yard setbacks shall be established by determining the front, side and rear lot lines based on the following criteria.
- (a) **Front Lot Line.** The property line most parallel and nearest to the road from which access from the road is gained is the front lot line.
- (b) **Rear Lot Line.** The property line that is most opposite or parallel to the front lot line is the rear lot line.
- (c) **Side Lot Line.** Property lines that are not considered front or rear property lines are side lot lines.
- (7) **Irregularly Shaped Lots Setbacks.** For wedge or pie shaped lots the minimum width at front setback line shall establish the front setback. The PCD Director shall determine how lot lines shall be designated and the resulting setbacks where the provisions of this Code do not clearly establish the lot lines or setbacks requirements.
- (8) **Deck Setbacks.** Attached decks over 18 inches in height from finished grade to finished floor are considered a part of the principal structure and shall meet the same setbacks as the principal structure. Detached decks over 18 inches in height from finished grade to finished floor are considered accessory structures and shall meet the principal structure setbacks unless separate accessory structure setbacks are provided for in the applicable zoning district. To be considered detached, the deck must not be connected to the principal structure, or located within 9 inches

of the principal structure. Decks, slabs, or patios, whether attached or detached 18 inches or less in height from finished grade to finished floor are not considered structures.

- (9) **Mobile Home Setbacks.** If the tongue is to be removed, the setback measurement shall be from the outer walls of the mobile home. The tongue (if not removed) may extend into the required front yard setback, but not other yard setbacks, provided the provision of the required parking can still be maintained.
- (10) **Merger and Setbacks.** In the instance where the lot or parcel is merged, the setback is measured from the lot or parcel line resulting after the merger.

(E) **Projection into Setbacks.**

- (1) **Projections in Residential Zoning Districts.** For property located in residential zoning districts (including a residential PUD), containing a minimum required lot size of ½ acre or less:
- An enclosed porch, 4 feet by 4 feet or less, may project into a required front or rear yard setback.
 - Open and unenclosed patios, decks, platforms, landings or ramps may extend into required front, side or rear yard setbacks provided the patio, deck, platform, landing or ramp does not exceed 18 inches in height measured from the finished floor to any adjacent point of the finished grade.
 - Awnings, chimneys and flues, sills, belt courses, cornices, eaves and other similar architectural features may project not more than 2 feet into required front, side or rear yard setbacks.
 - Cantilevered bay windows, no greater than 12 feet in width, may project not more than 3 feet into a required front or rear yard setback. The window shall include no supports that extend into the required front or rear yard setback.
 - An open sided temporary carport, metal or canvas, which is not classified as a structure under the Building Code, may extend into the required front yard setback to a point 15 feet from the property line as long as any site visibility is maintained, and into the side and/or rear yard setback. No portion shall project into any utility or drainage easement except with the permission the agency or agencies having jurisdiction over the easement. Approval of a residential site plan is required prior to placement or construction of a carport.
 - Window wells may extend into the required side and rear yard setback. No portion shall project into any utility or drainage easement except with the permission the agency or agencies having jurisdiction over the easement.
- (2) **Projections in All Zoning Districts.** For property located in all zoning districts:
- Wall signs may project into required front, side or rear yards not more than 18 inches.
 - Fire escapes may extend 6 feet into a required rear yard.
 - Utility distribution lines and related equipment commonly located along property lines may be located within a required setback (except utility or telephone boxes taller than 18 inches cannot be located within a sight distance triangle). A neighborhood substation, or gas regulator/meter station shall meet the required setbacks.
 - Mailboxes, or mailbox complexes, established and approved in accordance with requirements of the ECM may be located within the front or side setback.
 - Signs or entryway features may be located within the setback area in accordance with this Code and the ECM.

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- Non-permanent handicap access ramps may project into a required setback.

(F) **Lot Requirements.**

- (1) **Measuring Lot Width and Lot Depth.** Lot width is measured parallel to the front lot line. Lot depth is measured at an angle of 90 degrees to the front lot line.
- (2) **Minimum Lot Area.**
 - (a) **Specific Use Require More Lot Area.** Some land uses require a minimum lot size which is greater than the minimum size established by the zoning district.
 - (b) **Public Right-of-Way Not Included in Lot Area.** Lot area shall not include any portion of an adjacent public right-of-way, but may include the land within a private road easement.
 - (c) **Flag Stem Not Included in Lot Area.** Lot area shall not include the area within a flag stem.
 - (d) **Lot Area for Nonconforming Lots.** The lot area requirements for nonconforming lots are established within this Chapter. Lots conforming to the minimum lot area requirements of the zoning district that are subsequently reduced in land area due to land acquisition by a governmental entity shall be considered conforming to the minimum lot area requirements.
 - (e) **Minimum Lot Area Not Required for Utility Facilities.** A minimum lot area shall not be required for utility facilities or telecommunication facilities. The required lot area shall be established through the appropriate review and hearing process.

(G) **Maximum Structure Height.** The maximum height of structures is listed in Table 5-4 and 5-5. The method of measurement is detailed within the definition in Chapter 1.

- (1) **Exceptions to Height Limits.**
 - (a) **Height Limits Not Applicable to Architectural Features.** The maximum height limitations of this Code do not apply to church spires, belfries, cupolas, chimneys and other similar design or architectural features or other appurtenances that are usually installed above roof level.
 - (b) **Height Limits Superseded by Specific Use Standards.** The maximum height limitations of this Code do not apply or are superseded by the specific use or development standards of this Code, or land use approval actions that apply to water tanks, public buildings antennas, utility poles, utility facilities, wind generators, amateur radio towers, and commercial towers and similar facilities.

(Res. No. 17-374 , Exh. A, 12-12-2017; Res. No. 19-421 , Exh. A, 11-12-2019)