

## **(n) OV-HSV: Height and Setback View Corridor Protection Overlay District**

### **(1) Purpose:**

The purpose of the Height and Setback View Corridor Protection Overlay (OV-HSV) District is to support the goals of the area plans with regard to compatible height and setbacks as identified through area plans.

### **(2) Applicability**

- a. The standards and requirements in this section apply to development located in the OV-HSV District.
- b. The OV-HSV District consists of two types of sub-districts: height overlay sub-districts (Height Districts) and setback overlay sub-districts (Setback Districts).

### **(3) Height Overlay Sub-districts (Height Districts)**

The requirements of this section have resulted from a contextual study of building height and architectural patterns in the mapped height overlay sub-district (Height District). The requirements of this section reflect the predominant building height trends of the areas to which they are applied, and reinforce the principles cited in the adopted plans for each area. The requirements of this section are intended to clarify acceptable heights of buildings in areas of the City that have been assigned a Height District. The Design Development Review Commission (DDRC) may adjust heights in defined Height Districts in limited circumstances when based on architectural merit.

#### **a. General Requirements**

1. A Height District shall have heights measured in stories or feet, as specified.
2. For maximum height specified in feet, the measurement shall be taken from the highest curb elevation adjacent to the site to the highest point of the structure. For maximum height specified in stories, the measurement shall be taken from the main floor finished elevation.
3. Where heights are specified in stories or feet, the measurement shall be from finished floor to finished floor.
4. Any area under a structure in excess of six feet shall be counted as a story.
5. The DDRC is empowered to require a downward adjustment of one-half story in the number of stories based on the number of stories of structures that predominate in the structure's immediate surroundings.
6. Floors shall be measured in the following manner:
  - (i) The maximum height of any residential floor shall be 12 feet, unless otherwise specified. Any dimension above this shall constitute a second floor. The DDRC may grant a waiver up to 14

feet on the first or second floor, based on architectural merit and context.

- (ii)** The minimum height of any residential floor shall not be less than 10 feet; however, there is no minimum height for floors in a single family residence, duplex or townhouse.
  - (iii)** The maximum height of any nonresidential first floor shall be 20 feet, unless otherwise specified. Any dimension above this height shall constitute a second floor. The Design Development Review Commission may grant a waiver up to 25 feet on the main floor based on architectural merit and context.
  - (iv)** The minimum height of any nonresidential floor shall not be less than 14 feet, unless otherwise specified.
- 7.** The DDRC is empowered to require downward adjustments to floor heights, based on context of the structure with its immediate surroundings.
  - 8.** Appurtenances to a building shall not be permitted to exceed the maximum height, unless otherwise specified.
  - 9.** If any portion of a structure subject to the jurisdiction of the DDRC is within 50 feet of a designated landmark, such portion of that structure shall not exceed the height of such existing structures unless approved by the DDRC based on architectural merit and context.
  - 10.** Mechanical equipment on a roof shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same. The equipment shall be screened from view from surrounding streets within 1,000 feet of the equipment.
  - 11.** Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be constrained by floor to floor height requirements, but stand-alone and integrated parking garages shall appear from the street to conform to the number of stories permitted in the height district in which it is located.
  - 12.** In a Height District where additional height may be awarded on the basis of architectural merit and context, if the property is not subject to the jurisdiction of the DDRC through other sections of this Ordinance, the owner requesting the additional height must submit the plans to the DDRC. An applicant seeking modification based upon architectural merit and context shall provide studies and drawings as requested by the DDRC.
  - 13.** Communication towers shall not exceed the maximum building height limits of Height Districts that include a maximum height limit in feet, or a height limit equal to 10 feet per story for Height Districts that do not specify a maximum height in feet.

**Article 3: Zoning Districts**

Sec. 17-3.7. Overlay Districts

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14. "Architectural merit" means a project that reflects exemplary architectural and urban design, utilizes the highest level of materials and finishes and contributes to the public realm.

**b. OV-HSV H80/30: Height District 80/30.**

1. In all areas mapped with this Height District, the following standards apply:

(i) There shall be no structure, including appurtenant parts of a structure, except for elevator penthouses or mechanical penthouses, exceeding a height of 80 feet, nor shall any structure fronting on any street be lower than the height of 30 feet.

(ii) All portions of a structure above the 55 foot level shall be set back at least 25 feet from all street right-of-way lines.

**(4) Setback Overlay Sub-districts (Setback Districts).**

The requirements of this section have resulted from a contextual study of building setbacks and urban design goals in the mapped setback overlay sub-district (Setback District). The requirements of this section reflect the predominant setback trends of the areas and urban design principles cited in the adopted plans for each area. The requirements of this section are intended to clarify acceptable setbacks and build to lines of buildings in areas of the City that have been assigned a Setback District. The DDRC may adjust setbacks in defined Setback Districts in limited circumstances when based on architectural merit.

**a. General requirements:**

1. The DDRC is empowered to require an adjustment of ½ the maximum requirement based upon analysis of the immediate surroundings and Architectural merit.

2. "Architectural merit" means a project that reflects exemplary architectural and urban design, utilizes the highest level of materials and finishes and contributes to the public realm.

**b. OV-HSV S8/10: Setback District 8-10**

In order to encourage a well defined public realm and to provide a buffer for pedestrians between the curb line and the sidewalk zone of not less than 8 feet, the follow standards apply in the OV-HSV S8/10 Setback District:

1. No structure, including appurtenant parts of a structure, except for balconies and Juliet balconies, shall be placed within eight feet the property line fronting Huger Street, and no structure shall be placed more than ten feet from the property line fronting Huger Street.

2. Minimum front yards shall be used for wider sidewalks, trees, and other amenities coordinating with urban design standards of the district.