

INTERLAKEN TOWN PROPOSED BUILDING HEIGHT CHANGES – SUMMARY

Prepared by Interlaken Town Planning Commission

6/14/18

BACKGROUND/CONCERNS

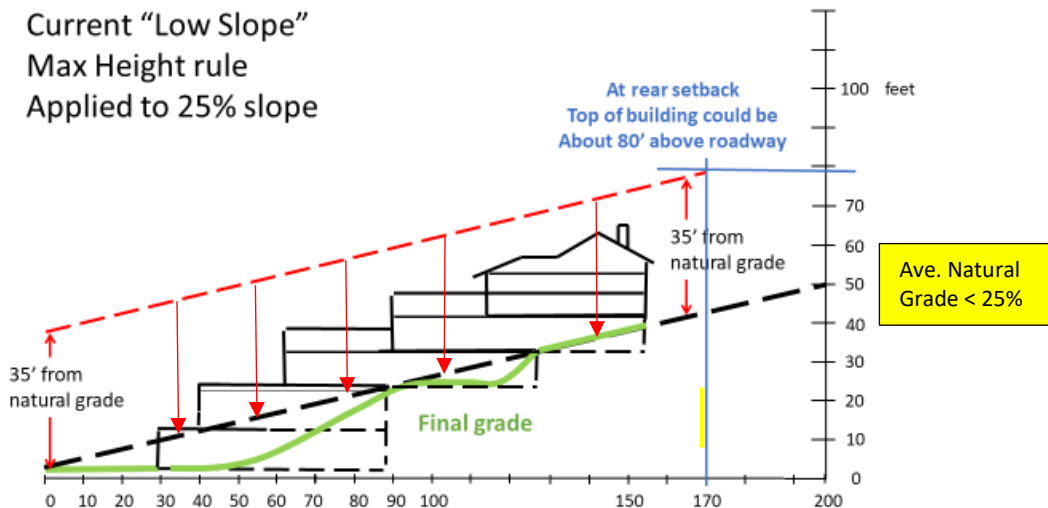
- The existing maximum building height requirement stated in Title 9 differs from the maximum building height requirement stated in Title 11 (which is specific for property with an average natural grade $\geq 25\%$).
- Both existing code maximum building requirements limit the maximum building height to 35 feet.
- The various maximum building height requirement citations in the Town Code (in Titles 9 and 11) should be stated in one section (placed in Title 11).
- There are limited definitions in the existing Town Code for the various terms used to define and calculate maximum building height.
- The current procedure cited in Title 9 relating to the property owner's submission of an "Elevation Certificate" whenever buildings exceed 30 feet above the "Natural Grade". This current procedure requires the proposed maximum building height be verified by a surveyor or engineer prior to signing the Elevation Certificate. However, many surveyors and engineers will not sign this document until the roof is placed on the structure, which can pose a problem to the Property Owner if the building/structure is too high (exceeds the maximum building height), and costly to resolve once the roof is placed on the building.

PROPOSED CODE CHANGES FOR TITLE 9

1. Moving all Building Height requirements from Title 9 to Title 11:

Title 9 – Building and Construction – includes provisions related to the building and excavation requirements and procedures (only). Therefore, the Town Planning Commission proposes to move the maximum building height requirements to Title 11, which pertains to the various Town code requirements and limitations. Specifically, the Town proposes to move the Maximum Building Height requirements stated in Section 9.08.010 to Section 11.06 Supplementary Requirements, which currently includes requirements for maximum and minimum building height and minimum building width.

2. Clarifying the existing 35 feet Maximum Building Height requirement (defined as the vertical distance as measured from the natural grade to the top of the roof) only pertains when the average slope < 25% grade. (see below diagram)



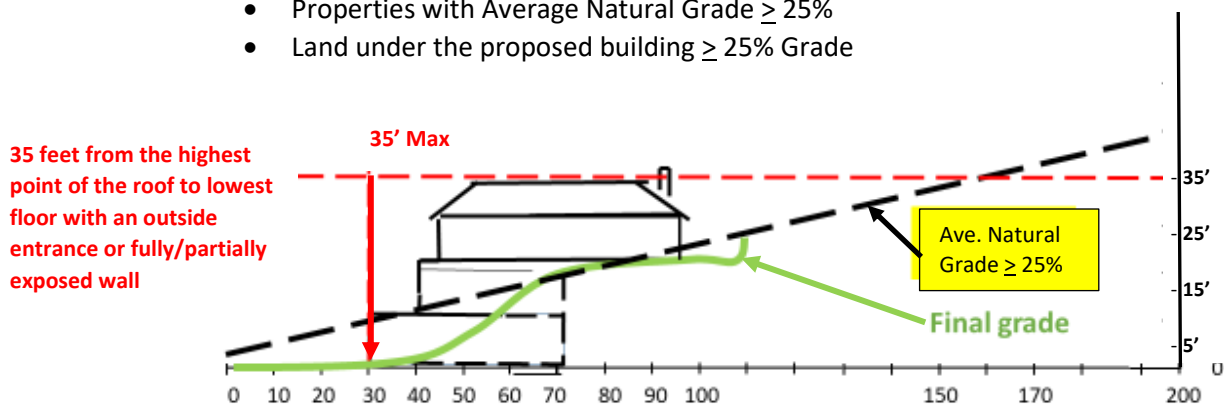
3. **Consolidating existing Maximum Building Height requirements stated in Title 11, Section 11.07.080 SL-OV Sensitive Land Overlay Zone) for sensitive land (hillsides or mountainside areas) and stated in Title 11, Section 11.06.070C. (for benches and slopes \geq 25%) into one requirement:**

- 35 feet from the lowest flooring level which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling, and then as measured from that flooring level to the highest point of the roof. (see below diagram)

Proposed “High Slope”
Max Height rule
Applied to 25% slope

Rule Applies to:

- Properties with Average Natural Grade \geq 25%
- Land under the proposed building \geq 25% Grade



4. **Continue to allow existing exceptions (to maximum building height) for unusual conditions or appurtenances, such as: mechanical equipment, antennas, chimneys, flues, vents, or similar structures - up to 5 feet above maximum height.**

5. **Adding New Definitions for Grade, Existing Grade, Final Grade, Grading, and modifying the definitions for Natural Grade and Height of Building in both Titles 9 and 11.**

6. **Eliminating the Requirement for an “Elevation Certificate” to be submitted by the property owner and instead, require the submission of building permit plans that clearly define and show the maximum building height and maximum building height limit envelope.** The property owner is currently required by Town Code to construct the building as defined in the Town Council-approved Building Permit plans. The planned maximum building height and maximum building height limit envelope (Town code maximum building height limit) is now proposed to be required to be presented on the Building Permit plans (on the profile detail drawing). The Planning Commission believes the submission of an Elevation Certificate is a redundant step that can be eliminated since the Town’s contracted Engineering firm currently inspects and field-verifies the building construction complies with the approved building permit plans, including the construction status prior to (and after) roof placement. Since all deficiencies (including noncompliance with maximum building height) identified by the Town Engineering Firm during construction progress are communicated with the customer so they may be addressed, and the customer must address all concerns prior to Town approval/issuance of a Certificate of Occupancy for final project approval, this proposed code change (elimination of the Elevation Certificate submission requirement) should not affect customer compliance with Town code building height requirements.

TOWN OF INTERLAKEN
Municipal Code

TITLE 09 BUILDING AND CONSTRUCTION

CHAPTER 9.08 MAXIMUM HEIGHT FOR ALL BUILDINGS (Revised)

Section 9.08.010 Maximum Heights for all Buildings (Text Relocated to Title 11)

Section 9.08.020 Exceptions (Text Relocated to Title)

Section 9.08.030 Procedures for Buildings With Regard to Maximum Height (Revised)

~~Section 9.08.040 Elevation Certificate Required (Revoked on 6/6/18)~~

Section 9.08.040 Building Permit Plan Requirements (New Content Proposed on 6/6/18)

~~Section 9.08.050 Procedure for Elevation Certificate Approval (Revoked on 6/6/18)~~

Section 9.08.050 Definitions (Revised 6/6/18)

Section 9.08.010 Maximum Heights for all Buildings (Requirements Specified/Relocated to Title 11.06.070)

~~The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the "Natural Grade," as defined herein, to any point to a roof.~~

Section 9.08.020 Exceptions (Requirements Specified/Relocated to Title 11.06.070)

To allow for unusual conditions or appurtenances, the following exception shall apply:

~~Antennas, chimneys, flues, vents, or similar structures may extend up to five feet above the specified maximum height limit.~~

Section 9.08.030 Procedures for Buildings With Regard to Maximum Height

Maximum Building Height must be clearly shown and presented (as a profile drawing detail, at minimum) on the plan drawing submitted for the building permit, as either:

A. The measured vertical distance (in feet) from the natural grade to the highest point of the roof, or roof element or building structure above (for properties with an average natural grade of less than 25%),

or

B. The measured vertical distance (in feet) from the lowest flooring level which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling, and then as measured from that flooring level to the highest point of the roof, or roof element or building structure above (for properties with an average natural grade of 25 % or greater OR properties proposing building construction directly on top of any portion of land with a slope of 25 % or greater).

~~— A. Whenever buildings exceed 30 feet above the “Natural Grade,” an Elevation Certificate shall be required before any Certificate of Occupancy is issued.~~

~~B. For any application which the Planning Commission finds is not clear enough to demonstrate compliance with the Maximum Height Provisions of this Chapter, the applicant may be required to submit an Elevation Certificate to help establish compliance with the height limitation requirements. If the applicant feels the request for the certificate is unreasonable, the applicant may appeal the request directly to the Appeal Authority who shall review the request and respond in writing to the applicant. All decisions of the Appeal Authority may be reviewed by the Interlaken Town Council.~~

Section 9.08.040 Elevation Certificate Required

~~A. The Elevation Certificate shall be accompanied by a Building Features Height Analysis that shows how no part of the roof shall pierce the Maximum Building Height Elevation if constructed in accordance with the submitted plans.~~

~~B. The Elevation Certificate, properly prepared, shall be submitted by a licensed surveyor or civil engineer who prepared the certificate with the following certification:~~

~~I, _____ do hereby certify that I am a licensed land surveyor, or a licensed civil engineer, in the State of Utah, license # _____, as prescribed under the laws of the State of Utah. I further certify that I have reviewed the plans for permit # _____, as (street address) _____ on (lot number) _____, (subdivision or PUD) _____ and have surveyed the property and prepared a topographic map to show the “Natural Grade” of the property prior to construction and to verify that the structure is situated on the property consistent with the approved plat or Condominium Record of Survey Map.~~

~~I certify that the elevations of the points of the foundation are as follows: Benchmark (location and elevation): _____ Garage Floor _____ in the middle of the largest garage door plane.~~

~~Elevation of the foundation at its highest point underneath the first floor of the building that the foundation supports, _____~~

~~The elevation at the top of the top wall as shown on the building plans shall be: _____~~

~~The elevation of the roof does not exceed 35 feet from the “Natural Grade” at any point.~~

Section 9.08.050 Procedure for Elevation Certificate Approval

~~A. The Surveyor or Civil Engineer shall place footing location stakes showing the location of the footings relative to the location of the footings as shown on the “Elevation Certificate”~~

~~B. Before any representative of Town of Interlaken shall authorize the placement of foundation walls, the applicant shall have the surveyor or engineer certify that the top of the highest point of the foundation wall to be poured matches that same elevation as shown on the “Elevation Certificate.”~~

~~C. When the final member of the roof structure for a building that is depicted on the Elevation Certificate is placed (but before any representative of Town of Interlaken shall authorize the placement of finish roofing material), the builder shall provide the elevation of the highest point of the roof and a statement signed by the surveyor, or civil engineer, and builder certifying that the building does comply with the height approved on the Elevation Certificate.~~

~~D. If at any point during the construction of a building for which an "Elevation Certificate" is required the builder finds it is necessary to change the elevation of any of the structure depicted in the "Building Features Height Analysis," no such change shall be made by the builder, or approved by the Town, until after a written request for such change has been approved by the Town Planning Commission.~~

~~E. A record of compliance with the building height approved by Town of Interlaken through the Building Elevation Certificate process shall be maintained by the Town Planning Commission for a period of not less than ten years.~~

Section 9.08.04060 Definitions

A. Building Features Height Analysis. The building plans for a proposed structure that show the vertical elevation expressed in feet of the following points on each building relative to the Bench Mark used to develop the topographic map on the Elevation Certificate:

1. The top of the foundation walls at all points
2. The elevation of each floor of the proposed building
3. The elevation of the roof and any and all proposed appurtenances to the roof.

B. ~~Maximum Building Height Elevation.~~ **Depending on the slope of the property, Building Height is defined as either the vertical distance from** ~~A projected surface that follows the surface elevation of the property or building site where a structure is proposed that is 35 feet above the elevation of "Natural Grade"~~ **to the building roof, roof element or building structure above where the structure is to be built or the vertical distance from the lowest floor plane which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling to the highest point of the roof or roof element or building structure above. See Title 11, Section 11.06.070 specific maximum building height requirements and Section 9.08.030 on how to calculate (measure) maximum building height.**

~~C. Elevation Certificate. A document prepared by a duly licensed land surveyor or civil engineer that certifies the elevation "Natural Grade" expressed in feet, and of the building features and the lot, building pad or condominium unit location for the purpose of establishing compliance with the Town height limitations which has been accepted by the Interlaken Town Planning Commission.~~

C. D. Grade. The ground surface elevation of a site or parcel of land.

1. **Grade, Existing. The Grade of a Property prior to any proposed construction activity, including the effects of any previous man-made site disturbance.**

2. Grade, Natural. ~~Elevation of the “Natural Grade.”~~ The Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous man-made site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the undisturbed grade of adjacent properties. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water. This term is a base point to be used to establish the basis for compliance with Town height limitations in stated circumstances.

~~Topographical liens or points on a map of the property where building permits are requested relative to a fixed point on an adjacent Town street or other established base point to be used to establish the basis for compliance with Town height limitations~~

3. Grade, Final. The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

D.E. Grading. Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavation, filling or embanking.

E. Slope, Percent. The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting number value into a percentage value. *For example, if vertical rise is 2 feet and horizontal run is 10 feet, then percent slope = $(2 \div 10) \times 100\% = 20\%$.*

F.E. Bench Mark. The location and elevation in feet from mean sea level of the point from which the topographic map for the Elevation Certificate is started. That point is also labeled as “0” and all other points on the map are labeled relative to that in whole, or decimal fraction numbers per foot of change in elevation.

G.F. Licensed Land Surveyor. A professional that is licensed to practice land surveying in the State of Utah.

H.G. Licensed Civil Engineer. A professional that is licensed to practice civil engineering in the State of Utah.

**TOWN OF INTERLAKEN
Municipal Code**

TITLE 11 LAND USE

CHAPTER 11.01	INTENT AND PURPOSE
CHAPTER 11.02	DEFINITIONS <u>(Revised)</u>
CHAPTER 11.03	ZONES ESTABLISHED
CHAPTER 11.04	R-1 RESIDENTIAL ZONE
CHAPTER 11.05	M-1 MUNICIPAL ZONE
CHAPTER 11.06	SUPPLEMENTARY REQUIREMENTS IN ZONES
CHAPTER 11.07	SL-OV SENSITIVE LANDS OVERLAY ZONE <u>(Revised)</u>
CHAPTER 11.08	SIGNS
CHAPTER 11.09	WIRELESS TELECOMMUNICATIONS
CHAPTER 11.10	WIND ENERGY CONVERSION SYSTEMS
CHAPTER 11.11	ENFORCEMENT AND ZONING VIOLATIONS
CHAPTER 11.12	LAND USE ADMINISTRATION

CHAPTER 11.02 DEFINITIONS

17. Grade. The ground surface elevation of a site or parcel of land.
18. Grade, Existing. The Grade of a Property prior to any proposed construction activity, including the effects of any previous man-made site disturbance.
19. Grade, Final. The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.
20. Grade, Natural. Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous man-made site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the undisturbed grade of adjacent properties. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water. This term is a base point to be used to establish the basis for compliance with Town height limitations in stated circumstances.
2148. Grading. Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavation, filling or embanking.

2420. Height of Building. Depending on the slope of the property, Building Height is defined as either: The vertical distance from "natural grade" to top of the highest portion of the building roof, roof element or building structure at any point directly above; or the vertical distance from the lowest floor plane which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling to the highest point of the roof or roof element or building structure above. See Section 11.06.070 specific maximum building height requirements and Section 9.08.030 on how to calculate (measure) maximum building height.

CHAPTER 11.06 SUPPLEMENTARY REQUIREMENTS IN ZONES

Section 11.06.070 Maximum Height Provisions for all Buildings

The height of any building shall not exceed 35 feet. The total height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof.

A. The total height shall be measured as follows:

1. For properties with an average natural grade of less than 25 %: the total building height shall be measured as the vertical distance from the natural grade, as defined in this Title, to the highest point of a roof, or roof element or building structure above.
2. For properties with an average natural grade of 25 % or greater OR properties proposing building construction directly on top of any portion of land with a slope of 25 % or greater: the total building height shall be measured from the lowest flooring level which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling, and then as measured from that flooring level to the highest point of the roof, or roof element or building structure above.

B. **Exceptions:** To allow for unusual conditions or appurtenances the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to 5 feet above the specified maximum height limit.
2. Mechanical equipment may extend up to 5 feet above the specified maximum height limit.

C. Special height requirements for some buildings constructed on properties with an average natural slope of 25 percent or greater or constructed on top of any benches and/or slopes of 25 percent or greater are imposed by the to support the requirements stated in the Sensitive Lands Chapter of this Title. The restrictions stipulated in Section 11.06.070.2. on building height shall be applied where applicable.

CHAPTER 11.07 SL-OV SENSITIVE LANDS OVERLAY ZONE

Section 11.07.080 Hillside, Slopes, and Natural Grade

I. Maximum Height of Buildings. **SEE Section 11.06.070 Revision dated 6/6/18**

FOR THIS REQUIREMENT. Buildings in the hillside and mountainside areas shall be not more than 35 feet in height, as measured from the lowest flooring level which has an exterior entrance or a partially or fully exposed wall on the downhill side of the dwelling, and then as measured from that flooring level to the highest point of the roof, chimney or parapet, except when the ridgeline provisions of this section require a lower height unless permitted by other criteria specified in this Chapter.