

## R-1 DISTRICT REGULATIONS

### Chapter 25.26

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#### **25.26.010**     **Scope of Regulations**

The regulations of this chapter shall apply to all R-1 Districts. (Ord. 1863 § 10, (2011))

#### **25.26.020**     **Permitted Uses**

The following uses are permitted in the R-1 Districts:

- (a) One building designed and used as a single-family dwelling;
- (b) Public buildings, public parks and playgrounds;
- (c) Accessory buildings, structures or uses including private garages, parking spaces, greenhouses, lath houses, playhouses, sheds, swimming pools and accessory buildings to serve such swimming pools, but not including group pools or swimming pool clubs;
- (d) Home occupations as defined in this title;
- (e) Letting of rooms, with or without meals, to not more than three (3) persons;
- (f) Storage of any trailer provided that no trailer shall be stored or permitted to be stored on that part of any lot or parcel of land upon which the construction of buildings is prohibited; and provided further, that no person shall use or permit to be used any trailer for the purpose of sleeping or as living quarters. (Ord. 1863 § 10, (2011))



#### **Helpful Hints**

*All those things you should know, but didn't know you should ask...*

#### **Family Day Care**

*Residential day care for 1 to 6 and 7 to 12 children (less than 24 hours) is not regulated by the City. Contact the State Department of Social Service and Community Licensing for Child Care information (650-266-8843)*

#### **Group Care Facilities**

*The state allows boarding of up to 6 elderly, juvenile, recovering alcoholics, or learning disabled individuals plus staff in the R-1 zone. Use is regulated by the state. Contact State Department of Social Services (650-266-8800). City dimension requirements must be met.*

#### **Boats, Trailers and Campers**

*Automobiles, boats, trailers and all other recreational vehicles are prohibited from being parked or stored between a building and the front or side property line. All inoperative vehicles are prohibited from being parked in an approved driveway (C.S. 25.70.030 (c)(2)).*

### **25.26.030 Conditional Uses Requiring a Conditional Use Permit**

The following are conditional uses requiring a conditional use permit:

- (a) Churches, convents, parish houses;
- (b) Schools, public and private, including religious or parochial schools;
- (c) Plant nurseries and truck gardening; provided that the produce therefrom shall not be retailed and delivered on the premises but may be delivered therefrom;
- (d) Public utility and public service structures or installations when found by the commission to be necessary for the public health, safety, convenience and welfare;
- (e) Demolition of a residential structure or an accessory structure thereto, which structure is built over or across two (2) or more legally subdivided lots, and the construction of a structure upon one or more of said lots. See Section 25.26.090;
- (f) Demolition of a residential structure or any accessory structure thereto, which structure is built on a site consisting of a legally subdivided lot and a portion of another lot which when combined with an adjacent lot will result in more building sites than existed before the demolition of said structures, and the construction of a structure on one or more of said lots. See Section 25.26.090. (Ord. 1863 § 10, (2011))



***Conditional Use Permits are Limited***  
*Conditional use permits are effective for as long as the use exists under the conditions of approval. The conditional use permit continues with a new occupant only if all of the same conditions are met. Conditional use permits expire six months after the use changes.*

***Variances are Forever***  
*Once both the Planning Commission and City Council have approved a variance, that variance goes with the property. The variance remains effective even after a catastrophe.*

***Special Permits***  
*Special permits allow consideration of architectural features and uses (such as increased roof height) only if they are designed and arranged to be consistent with the existing structure's design and with the existing street and neighborhood.*

### **25.26.035 Uses Allowed with a Special Permit**

The following are uses allowed in the district with a special permit:

- (a) Attached garages for single-family dwelling units;
- (b) Reduction in the number of parking spaces existing on site;
- (c) Construction exceeding the limits of the declining height envelope;
- (d) A detached garage exempt from setback restrictions located within the rear forty (40) percent of the lot;
- (e) An accessory structure that is in the rear of the lot and that is more than twenty-eight (28) feet in width or depth;
- (f) A basement with any interior ceiling height of six and one-half (6 1/2) feet or greater;
- (g) A direct exit from a basement to the exterior of the structure that is anything other than a light or window well;
- (h) A bathroom (toilet and sink) exceeding twenty-five (25) square feet located in a basement. (Ord. 1863 § 10, (2011))

### **25.26.037 Prohibited Uses**

The following uses are specifically prohibited in the R-1 Districts:

- (a) Bathtubs and shower stalls in basements; and
- (b) Bedrooms in basements. (Ord. 1863 § 10, (2011))

## 25.26.040 Design Review and Hillside Area Construction Permits

Construction of or additions to second and taller stories of structures in the R-1 Districts shall be subject to design review as provided in Chapter 25.57. Certain new construction and additions to residences on lots in specified hillside districts are subject to the requirements of the hillside area construction permit as defined in Chapter 25.61. (Ord. 1863 § 10, (2011))

## 25.26.050 Lot Dimensions and Lot Requirements

### (a) Lot Dimensions.

- (1) Lots of six thousand nine hundred ninety-nine (6,999) square feet or less must have an average width of not less than fifty (50) feet, and all such lots or parcels of land shall have a frontage of not less than fifty (50) feet on a public street;
- (2) Lots of seven thousand (7,000) square feet to nine thousand nine hundred ninety-nine (9,999) square feet must have an average width of not less than fifty (50) feet, and all such lots or parcels of land shall have a frontage of not less than fifty-five (55) feet on a public street; and
- (3) Lots of ten thousand (10,000) square feet or more must have an average width of not less than fifty (50) feet, and all such lots or parcels of land shall have a frontage of not less than sixty (60) feet on a public street.



#### **Minimum Lot Size, Width, Frontage**

*The minimum residential lot size is 5,000 to 10,000 square feet depending on the location of the lot within the city. Each lot must have a minimum width of 50 feet and public street frontage of not less than 50 to 60 feet.*

### (b) Lots Facing on a Curved Street. Lots or parcels which face on the curve of a curved street, where the radius of such curvature is less than forty-five (45) feet, may have a lesser frontage than required above, but not less than:

- (1) Thirty (30) feet for a six thousand nine hundred ninety-nine (6,999) square foot or less lot or parcel;
- (2) Thirty-five (35) feet for a seven thousand (7,000) square foot to nine thousand nine hundred ninety-nine (9,999) square foot lot or parcel; or
- (3) Forty (40) feet for a ten thousand (10,000) square foot or larger lot or parcel.

### (c) Lot Sizes Shown on Ordinance 712. On the map adopted by Ordinance 712 and as subsequently amended:

- (1) All lots shown in white shall have an area of not less than five thousand (5,000) square feet;
- (2) All lots shown within a border of horizontal crosshatching shall have an area of not less than seven thousand (7,000) square feet; and
- (3) All lots shown within a border of vertical crosshatching shall have an area of not less than ten thousand (10,000) square feet.

### (d) Dedication of Easements to Public Streets. Where frontage on a public street is impossible or impractical, the planning commission may recommend to the city council an easement or easements providing ingress from and egress to a public street in lieu of such street frontage. In any case, the city of Burlingame shall be made an owner of such easement.

Recommendations of acceptance may be conditional.

### (e) Variances. Variances may be granted, in accordance with the provisions of Chapter 25.54 of this code, only to the provisions of subsections (a), (b), and (c) of this section.

### (f) Effect on Lots or Parcels Recorded Before 1958. The average width, lot frontage and minimum areas provided for in subsections (a), (b), and (c) of this section shall not apply to any lot or parcel of land of smaller dimensions appearing of record in the office of the county recorder of the county of San Mateo, or of the city engineer of the city of Burlingame, prior to June 18, 1958. No building permit shall be issued for the construction of any building on

any lot divided or subdivided after said date which does not comply with the minimum requirements set forth above, except as varied by subsections (d) and (e) of this section.

- (g) Conformance to this Chapter. All the development requirements of Chapter 25.26 lot dimensions and requirements shall apply to lands hereafter subdivided in accordance with the provisions of the Subdivision Map Act of the state of California; provided, however, that the planning commission and the city council may, in the considerations and acceptance of any tentative or final map submitted pursuant to the provisions of said Subdivision Map Act, approve or accept any such tentative or final map wherein one or more lots or parcels of land do not conform to all of the provisions of Chapter 25.26, when the planning commission and the city council find that by reason of exceptional or extraordinary circumstances the approval or acceptance of such maps will not adversely affect the comprehensive zoning plan of the city.
- (h) Minimum Lot Size for Lands Annexed After 1960. No lands annexed to the city of Burlingame after May 31, 1960, which are thereupon classified for residential uses shall be divided into lots having areas of less than ten thousand (10,000) square feet each. (Ord. 1863 § 10, (2011))

### 25.26.060 Height Limitations

- (a) No structure in an R-1 District shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, whichever is less, as measured from average top of curb taken from the corners of the lot extended, except as follows:
- (1) A structure between thirty (30) and thirty-six (36) feet upon approval of a special permit under Chapter 25.51;
  - (2) A structure of thirty-six (36) feet or taller upon approval of a variance under Chapter 25.54.
- (b) Notwithstanding subsection (a), on a lot that slopes downward more than twenty-five (25) percent from the front property line toward the rear property line, no structure shall exceed twenty (20) feet in height above average top of curb taken from the corners of the lot extended.
- (c) Notwithstanding subsection (a), on a lot that slopes upward more than twenty-five (25) percent from the front property line to the rear property line, no structure shall exceed thirty



#### **Two Exits from a Third Floor**

*Houses with three stories require a variance from the Planning Commission. If you ask for a three-story height variance remember to include a second exit from the third floor per the California Building Code.*

#### **Special Permit for Height**

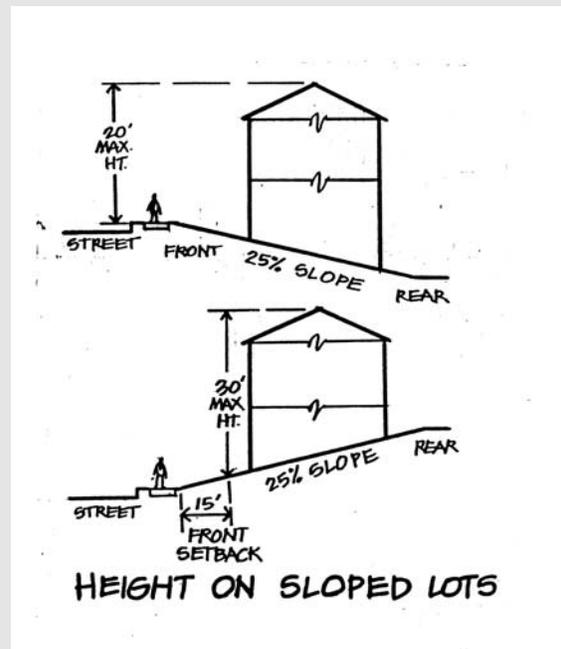
*A special permit may be obtained for structures between 30' and 36' in height.*

#### **Height on a Flat Lot**

*The height limit is 30' or 2½ stories (whichever is less) for a flat lot. It is measured from the average top of curb at the street, to the roof ridge.*

#### **Height on a Sloped Lot**

*On lots with 25% or greater downward slope to the rear the height limit is two stories or 20'. On lots that slope 25% or greater to upward to the rear the height shall be 30' as measured from the 15' front setback line.*



(30) feet above average elevation as measured fifteen (15) feet behind the front property line of the lot at the intersection of the front and side setback lines at each side of the lot. (Ord. 1863 § 10, (2011))

### **25.26.065 Lot Coverage**

The maximum lot coverage for all buildings and structures shall be forty (40) percent, including balconies, stairs, roof overhangs extending more than twenty-four (24) inches, trellises and improvements which exceed thirty (30) inches in height above adjacent existing grade. The following shall be excepted from lot coverage:

- (a) Arbors where the maximum roof area as measured exterior edge to exterior edge cumulative on a property does not exceed thirty-two (32) square feet and the maximum height, as measured from adjacent grade does not exceed nine (9) feet. Trellises where the maximum roof area as measured exterior edge to exterior edge cumulative on a property does not exceed one hundred (100) square feet and the maximum height, as measured from adjacent grade does not exceed nine and one-half (9 1/2) feet. (Ord. 1863 § 10, (2011))



#### ***Trellises Over 100 Square Feet Count in Log Coverage***

*When determining lot coverage the Planning Department counts trellises as a structure in the lot coverage calculation if it is over 100 square feet.*

#### ***Basements***

*Defined as: the portion of a building between floor and ceiling that is wholly or partially underground. Where more than two (2) feet of any portion of the basement's height is above the existing grade next to the basement, a basement shall be counted as a story.*

*All basements with a ceiling height of six (6) feet or greater shall be included in FAR calculations. Up to six hundred (600) square feet of a basement with a ceiling height of six (6) feet or greater shall be deducted from FAR if it meets BOTH the following criteria:*

- 1. The top of the finished floor above the basement is less than two (2) feet above existing grade; and*
- 2. No part of the basement is intended or used for parking.*

### 25.26.070 Floor Area Ratio

The maximum allowable floor area ratio based on gross floor area of structures for all construction on lots zoned R-1 shall be:

- (a) For interior lots with attached garages: thirty-two (32) percent plus one thousand one hundred (1,100) square feet which shall include attached garage and attached covered parking and other accessory structures;
- (b) For interior lots with detached garages: thirty-two (32) percent plus one thousand one hundred (1,100) square feet plus up to four hundred (400) square feet in a detached single or two (2) car garage and other accessory structures;
- (c) For corner lots with attached garages: thirty-two (32) percent plus nine hundred (900) square feet which shall include attached garage and attached covered parking and other accessory structures;
- (d) For corner lots with detached garages: thirty-two (32) percent plus nine hundred (900) square feet plus up to three hundred fifty (350) square feet in a detached single or two (2) car garage and other accessory structures.
- (e) Maximum Home Size. The maximum single-family residential house size shall be eight thousand (8,000) gross square feet, excluding accessory structures. (Ord. 1863 § 10, (2011))

#### **Floor Area Ratio**

*“Floor Area Ratio (FAR)” means the gross square footage of the floor area of a building or buildings as a ratio of the area of the lot on which the building or buildings are located.*

*In calculating FAR on single family residential lots the measurement shall include the gross floor areas of the primary dwelling, the garage, and all accessory structures on foundations, and shall include all basements with a ceiling height of six (6) feet or greater. Attic areas that are accessible and more than five (5) feet in height shall be included in FAR. Lower story areas that are accessible and more than six (6) feet in height shall be included in FAR. Open spaces within the structure which are higher than twelve (12) feet shall be counted as two floors. Areas beneath second story decks are included in FAR.*

*Deducted from the FAR calculations for single family residences are:*

- *Covered porches or decks on the first floor up to one hundred (100) square feet. An area under a balcony shall be considered a covered porch if the balcony is over an exterior exit from the building.*
- *Uncovered balconies and decks on the second floor.*
- *Existing attic areas retained but not extended in new construction. In all other cases, habitable attic area shall be counted in calculating FAR.*
- *Accessible space between the surface of the ground and the bottom of the first floor joists that measure less than six (6) feet in height.*
- *Lower floor or basement of one hundred (100) square feet or less, even if the lower floor or basement extends more than two (2) feet above existing grade.*

*FAR for all Construction:*

*Interior lot with attached garage: .32 x lot area + 1,100 SF*

*Interior lot with detached garage: .32 x lot area + 1,100 SF + up to 400 SF in a detached garage*

*Corner lot with attached garage: .32 x lot area + 900 SF*

*Corner lot with detached garage: .32 x lot area + 900 SF + up to 350 SF in a detached garage*

## 25.26.072 Setbacks

(a) Measurement. Measurement of all setbacks shall be from the lot line to the closest wall or any covered projection of any existing or proposed structure.

(b) Front Setbacks.

(1) The minimum front setback to the first floor shall be fifteen (15) feet as measured from the lot front or the average front setback of properties with front setbacks on the same side of the street of that block, whichever is greater. The measurement shall be taken from the front property line to any wall or any covered projection of any existing or proposed structure.

(2) Notwithstanding subsection (b)(1), the minimum front setback of an attached garage or attached covered parking shall be as follows:

(A) Twenty-five (25) feet for a single car garage;

(B) Thirty-five (35) feet for a two (2) car garage. However, if the garage doors for the two (2) car garage are provided by two (2) single doors, the front setback may be staggered at twenty (20) feet for one door and twenty-five (25) feet for the second door or side-by-side at twenty-five (25) feet.

(3) The minimum front setback to a second floor shall be twenty (20) feet. However if the required front setback to all or a portion of the first floor under the second floor is greater than twenty (20) feet, then the minimum front setback to each portion of the second floor shall be the same as that for the portion of the first floor immediately underneath it.

(4) Notwithstanding subsection (b)(1), the minimum front setback to all structures on lots fronting on El Camino Real shall be twenty (20) feet.

(5) Notwithstanding subsections (b)(1), (2), (3), and (4) above, the front setback delineated on any approved subdivision map shall supersede any provision of this chapter.



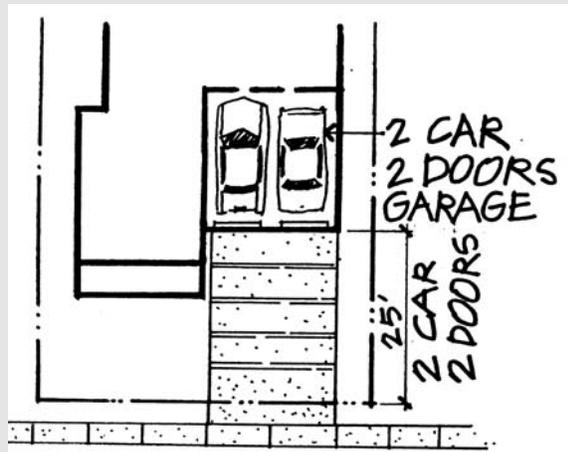
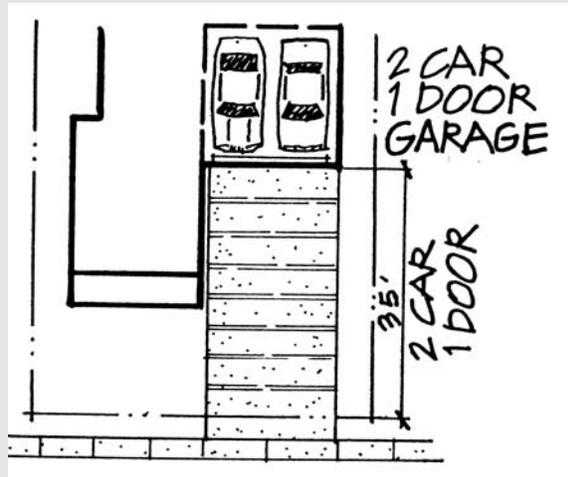
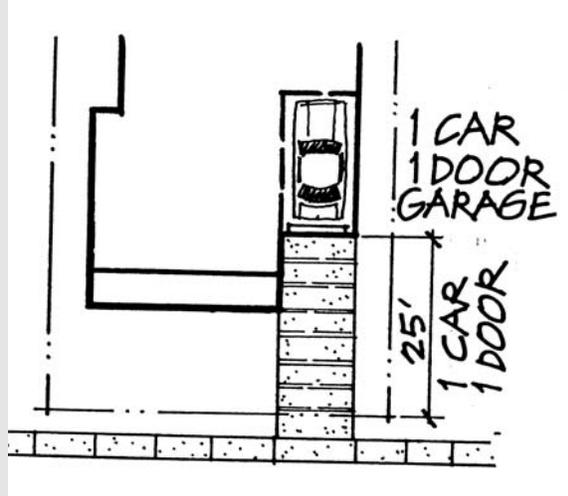
### **Front Property Line Location**

*Front property lines are not located at the back edge of the sidewalk. Most front property lines are located more than 1'0" behind the sidewalk (toward the house). Please check the location of your front property line with the Planning Department.*





### Garage Setback Options



(c) Side Setbacks.

- (1) If front and rear lot lines are equal, the minimum side setback shall be based on the front property line dimension; if front and rear lot lines are unequal, the setback shall be based on the width of the lot as measured between the midpoints of the two (2) side lot lines. In either case the setbacks based on lot width shall be as follows:

**Side Setback Lines (in feet)**

Lot Width	Feet
Lots 42' wide or less	3
Lots wider than 42', but less than 51'	4
Lots 51' wide or more, but less than 54'	5
Lots 54' wide or more, but less than 61'	6
Lots 61' wide or more	7

- (2) The minimum side setback to second stories shall be based on the declining height envelope.

(d) Rear Setbacks.

- (1) The minimum rear setback to the first floor shall be fifteen (15) feet;
- (2) The minimum rear setback to the second floor shall be twenty (20) feet from the rear property line.

(e) Corner Lots.

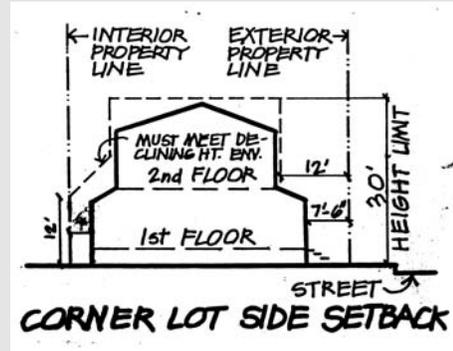
- (1) Front and rear setbacks to first and second floors shall be the same as for interior lots;
- (2) The minimum side setback to the first floor of any structure or accessory structure shall conform to the district minimum for the interior side lot line and shall be seven and one-half (7 1/2) feet on the exterior side lot line;
- (3) The side setback to the second floor shall average at least twelve (12) feet from the exterior side property line with the following limitations:

- (A) The second floor shall not be closer than seven and one-half (7 1/2) feet to the exterior side property line, and
- (B) No more than twenty-five (25) percent of the length of the second floor wall shall be placed in the area between twelve (12) feet and seven and one-half (7 1/2) feet from the exterior side property line, and

- (C) The second floor side setback along the interior side shall comply with the declining height envelope requirements. (Ord. 1863 § 10, (2011))

**Corner Lot Side Setbacks**

For corner lots the street side first floor setback is 7'-6" and the second floor street setback is 12'-0". On the interior side new construction must meet interior side setback requirements and declining height envelope regulations.

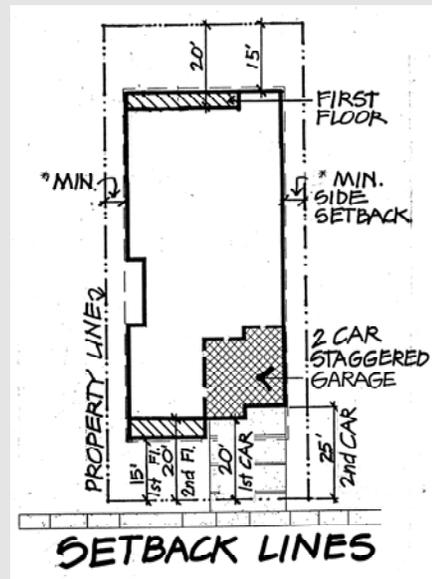


**1<sup>st</sup> and 2<sup>nd</sup> Floor Front Setback**

First floor front setback equals 15'-0" or average for your side of the block whichever is more, except for garages. The second floor front setback equals 20'-0". (See text for details).

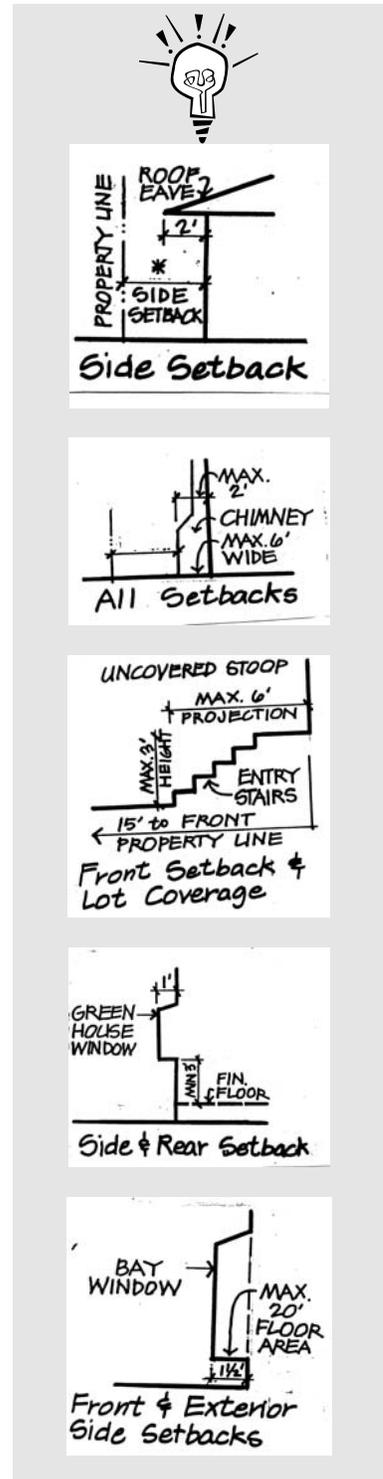
**Side Setbacks**

Side setbacks are based on the width of your lot. Side setbacks for lots with unequal front and rear property lines or unusual shape are based on the average width of the lot.



**25.26.073 Exceptions**

- (a) The following shall be exceptions to both lot coverage and setback lines:
- (1) Front entrance stairs and stoops with no roof, a maximum height from existing adjacent grade of three (3) feet, extend up to a maximum of six (6) feet into the front setback and extend no closer than three (3) feet to a lot line.
  - (2) Bay windows on the first floor projecting into the front setback no more than one and one half (1 1/2) feet and not exceeding twenty (20) square feet in footprint.
  - (3) Fireplace chimneys projecting into the front setback no more than two (2) feet and not exceeding six (6) feet in width.
- (b) The following shall be exceptions only to side and rear setback lines:
- (1) Fireplace chimneys projecting into a setback no more than two and one-half (2 1/2) feet from a lot line shall be counted in lot coverage but not in setbacks.
  - (2) Bay window(s) projecting into exterior side setback not more than one and one-half (1 1/2) feet and not exceeding twenty (20) square feet in total footprint area, at least three (3) feet from any lot line, provided that bay window(s) may not project into the interior side setback.
  - (3) Cornices or eaves projecting into a side setback no more than fifty (50) percent of the required setback to a maximum of two (2) feet.
  - (4) A detached garage or other one-story accessory buildings located within the rear thirty (30) percent of the length of the lot line.
  - (5) Greenhouse window(s) projecting no more than one foot and a minimum of three (3) feet above finished floor, not exceeding seventeen (17) square feet inside the window casement area and at least three (3) feet from any lot line.
  - (6) Open balconies projecting not more than four (4) feet into a front setback. Multiple balconies projecting from the same floor shall have a minimum horizontal separation of ten (10) feet.
- (c) The exceptions herein are subject to the following limitations:
- (1) No portion of the primary residential structure shall extend closer than thirty (30) inches to the property line on the interior side setback.
  - (2) Chimneys:
    - (A) No portion of an existing chimney shall be allowed within one and one-half (1 1/2) feet of a side property line;
    - (B) A new chimney shall be set back a minimum of two (2) feet from property line. (Ord. 1863 § 10, (2011))

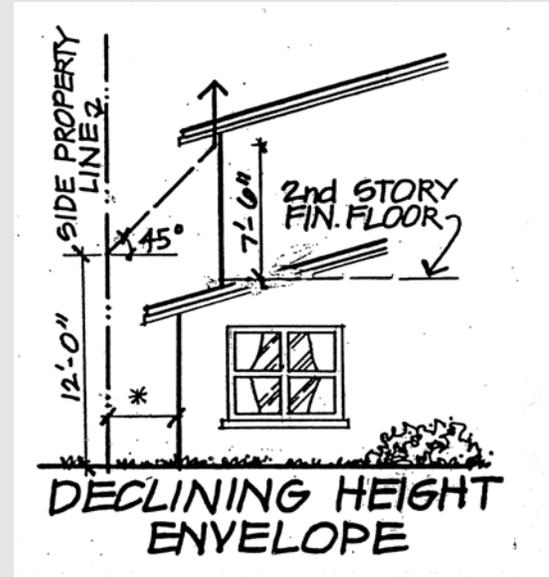


**25.26.075 Declining Height Envelope**

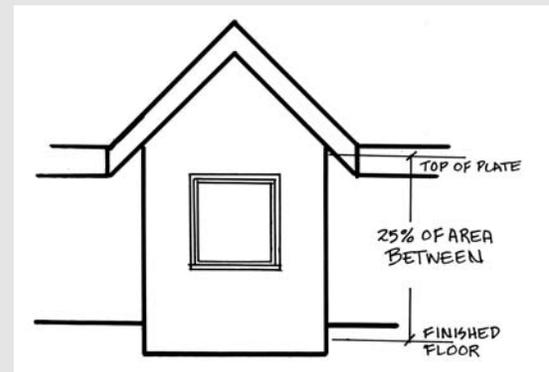
- (a) There shall be a declining height envelope in this district departing from a height of twelve (12) feet above original existing grade at each side property line as determined by the average of the elevations at the front and rear property line corners at each side; at twelve (12) feet above grade, an angle of forty-five (45) degrees shall be set until it intersects with a point seven and one-half (7 1/2) feet above the second story finished floor, then the line shall extend vertically to a maximum of thirty (30) feet or two and one-half (2 1/2) stories.
- (b) No structure shall extend above or beyond said envelope except:

- (1) Chimneys or flues, eaves to a maximum of two (2) feet or one-half the distance to property line whichever is less, and architectural features including gables without windows which do not create improved space and do not extend within the first story side setback;
- (2) Window enclosures which create no more than thirty-five (35) square feet of floor area within the structure and have a length no greater than ten (10) feet. At least twenty-five (25) percent of the face of such enclosure as measured between the finished floor and the plate line shall be window area.
- (3) The side of a single-family or duplex structure which is located adjacent to an existing two (2) story residential structure so that the properties on which they are located share a side property line, provided:

- (A) The second story is not closer to the property line than the required first floor setback; and
- (B) If the second story wall is outside of the declining height envelope and adjacent to an existing two (2) story wall, the second story plate line is no higher and no longer than the second story plate line on the adjacent property; and
- (C) If there is a two (2) story residential structure on each side of a lot, only one side wall may be exempt from the declining height envelope; and
- (D) If any portion of the second story of an existing two (2) story house adjacent to either side of the lot complies with the declining height requirements, the adjacent wall of the new construction shall not be exempt.



**Window Enclosure Exception**  
 For the window enclosure exception 25% of the face of the enclosure shall be window area and the enclosure shall have a floor area of no more than 35 square feet encroaching into the declining height envelope.



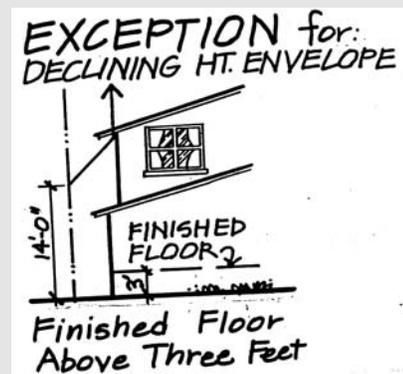
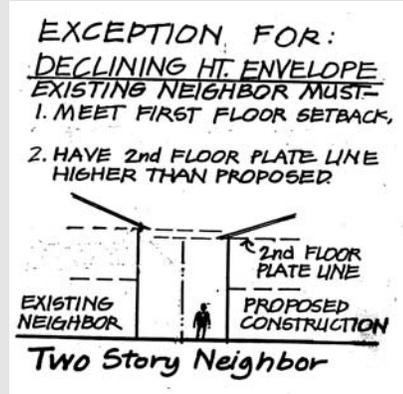
- (4) Where the slope on a lot between the front setback and rear setback lines on either side property line varies by two (2) feet or more, the measurement for the declining height envelope point of departure shall be the average elevation as taken at the intersection of the adjacent side property lines with the fifteen (15) foot front setback line and the fifteen (15) foot rear setback line.
- (5) Where the finished first floor of a house is more than three (3) feet above average finished grade and the area below or basement is not improved area, the measurement for the declining height envelope shall be fourteen (14) feet above the side property line. (Ord. 1863 § 10, (2011))

### 25.26.080 Interior Access

There shall be a stairway, elevator, ramp or similar access between all floors of improved area within a single-family residential structure. Such access shall be located within the exterior walls of the structure. (Ord. 1863 § 10, (2011))

### 25.26.090 Multiple Lots Developed with a Single Structure

- (a) This section shall apply to all lots which are required to obtain a conditional use permit pursuant to Section 25.26.030(e) or (f). Demolition of existing structures or construction of new structures upon any such lot shall not be commenced until and unless a conditional use permit and any variances and special permits required by this section and a building permit are first obtained.
- (b) In considering the conditional use permit for either standard or substandard lots the commission shall evaluate in addition to the criteria for a conditional use permit:
  - (1) The blend of mass, scale and dominant structural characteristics of the new construction with the existing street and neighborhood;
  - (2) The variety of roof line, façade, exterior finish materials and elevations of the proposed new structures;
  - (3) The commission shall also consider the necessity or mitigation for the removal of any protected trees, as defined in Section 11.06.020 of this code, which are located within the footprint of any proposed structure.



#### **Exterior Lighting**

For residential lighting no fixtures shall be located more than 9' above grade or landing. Only shielded light fixtures that focus light downward shall be allowed. The cone of light and all glare shall not extend beyond the property line.

#### **Tree Protection**

The City has an urban reforestation and tree protection ordinance. This ordinance prohibits the removal or substantial pruning of any protected trees. Protected trees have a circumference of 48" at a point 54" above the ground. Site plans should show circumference and type of all trees on a property.

- (c) A variance shall be required, in addition to and as a part of the conditional use permit, if, on a substandard lot, the following maximum gross floor area ratio of all structures is not met:
- (1) Thirty-two (32) percent plus seven hundred fifty (750) square feet with an attached garage;
  - (2) Thirty-two (32) percent plus seven hundred fifty (750) square feet plus up to three hundred fifty (350) square feet in a detached single or two (2) car garage and other accessory structures.

Such maximum allowable house size shall become effective upon the issuance of a building permit for the construction and may not be exceeded without amendment of the conditional use permit. (Ord. 1863 § 10, (2011))