

# Title 23 Amendments to Nonconforming Lot Coverage, Floor Area Ratio (FAR) and Density Regulations

BMC Title 23.324.050 – Residential Uses in R-1, R-2, R-2A, and MU-R Districts



# Agenda

**I. Background**

**II. Current Effects**

**III. Proposed Ordinance Amendments**

**IV. Staff Recommendation**

# I. Background

## Middle Housing Zoning Changes (July 8, 2025):

- **Expanded Development Potential**
- **New Objective Development Standards**
- **Ministerial Approval**
- **R-1, R-2, R2-A and MU-R Zoning Districts**

# I. Background

## **BMC Section 23.324.050 – Nonconforming Structures and Buildings**

- **Regulates changes to nonconforming buildings and structures.**
- **Requires a Use Permit for additions and alterations to projects with nonconforming lot coverage, FAR and density.**

## II. Current Effects

**BMC Section 23.324.050 conflicts with the intent of Middle Housing by:**

- ***Requiring* a Use Permits for Middle Housing projects that meet the development standards; and**
- ***Allowing* a Use Permit for Middle Housing projects to exceed the development standards.**

# III. Proposed Ordinance Amendment

## **23.324.050 Conforming and Nonconforming Structures and Buildings.**

### *D. Expansion and Alteration.*

#### *3. Nonconforming Coverage, FAR, and Density.*

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

(b) The ZAB may approve the Use Permit only if the project does not:

- i. Increase or exacerbate the nonconformity; or
- ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts.

# III. Ordinance Amendment Alternative

## **23.324.050 Conforming and Nonconforming Structures and Buildings.**

### *D. Expansion and Alteration.*

#### *3. Nonconforming Coverage, FAR, and Density.*

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

(b) The ZAB may approve the Use Permit only if the project does not:

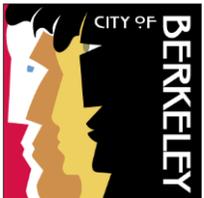
- i. Increase or exacerbate the nonconformity; or
- ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts, as long as the project does not increase or exacerbate the nonconformity nor exceed the height limit.

## **IV. Staff Recommendation**

- **Conduct a public hearing, receive public comment, and upon conclusion, adopt the first reading of an amendment to BMC Title 23 Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the R-1, R-2, R-2A, & MU-R zoning districts.**

# Thank you!



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