

[SUGGESTED CHANGES TO HABITABILITY SECTIONS OF ORDINANCE]

02:A-03 Attic: Attic shall mean that unfinished portion of a building, not a story, included ~~between the upper surface of the topmost floor and the ceiling or~~ that is directly under the roof ~~above~~.

02:C-03 Carport: "Carport" shall mean a roofed structure that is open on at least two (2) sides and designed for the primary purpose of sheltering ~~storing~~ the residents' vehicles.

02:C-04 Carport, attached: 'Attached carport' shall mean a carport any part of which with an outside wall that is less than three (3) feet from an outside wall of the dwelling main building.

02:C-05 Carport, detached: 'Detached carport' shall mean a carport which is not an attached carport. No part wall of a detached carport shall be less than three (3) feet from an outside wall of the dwelling main building.

02:D-01 Dwelling: "Dwelling" shall mean any building which contains one "Dwelling Unit" ~~used, intended, or designated to be built, used, rented, leased, let or hired out to be occupied, or which is occupied,~~ for living purposes.

02:D-02 Dwelling unit: "Dwelling unit" shall mean a single unit providing complete independent living facilities for a family ~~one or more persons~~ including permanent provisions for living, sleeping, eating, cooking and sanitation.

02:F-01 Family: A "Ffamily" shall mean ~~is~~ one (1) or more persons occupying a dwelling unit and living there as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or sorority house, motel, hotel, apartment, duplex or multi-family dwelling.

02:G-01 Garage: "Garage" shall mean a building or portion of a building that has 3 walls and a door and is designed for the main purpose of storing the residents' vehicles.

Garage, private: "Private garage" shall mean a building or portion of a building, in which only motor vehicles used by the occupants of the dwelling on the premises are stored or kept.

02:G-02 Garage, attached: "Attached garage" shall mean a garage with an outside wall that is less than three (3) feet from an outside wall of the main building.

which has at least ten (10) feet of continuous, uninterrupted wall in common (to both floors if two (2) story) with the building to which it is attached, excluding enclosed or unenclosed hallways, breezeways, or offset rooms from consideration as a means of attachment.

02:G-03 Garage, detached: "Detached garage" shall mean a garage which is not an attached garage. ~~provided further A detached garage shall not mean or include a carport.~~ No If a wall of a detached garage is shall be less than three (3) feet from an outside wall of the main building, the garage shall be deemed an attached garage. ~~A detached garage may be connected to the main building by a walkway covering; provided, however, such covering shall not be more than six (6) feet in width. Any garage or projection thereof located within less than three (3) feet of the main building or any projection thereof shall be deemed to constitute a portion of such main building.~~

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02:H-01 Habitable space room: "Habitable space room" shall mean any space room that meets the requirements of the City Building Codes for living purposes such as some living purposes such as sleeping, living, cooking, ~~or or dining purposes, g purposes, but- does not constitute a dwelling unit.~~ excluding s Such places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar places shall not be considered habitable spaces for purposes of these ordinances.

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02:S-08 Story: "Story" shall mean that portion of a building ~~included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building between the upper surface of the topmost finished floor and the ceiling or roof above.~~ An attic space that is not otherwise habitable but that has a finished floor shall not be considered a story. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet ~~(6 ft.)~~ above

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NOTE - the last few 'S' definitions are not in alphabetical order

finished grade as defined herein for more than fifty (50) percent (50%) of the total perimeter, or is more than twelve (12) feet above finished grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

Notwithstanding the foregoing:

- a. An attic space that is not a habitable space but that has a finished floor shall not be considered a story, and
- b. A habitable space in the attic that constitutes 35% or less of the square footage of the story below shall not be considered a story.

02:S-09 Story, dwelling: "Dwelling story" shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and ceiling or roof above.

11:02.04 Attic: The attic of a building of the main building may contain one or more habitable spaces within the attic volume created by the roofline. The roofline of an existing two (2) story dwelling main building may not be changed to accommodate a habitable space except that dormers may be added. A habitable space in the attic space of a two (2) story dwelling main building may not exceed thirty- five (35) percent of the square footage of the second story or second half story of the building dwelling building in which it is contained. An attic [unless a legal attic story], contain any habitable space, [, if a wall and/or ceiling of such attic space is finished, shall have no widow or skylight].

An attic, unless a legal attic story, shall not be a habitable room and shall not enclose such places as bath or toilet rooms, or laundries and if a wall and/or ceiling of such attic space is finished shall have no window or skylight.

11:03 DWELLING UNIT

11:03.01 Habitable space: A lot may have more than one habitable space. One dwelling unit: No more than one dwelling unit shall be constructed on any residential lot. The dwelling unit shall be contained in the main building on the lot.

11:03.02 Net building area: The net building area shall not exceed forty percent (40%) of the lot area.

11:03.03 Total floor area: The total floor area of each dwelling unit shall not be less than fourteen-hundred (1400) square feet.

11:03.04 Multi-story area: The net building area of the ground floor of any one and a half or two story dwelling unit shall be not less than one thousand (1000) square feet.

11:04 ~~PRIVATE GARAGE OR CARPORT~~

11:04.01 Required: Every lot with a dwelling shall have A private a garage. A private garage, attached or detached, shall be constructed for each dwelling unit. shall be constructed for each dwelling unit [Items stored in the garage or carport (other than vehicles) may not be visible to public view from the street.]

11:04.02 Size: One garage on a lot shall be at least four hundred (400) square feet. The total combined square footage of all garages and carports on a lot shall not exceed one thousand two hundred (1,200) square feet. A private garage shall be constructed of not less than four hundred (400) square feet, nor more than one thousand (1,000) square feet.

11:04.03 ~~Garage— entrance or exit:~~ The entrance to a garage that is constructed in front of the dwelling to which the garage is attached shall be perpendicular to the street of address. —The entrance to a carport shall not be constructed in front of the main building. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the slab or structure of a dwelling shall face the street of address. Said door(s) or entrance or exit shall be located on a side of a garage which in plan view shall be at a 90 degree angle or greater to the street of address.

11:04.04 Attached garage—Second story access: a. Doorway or hallway access to a second story above an attached garage shall be enclosed and through the dwelling to which it is attached.

b. An attached garage or carport may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty-five (35) percent of the square footage of the story below.

~~b. An attached garage may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty five (35) percent of the square footage of the story below.~~

11:04.05 Detached: a. A detached garage ~~that does not meet the setback requirements for the dwelling~~main building shall not exceed one (1) story. The space above the ground floor ~~the detached garage~~ shall not have provisions for any utilities except electricity ~~for sanitation, bath or kitchen facilities.~~ The ground floor may have provisions for water, waste, electricity and HVAC but shall not include any habitable spaces ~~sleeping quarters and may be not inhabited~~be habitable. Any related occupancy permit issued shall so state.

~~b. A detached carport that does not meet the rear setback requirements for the main building shall not exceed one (1) story and shall not have provisions for any utilities except electricity.~~

~~b.c. A detached garage or carport that does not meet the rear setback requirements for the dwelling~~main building may be connected to the dwelling-main building by an open-sided walkway cover not more than six (6) feet in width.

~~c. A detached garage that meets the side and rear setback requirements for the dwelling may contain a second story. Both stories may have provisions for water, waste, electricity and HVAC. The first story but shall not include any habitable spaces~~sleeping quarters and may be not inhabited. The second story may contain a habitable space, but shall not contain kitchen facilities. ~~{Any related occupancy permit issued shall so state.}~~

~~e. A detached carport that meets the side and rear setback requirements for the dwelling may contain a second story. The first story shall not have provisions for any utilities except electricity. The second story may have provisions for water, waste, electricity and HVAC, and may contain a habit-~~

~~able space but shall not contain kitchen facilities but shall not include sleeping quarters and may be not inhabited. [Any occupancy permit issued shall so state.]~~

~~df. A detached garage or carport that meets the side and rear setback requirements for the dwelling main building may be connected to the dwelling main building by an enclosed ground level walkway or an elevated bridgeway to a second floor. If the walkway or bridgeway exceeds six (6) [10? feet] in width, the garage or carport shall be deemed part of the dwelling main building.~~

~~eg. -A detached garage that meets the rear and side setback requirements for the dwelling may contain an attic and such attic may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty-five (35) percent of the square footage of the story below.~~

~~f. An open air kitchen may be attached to the outside wall of a garage, so long as it is not visible to public view from the street of address.~~

11:06 ~~RESIDENTIAL RESIDENTIAL~~ ACCESSORY USE: ~~An residential residential~~ accessory use may only ~~shall~~ be conducted on a lot that has the same lot occupied by a dwelling, nguni shall not involve ~~the conduct of a business or the use of an assistant or employee, and~~ the address shall not be advertised as a business.

11:07 ACCESSORY BUILDING.

11:07.01- Use: a. An accessory building shall not be designed, constructed, or occupied for use ~~or used for~~ as a (1) a habitable space, (2) a business, commercial, or an industrial purpose, ~~ial purpose~~ or (2) a rental space.

b. An accessory building that does not meet the side and rear setback requirements for the dwelling shall not contain a second story. The first story may have provisions for water, waste, electricity and HVAC, and may contain a habitable space, including open-air kitchen facilities. Any related occupancy permit shall so state.

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we are looking for legal input on what we can disallow, e.g. advertising, if we allow some business to be conducted in the home (as allowed by 11:05

c. An accessory building that meets the side and rear setback requirements for the dwelling may contain a second story. Each story may have provisions for water, waste, electricity and HVAC. The second story may contain a habitable space but may not contain kitchen facilities. The first story may contain a habitable space and may contain open-air kitchen facilities. Any related occupancy permit shall so state.

d. An accessory building that meets the rear and side setback requirements for the dwelling may contain an attic and such attic may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty-five (35) percent of the square footage of the story below.

11:07.02 Location: No wall of an accessory building or projection thereof shall be less than three (3) feet from the ~~the~~ an outside wall of the dwelling-main building. ~~An accessory building, including any projection thereof, that is less than three (3) feet from the outside wall of the dwelling main building shall be deemed to be attached to part of the dwelling main building. An accessory building may be connected to the main building by an open-sided walkway covering not exceeding six (6) feet in width. An accessory building may be connected to the main building by an open-sided walkway covering sidewalk that may have a cover not exceeding in six (6) feet in width.~~

~~11:07.03 : An accessory building that meets the side and rear setback requirements for the main building may contain a second story. The accessory building shall not contain sleeping quarters and shall not be inhabited, but may have provisions for water, waste, electricity and HVAC, and may contain open-air kitchen facilities. [Any occupancy permit issued shall state that the space may not be inhabited.]~~

~~An accessory building that meets the side and rear setback requirements for the main building may contain an attic and such attic may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty five (35) percent of the square footage of the story below.~~

11:07.034 Access:

a. External access to the second story or attic space of an accessory building shall not be visible to public view from the street of address.

b. An accessory building that meets the side and rear setback requirements for the dwellingmain building may be connected to the dwellingmain building by an enclosed ground level walkway or an elevated bridgeway to a second floor. If the walkway or bridgeway exceeds six (6) [10? feet] in width, the accessory building garage or carport shall be deemed part of the dwelling-main building. may be connected to the main building by an enclosed ground level walkway or an elevated bridgeway to a second floor.

c. An accessory building that does not meet the rear setback requirements for the dwellingmain building may be connected to the dwellingmain building by an open-sided walkway cover not more than six (6) feet in width.

11:11.04 Removal of ~~T~~emporary ~~F~~ences: Construction site protective fencing shall be removed when the construction permit expires. A fence installed for purposes other than construction and is not intended to be permanent shall be removed in 30 days from installation or notification by City.

11:12 POOL

11:12.01 Location: No part of a pool shall be placed closer to a street right-of-way than the ~~dwelling-main building~~ain building on the lot on which it is situated, nor closer than eight (8) feet to any side ~~property~~let line than the side setback line, nor closer ten (10) feet from to the rear propertylet line than ten (10) feet.; All measurements shall be taken from the back of the top beam of the pool.

11:14.01 CARPORT:

a. A carport shall not be constructed in front of the dwellingmain building.

b. If attached to the dwellingmain building, a carport shall be a component part of, a continuation of, and of the same construction as the dwellingmain building. If not attached to the dwellingmain building, a carport shall meet the placement requirements of a detached garage.

c. Items stored in a carport (other than vehicles) may not be habitually visible to public view from the street.

11:14.02 Attached carport: a. Doorway or hallway access to a second story above an attached carport shall be enclosed and through the dwelling to which it is attached.

b. An attached carport may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty-five (35) percent of the square footage of the story below.

11:14.03 Detached carport: a.

a. A detached carport that does not meet the rear setback requirements for the dwelling shall not exceed one (1) story and shall not have provisions for any utilities except electricity hose bib.

b. A detached carport that does not meet the rear setback requirements for the dwelling may be connected to the dwelling by an open-sided walkway cover not more than six (6) feet in width.

c. A detached carport that meets the side and rear setback requirements for the dwelling may contain a second story. The first story shall not have provisions for any utilities except electricity hose bib. The second story may have provisions for water, waste, electricity and HVAC, and may contain a habitable space, but shall not contain kitchen facilities. [Any related occupancy permit issued shall so state.]

d. A detached carport that meets the side and rear setback requirements for the dwelling may be connected to the dwelling by an enclosed ground level walkway or an elevated bridgeway to a second floor. If the walkway or

bridgeway exceeds six (6) feet in width, the ~~garage or carport~~ shall be deemed an attached carport.

e. A detached carport that meets the rear and side setback requirements for the ~~dwelling main building~~ may contain an attic and such attic may contain one (1) or more habitable spaces within the attic volume created by the roofline. The habitable space thus created may not exceed thirty-five (35) percent of the square footage of the story below.

f. An open air kitchen may be attached to an outside wall of a carport, so long as it is not visible to the public from the street of address.