

Proposed Revisions to the Habitability Ordinance Comments

Clarification Requests:

1. **A detached garage or carport can only have thirty-five (35) percent of the square-footage below of habitable space in the attic.** Based on the minimum square-footage for a garage at 400 square feet, and the maximum is 1400 square feet. At the lower end, most garages and detached carports would not be large enough to have an attic space that has enough space for living. This requirement would push most livable spaces above the garage or carport into the definition of a second story, which could have attic space (creating a taller building). The least objectionable habitable square-footage would be located in the roofline of a detached garage or carport as it would not require a complete second story.

e. 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.

...

e. A detached carport 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.

2. **Detached garages and habitable space.** This section reads that you are not able to have habitable space on the first floor of a garage. By having all the utilities within a space by definition would make it habitable. A lot of City's use the definition of "Guest Quarters" to specifically remove kitchens from habitable spaces outside of the main dwelling (See the below example definition of guest quarters).

02:H-01 Habitable space: "Habitable space" shall mean a space that meets the requirements of the City Building Codes for some living purpose such as sleeping, cooking, or dining but does not constitute a dwelling unit. 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.

...

11:04.05 Detached: a. A detached garage that does not meet the setback requirements for the dwelling shall not exceed one (1) story. The space above the ground floor shall not have provisions for any utilities except electricity. The ground floor may have provisions for water, waste, electricity and HVAC but shall not include a habitable space. Any related occupancy permit shall so state.

...

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 shall not include any habitable space. The second story may contain a habitable space, but shall not contain kitchen facilities. Any related occupancy permit shall so state.

Example of Guest Quarters Definition:

Guest quarters means an attached or detached building or secondary living area of residential use that provides living quarters for guests of the occupants of the principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

3. As mentioned, an “enclosed walkway” is permitted for connection to an accessory building and carport with compliant setbacks as long as it is six foot in width or under. Can this enclosed walkway be conditioned space?

b. An accessory building 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 building shall be deemed part of the dwelling.

...

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 carport shall be deemed an attached carport.

4. Habitable space can be above an attached carport can be up to 35% of the roofline. Does this mean the square-footage of the first story, including the home and carport can be as much as 35% of this roofline space?

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.

- 5. Open-air kitchens are usually under patio covers in the backyard, not under a carport. I would suggest moving this as a general comment in the zoning ordinance. “An open air kitchen may be located within a single-family residential property as long as it is not visible from the front yard of a dwelling”.**

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.

Minor Corrections:

- 1) **Add the spelled out three in the definition of “garage” to be consistent with other definitions.**

02:G-01 Garage: “Garage” shall mean a building or portion of a building that has **three (3)** walls and a door and is designed for the main purpose of storing the residents’ vehicles.

- 2) **Remove the word some from the definition of habitable space and add a ‘s’ to purpose.**

02:H-01 Habitable space: “Habitable space” shall mean a space that meets the requirements of the City Building Codes for **some** living purposes, such as sleeping, cooking, or dining but does not constitute a dwelling unit. 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.

- 1. Modify detached carport to have utilities except for electricity and a hose bib.**

11:14.03 Detached carport: 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 **and a** hose bib.