

[SUGGESTED CHANGES TO HABITABILITY SECTIONS OF ORDINANCE]

02:A-03 Attic: Attic shall mean that unfinished portion of a building, not a story, that is directly under the roof.

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 the residents' vehicles.

Carport, attached: "Attached carport" shall mean a carport any part of which is less than three (3) feet from an outside wall of the dwelling.

Carport, detached: "Detached carport" shall mean a carport which is not an attached carport. No part of a detached carport shall be less than three (3) feet from an outside wall of the dwelling.

02:D-01 Dwelling: "Dwelling" shall mean a building which contains one "Dwelling Unit".

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

02:F-01 Family: A "family" shall mean 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.

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.

02:G-03 Garage, detached: "Detached garage" shall mean a garage which is not an attached garage. If a wall of a detached garage is less than three (3) feet from an outside wall of the main building, the garage shall be deemed an attached garage.

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.

02:S-08 Story: "Story" shall mean that portion of a building between the surface of any floor and the surface of the floor next above, except that the topmost story shall be that portion of a building between the surface of the topmost finished floor and the ceiling above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above finished grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above finished grade 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.

11:02.04 Attic: The attic of a building may contain one or more habitable spaces within the attic volume created by the roofline. The roofline of an existing two (2) story building may not be changed to accommodate a habitable space except that dormers may be added. A habitable space in the attic of a two (2) story building may not exceed thirty-five (35) percent of the square footage of the second story or second half story of the building in which it is contained.

11:03 DWELLING UNIT

11:03.01 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 a dwelling 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 shall be not less than one thousand (1000) square feet.

11:04 GARAGE

11:04.01 Required: Every lot with a dwelling shall have a garage.

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.

11:04.03 Garage entrance: 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.

11:04.04 Attached garage: 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 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 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.

b. A detached garage 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 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.

d. A detached garage 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 [6 feet] in width, the garage shall be deemed part of the dwelling.

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.

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 ACCESSORY USE: An accessory use may only be conducted on a lot that has a dwelling, shall not involve the use of an assistant or employee, and the address shall not be advertised as a business.

Commented [1]:
we are looking for legal advice on what we can disallow, e.g., advertising the business with the home address

11:07 ACCESSORY BUILDING.

11:07.01 Use: a. An accessory building shall not be designed, constructed, occupied or used for (1) an industrial 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.

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 an outside wall of the dwelling. An accessory building, including any projection thereof, that is less than three (3) feet from an outside wall of the dwelling shall be deemed to be attached to the dwelling.

11:07.03 Access:

a. External access to the second story 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 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.

c. An accessory building 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.

11:11.04 Removal of temporary fences: 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 than the dwelling on the lot on which it is situated, nor closer to any side property line than the side setback line, nor closer to the rear property 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 dwelling.

b. If attached to the main building, a carport shall be a component part of, a continuation of, and of the same construction as the main building. If not attached to the main 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 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 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 carport shall be deemed an attached carport.

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.

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.