

CLINTON CITY PLANNING COMMISSION AGENDA ITEM

SUBJECT: PUBLIC HEARING: 7:10 p.m. – Ordinance No. 15-01Z - Review and action upon a recommended change to the Clinton City Zoning Ordinance, § 28-2 Definitions dealing with Garages, Accessory Buildings, Carports, and Sheds; § 28-3-25 Garages, Accessory Buildings, Sheds, Carports; § 28-12 thru 28-15, and 28-19 subsections dealing with Garages, Accessory Buildings, Sheds, and Carports.	AGENDA ITEM: 1a		
PETITIONER: Community Development	MEETING DATE: January 20,2015		
ORDINANCE REFERENCES: Zoning Ordinance <ol style="list-style-type: none"> 1. Definitions <ol style="list-style-type: none"> a. Accessory Building Large Lot b. Accessory Building, Residential c. Garage Private d. Garage Public e. Shed or Yard Shed 2. Chapter 3, Regulations Applicable to All Zones <ol style="list-style-type: none"> a. 28-3-25 Garage, Accessory Building, Shed, Carport – Single family Dwelling b. 28-3-26 Model and Display Homes 3. Chapter 3, Parking and Loading Space... <ol style="list-style-type: none"> a. 28-4-15 Access to Residential Property... 	ROLL CALL VOTE: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">X YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> </table>	X YES	NO
X YES	NO		
BACKGROUND: In an effort to clarify and simplify the ordinances dealing with Garages, Accessory Buildings, Sheds, and Carports I have made changes to the ordinances. These changes are not a change in practice only to clarify and remove conflict within the ordinance.			
ALTERNATIVE ACTIONS:			
ATTACHMENTS: Draft Revisions Ordinance No. 15-01 Z			
SEPARATE DOCUMENTS:			

Respectfully submitted,

Lynn Vinzant, Com. Dev. Dir.1

“Accessory Building, Residential”^{67, 88, 198} means a building, larger than 200 square feet, *designated for use other than a residence constructed on a lot containing a residential structure*. A Residential Accessory Building shall be constructed of materials complementary in color to the primary building on the lot and buildings on surrounding lots.

“Accessory Building Large Lot”¹⁶⁹ means a building, larger than 200 square feet, with a minimum setback of forty (40) feet from any portion of the primary building on the lot that is at least one-half acre in size and at least twenty (20) feet from any residential building on adjoining lots.

“Carport” means a private, covered area for parking motor vehicles with two or more open sides. A carport with a *distance between support structures less than 20-feet* shall be designated as a single carport. A carport with a *distance between support structures equal to or more than 20-feet* shall be designated as a double carport.¹⁹²

(1) *Carport Attached: the carport and dwelling having a roof or wall in common and that meets the requirements of § 28-3-25(5).*

(2) *Carport Accessory: located behind a dwelling with adequate access for a motor vehicle and that meets the requirements of § 28-3-25(5).*

(3) *Carport Detached: located adjacent to a dwelling and fronting a common street and that meets the requirements of § 28-3-25(5).*

“Garage, Private”^{21, 104, 148, 169, 183, 198} means an enclosed space for the storage of one or more motor vehicles. A garage with an exterior width of less than 20 feet shall be designated as a single garage. A garage with an exterior width of 20 feet or greater shall be designated as a double garage. For the purpose of these regulations a private garage will fall into one (1) of three (3) categories:

(1) Garage Attached: the garage and dwelling having a roof or wall in common.

(2) Garage Accessory: located behind a dwelling *with adequate access for a motor vehicle and that meets the requirements of § 28-3-25(2).*

(3) Garage Detached: located adjacent to a dwelling *and fronting a common street and that meets the requirements of § 28-3-25(3).*

“Major Street” means a Collector, Minor Arterial, or Principal Arterial street as indicated in the Clinton City Transportation Master Plan.

“Shed” or **“Yard Shed”**¹⁶⁹ means an enclosed space or covered area outside of an enclosed space less than 200 square feet, not including eaves, *with a door width of six (6) feet or less* for the storage of yard tools and supplies, motorized yard equipment, household items, etc. but not for storing motor vehicles intended for personal transport. Includes greenhouses, play houses, forts, and other play structures. Does not include landscape features such as pergolas, arbors, or other skeleton type structures.

(1) *Garage and Carport General Requirements:* These requirements apply to garages *and Carports*.

(a) Structures shall meet the minimum setback requirements established in this ordinance for the zone.

(b) Eaves shall not extend into any setback requirements established in this ordinance for the zone by more than twelve (12) inches.

(c) All run-off from the roof, drive or any Hard Surface associated with the structure shall be designed to drain onto the building lot where the structure is located.

(d) *Adherence to the maximum impervious surface ratio.*

(e) Structures built within five (5) feet of a property line shall not have openings, (windows, doors, etc.), in the wall that is within the five (5) feet.

(f) Structures built within five (5) feet of a property line shall have the wall constructed to meet the requirements of the International Residential Code.

(g) *A curb cut and appropriate apron shall be established to meet the requirements of the city standards and § 28-4 of this ordinance.*

(h) *Construction shall meet the requirements of the International Residential Code.*

(2) Garage Accessory

(a) A Garage Accessory, as defined in this ordinance, may *serve to* satisfy the parking requirements of Chapter 4 of this ordinance providing that the structure meets the following requirements.

(i) The structure meets the minimum parking requirements, established for a residence in Chapter 4, not including any portion of the structure that is designed for the intended use of storing oversized vehicles, recreation vehicles, boats, off-road vehicles, etc.,

(ii) There is a Hard Surface drive from the street to the Accessory Garage.

(b) The minimum distance from any wall surface, attached deck, awning, or other extension of the dwelling to any wall surface or extension on the ~~Garage structure~~, *shall not be less than ten (10) feet.* The eaves of either structure shall not extend more than twelve (12) inches into the required ten (10) foot separation.

(d) Structure shall be designed with the intended use of storing vehicles *designed for* transportation or recreation.

(e) Garage Accessory shall compliment the color scheme of the existing dwelling. Significance of colors shall be determined by the planning staff at the time of plan review.

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(f) If the structure is not intended to meet the requirements of Chapter 4 for a residence as stated in (2)(a)(ii) it shall have a Hard Surface drive from the street to the garage unless the structure is behind a 6-foot solid fence with gates then the Hard Surface shall extend from the street to behind the fence gates. 198

(3) Garage Detached

(a) A Garage Detached, as defined in this ordinance, may satisfy the parking requirements of Chapter 4 of this ordinance providing that the structure meets the following requirements:

(i) The structure meets the minimum parking requirements established for a residence in Chapter 4 not including any portion of the structure that is designed for the intended use of storing oversized vehicles, recreation vehicles, boats, off-road vehicles, etc.

(ii) *There is a Hard Surface drive from the street to the Detached Garage.*

(b) The minimum distance from any wall surface, attached deck, awning, or other extension of the dwelling to any *property line shall meet the requirements established in this ordinance for the applicable zone. The minimum distance from a wall surface or any extension on the structure to the wall surface or extension on the residence shall be a minimum of ten (10) feet.*

(c) Structure shall be designed with the intended use of storing vehicles *designed* for transportation or recreation.

(d) Garages Detached shall have the same architectural features; utilize the same building materials and same pattern as the existing dwelling. Street view of the structure shall be similar in the use of materials, brick, rock, etc., as the residence on the lot. Sides and rear of the structure may utilize less primary materials, siding, stucco, etc., found on the residence. Equality of materials and features shall be determined by the planning staff at the time of plan review. Allowances may be made when considering the availability of materials due to the age of the original structure.

(4) *Accessory Buildings and Sheds General Requirements: The following requirements apply to Accessory Buildings and Sheds:*

(a) *Structures shall meet the minimum setback requirements established in this ordinance for the zone.*

(b) *The structure shall be located in the rear yard setback as defined in this ordinance with a minimum distance from any wall surface, attached deck, awning, or other extension of the dwelling to any wall surface or extension on the structure, shall not be less than ten (10) feet.*

(c) *Eaves shall not extend into any setback or separation requirements established in this ordinance for the zone by more than twelve (12) inches.*

(d) *All run-off from the roof, drive or any Hard Surface associated with the structure shall be designed to drain onto the building lot where the structures is located.*

(e) *Adherence to the maximum impervious surface ratio.*

(f) *A curb cut shall NOT be established to provide access to the structure.*

(g) *Construction shall meet the requirements of the International Residential Code.*

(h) *Structure shall not be designed with the ability to store vehicles intended for transportation or recreation, access into the structure shall be less than six (6) feet wide.*

(i) *Accessory Buildings or Sheds, as defined in this ordinance, do not meet the parking requirements of Chapter 4 of this ordinance.*

(j) *Accessory Buildings shall compliment the color scheme of the existing dwelling. Significance of colors shall be determined by the planning staff at the time of plan review.*

(5) Carport General Requirements ¹⁹²

(a) Carports associated with structures other than single family dwellings shall be evaluated and approved as part of the site plan approval process.

(b) Eaves shall be measured from the exterior wall where one exists and from the exterior of support posts where no wall exists.

(c) Carports shall have a Hard Surface, concrete or asphalt, under the roof area.

(d) Any Carport shall have a wall when located closer than 10-feet to an adjacent property line if no privacy fence is present between the carport and adjacent property.

(e) A Carport will not meet the requirements of Chapter 4 Table 4.8.1.

(d) Carport Attached

(i) Attached carports intended to satisfy requirements of Chapter 4 shall have an enclosed storage area of at least 150 square feet in size, minimum 8-foot interior height, at grade level.

(e) Carport Accessory

(i) A Carport Accessory does not satisfy the parking requirements of Chapter 4 Table 4.8.1. of this ordinance for a single family dwelling.

(iii) The structure shall be located in the rear yard setback as defined in this ordinance with a minimum distance from any wall surface, attached deck, awning, or other extension of the dwelling to any wall surface or extension on the structure, shall not be less than ten (10) feet.

(ii) Structure shall be designed with the intended use of storing vehicles designed for transportation or recreation.

(iii) It shall have a Hard Surface drive from the street to the carport unless the structure is behind a 6-foot solid fence with gates then the Hard Surface shall extend from the street to behind the fence gates. ¹⁹⁸

(f) Carport Detached

(i) A Carport Detached does not satisfy the parking requirements of Chapter 4 Table 4.8.1. of this ordinance for a single family dwelling.

(ii) The minimum distance from any wall surface, attached deck, awning, or other extension of the dwelling to any wall surface or extension on the structure, on the lot, shall meet the minimum setback requirements established in this ordinance for the zone for a Detached Garage.

(iii) It shall have a Hard Surface drive from the street to the structure.

(iv) Structure shall be designed with the intended use of storing vehicles designed for transportation or recreation.

(v) Carport Detached shall have similar architectural features and utilize similar colors and materials as on the dwelling on the lot. In this case similar is intended to be complementary to the design of the dwelling.

(6) Nonconforming Structures

(a) Any Garage Accessory, Garage Detached, Accessory Building, or Accessory Building Large Lot that does not conform to the requirements of this ordinance, that has been declared a nuisance or unsafe for occupancy by authority of the City Code, health code, or building codes, shall not be repaired unless it is brought into significant compliance with the requirements of this code. Any Garage Accessory that is demolished shall not be reconstructed unless it complies with the requirements of this ordinance.

(b) Any Shed that does not conform to the requirements of this ordinance, that has been declared a nuisance or unsafe by authority of the City Code, health code, or building codes, shall not be repaired or reconstructed unless it is brought into significant compliance with the requirements of this code.

28-12-2(12) *Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, incidental to any permitted use.*

28-12-3(11) *Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, approved during site plan review and incidental to an approved conditional use.*

Front	Major Street	35 feet
	Other Street	30 feet
	<i>Garage Detached</i>	<i>Same as Dwelling</i>
Side, interior	Dwelling	10 feet
	Non-Residential Building	20 feet
	Accessory Garage	3 feet rated structure 5 feet non-rated structure
	Detached Garage	10 feet
	Accessory Building	3 feet rated structure 5 feet non-rated structure
	Accessory Building Large Lot	3 feet rated structure 5 feet non-rated structure
	Shed	3 feet
Side, street	Major Street	35 feet
	Other Street	30 feet
	Accessory Garage	30 feet ^b
	Detached Garage	<i>Same as Dwelling</i>
	Accessory Building	30 feet ^b
	Accessory Building Large Lot	30 feet ^b
	Shed	30 feet ^c
Rear	Main Building	30 feet
	Accessory Garage	3 feet rated structure 5 feet non-rated structure ^a
	Detached Garage	<i>Same as Dwelling</i>
	Accessory Building	3 feet rated structure 5 feet non-rated structure ^a
	Accessory Building Large Lot	3 feet rated structure 5 feet non-rated structure ^a
	Shed	3 feet ^a

^a Except 10 feet where building rears on the side yard of adjacent corner lots

^b These buildings shall not gain access from a minor arterial or principal arterial streets.

^c Three feet if behind a solid fence.

Accessory Garage	Behind On Lot	10 feet
	<i>On Adjacent Lot</i>	20 feet
Detached Garage	Side	10 feet
Accessory Building	Behind	10 feet
Accessory Building Large Lot	On Lot	40 feet
	<i>On Adjacent Lot</i>	20 feet
Shed	On Lot	10 feet behind
	<i>On Adjacent Lot</i>	18 feet

28-12-4(7) Garages, accessory buildings, sheds, carports and distances from the property lines when associated with a use that is not a dwelling will be evaluated during a site plan review as established in § 28-3-10. Distances outlined above, for a dwelling, will be used as a guide and where the use being evaluated is adjacent to a lot with an existing dwelling the distances outlined above will be followed. Consideration for reducing distances during site plan review will be based upon mitigation proposed to reduce impact upon adjacent properties.

28-13-2(7) Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, incidental to any permitted use.

28-13-3(7) Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, approved during site plan review and incidental to an approved conditional use.

Front	Major Street	35 feet
	Other Street	30 feet
	Garage Detached	Same as Dwelling
Side, interior	Dwelling	10 feet
	Non-Residential Building	20 feet
	Accessory Garage	3 feet rated structure 5 feet non-rated structure
	Detached Garage	10 feet
	Accessory Building	3 feet rated structure 5 feet non-rated structure
	Accessory Building Large Lot	3 feet rated structure 5 feet non-rated structure
	Shed	3 feet
Side, street	Major Street	35 feet
	Other Street	30 feet
	Accessory Garage	30 feet ^b
	Detached Garage	Same as Dwelling
	Accessory Building	30 feet ^b
	Accessory Building Large Lot	30 feet ^b
	Shed	30 feet ^c
Rear	Main Building	30 feet
	Accessory Garage	3 feet rated structure 5 feet non-rated structure
	Detached Garage	Same as Dwelling
	Accessory Building	3 feet rated structure 5 feet non-rated structure ^a
	Accessory Building Large Lot	3 feet rated structure 5 feet non-rated structure ^a
	Shed	3 feet ^a

^a Except 10 feet where building rears on the side yard of adjacent corner lots

^b These buildings shall not gain access from a minor arterial or principal arterial streets.

^c Three feet if behind a solid fence.

Accessory Garage	Behind On Lot	10 feet
	On Adjacent Lot	20 feet
Detached Garage	Side	10 feet
Accessory Building	Behind	10 feet

Accessory Building Large Lot	On Lot	40 feet
	On Adjacent Lot	20 feet
Shed	On Lot	10 feet behind
	On Adjacent Lot	18 feet

28-13-4(7) Garages, accessory buildings, sheds, carports and distances from the property lines when associated with a use that is not a dwelling will be evaluated during a site plan review as established in § 28-3-10. Distances outlined above, for a dwelling, will be used as a guide and where the use being evaluated is adjacent to a lot with an existing dwelling the distances outlined above will be followed. Consideration for reducing distances during site plan review will be based upon mitigation proposed to reduce impact upon adjacent properties.

TABLE 14.2 ^{118, 198}		RESIDENTIAL ZONES					
USES		R-1-6	R-1-8	R-1-8a ²⁵	R-1-9 ^{21, 24}	R-1-10	R-1-15 ⁵²
P = Permitted C = Conditional N = Not Permitted A = Accessory ¹³⁴							
4.	Garages, accessory buildings, sheds, carports and uses customarily incidental to any permitted use. ¹⁶⁹	P	P	P	P	P	P
25.	Garages, accessory buildings, sheds, carports uses customarily incidental to any non-residential use. ¹⁶⁹	Structures will be evaluated along with application for primary use when evaluating a site plan as established in § 28-3-10					

TABLE 14.3 ^{118, 183}		RESIDENTIAL ZONES						
SITE DEVELOPMENT STANDARDS		R-1-6	R-1-8	R-1-8a ²⁵	R-1-9 ^{21, 24}	R-1-10	R-1-15 ⁵²	
3.	Minimum Yard Setbacks							
	1. Front							
		Main Street	35	35	35	35	35	35
		Other Street	20	30	25	30	30	30
	2. Side ¹⁶⁹							
		Interior Lot – Dwelling	8/10 ^b	8/10 ^b	5/8 ^b	8/10 ^b	10/10 ^c	10/10 ^c
		Facing Main Street – Dwelling	35	35	35	35	35	35
		Facing Other Street - Dwelling	20	20	20	20	20	20
		Detached Garages	Distances are the same as exist for a dwelling					
		Accessory Building Side Yard Interior	3' rated structure, 5' non rated structure					
		Accessory Building Side Yard facing a Street	20	20	20	20	20	20
		Shed	3	3	3	3	3	3
	3. Rear ¹⁶⁹							
		Main Building and Detached Garages	25	25	25	25	30	30
		Main Building Main Street and Detached Garages	35	35	35	35	35	35
		Accessory Buildings and Sheds	3	3	3	3	3	3
		Accessory Building Side Yard facing a Street	20	20	20	20	20	20

TABLE 14.3 ^{118, 183}		RESIDENTIAL ZONES												
SITE DEVELOPMENT STANDARDS		R-1-6	R-1-8	R-1-8a ²⁵	R-1-9 ^{21, 24}	R-1-10	R-1-15 ⁵²							
	<i>Shed</i>	3	3	3	3	3	3							
4.	Building Height													
	1. Main Building													
	Minimum Stories							1	1	1	1	1	1	
	Maximum Stories							2½	2½	2½	2½	2½	2½	
	Maximum Height (feet)							35	35	35	35	35	35	
	2. Other Structures ¹⁶⁹													
	All							Maximum Stories	1	1	1	1	1	1
	Accessory Building							Minimum Height (feet)	12	12	12	12	12	12
								Maximum Height (feet) ^f	25	25	25	25	25	25
	Accessory Building Large Lot							Minimum Height (feet)	12	12	12	12	12	12
								Maximum Height (feet) ^f	30	30	30	30	35	35
	Shed							Minimum Height (feet)	6	6	6	6	6	6
Maximum Height (feet) ^f		16	16	16	16	16	16							
7.	<i>Garages, accessory buildings, sheds, carports and distances from the property lines when associated with a use that is not a dwelling will be evaluated during a site plan review as established in § 28-3-10. Distances outlined above, for a dwelling, will be used as a guide and where the use being evaluated is adjacent to a lot with an existing dwelling the distances outlined above will be followed. Consideration for reducing distances during site plan review will be based upon mitigation proposed to reduce impact upon adjacent properties.</i>													

^a Corner lots not to be included in averaging.

^b Reserved

^c Reserved

^d Reserved

^e Reserved

^f Reserved

^g The accessory building size is limited by the overall impervious surface ratio of the rear yard.

^h *The impervious surface ratio is calculated based upon the impervious surface within any required side or rear yard minimum setback.*

ⁱ Applies to subdivisions approved after March 30, 2005. For subdivisions approved prior to March 30, 2005, the Single Dwelling Unit Footprint is 950 square feet and minimum living space is 950 feet for all "R" zones.¹²⁶

28-15-2(5) *Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, incidental to any permitted use.*

28-15-3(3) *Garages, Accessory Buildings, Sheds, and Carports, as defined in this Title, approved during site plan review and incidental to an approved conditional use.*

Table 15.4		NUMBER OF DWELLINGS					
MINIMUMS		1	2	3	4	5	6
Lot Area Square Feet		6,000	7,500	10,750	14,500	16,500	21,500
Lot Width		60	75	85	85	90	100
Yard Set-	Front	20	30	30	30	30	30

Backs ^a	Side, (interior)	Dwelling	10	20	20	20	20	20	
		Other Main Building	10	20	20	20	20	20	
	Side, (exterior)	Major Streets	30 feet						
		Other Streets	20 feet						
	Rear	25 feet							
Garages, Accessory Buildings, Sheds, and Carports		<i>Distances from the property lines will be evaluated during a site plan review as established in § 28-3-10. Distances outlined above, for a dwelling, and in the “R” Zones for the type of structure will be used as a guide. Consideration for reducing distances during site plan review will be based upon mitigation proposed to reduce impact upon adjacent properties.</i>							
Building Height ¹⁶⁹	Minimum		1 story						
	Maximum		2 ½ story or 35 feet						
	Accessory Building		Minimum 12 feet, Maximum 20 feet, Maximum 1 story						
	Shed		Minimum 6 feet, Maximum 12 feet, Maximum 1 story						
Building Size ¹⁶⁹	Dwelling		850 square feet minimum except townhouses and other similar attached 2-story units may have a ground floor minimum of 550 square feet						
	Accessory Building		600 square feet maximum per unit.						
	Shed		200 square feet maximum individual structure per unit.						

^a Exception: Front setback from any Major Street shall be a minimum of 35 feet

TABLE 19.4 ^{61, 123} PERFORMANCE ZONE USES		DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)	
1.000	RESIDENTIAL				
1.100	Single-Family Residences (see section 19.29)				
1.150	Immediate Family Dwelling Unit (see section 19.29)				
1.200	Two-Family Residences (see section 19.29)				
1.400	Miscellaneous, rooms for rent situations				
	1.410	Bed and Breakfast	DR	P	Commercial
	1.420	Tourist homes and other temporary residences renting by the day or week	DR	P	Commercial
	1.430	Hotels, motels, and similar business or institutions providing overnight accommodations	DR	P	Commercial
1.500	Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations a. Must be placed on a Hard Surface			P	Footnote ^a

TABLE 19.4 ^{61, 123} PERFORMANCE ZONE USES		DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)
	b. Can only be present for 3 months out of a 12 month period			
1.600	Home Business ¹⁷⁹		P	
1.700	Garage and Yard Sales ¹⁷⁹		P	
1.800	<i>Garages, accessory buildings, sheds, and carports when associated with a residential use will be evaluated per Table 19.29.2</i>			
23.000	<i>Garages, accessory buildings, sheds, and carports when associated with a use that is not a residential use will be evaluated during the site plan review as established in § 28-3-10.</i>			

Table 19.29.2 Development Standards				Conventional Subdivision	Performance Subdivision ^a	
1.	Minimum Lot Frontage	Interior Width		65	None	
		Corner Width		65	None	
2.	Minimum Yard Setbacks (feet)	1.	Front	Main street	35	35
				Other street	20	20
		2.	Side	Interior lot	8/10	20
				Facing major street	35	35
				Facing other street	20	20
		<i>Garages, accessory buildings, sheds, and carports</i>			3 feet rated 5 feet non-rated	3 feet rated 5 feet non-rated
3.	Rear	Main building	25	25		
		<i>Garages, accessory buildings, sheds, and carports</i>	3 feet rated 5 feet non-rated	3 feet rated 5 feet non-rated		
3.	Building Height	Minimum stories		1	1	
		Maximum stories		2.5	3	
		Maximum feet		35	35	
		<i>Garages, accessory buildings, sheds, and carports</i>		6' minimum, 1 story max, ≤ to main building on lot	6' minimum, 1 story max, ≤ to main building on lot	
4.	Building First Floor Area (sq. ft.)	Dwelling unit minimum		850	800	
		<i>Garages, accessory buildings, sheds, and carports</i>		850	<i>Evaluated during a site plan review as established in § 28-3-10.</i>	
5.	Impervious Surface Ratio	25% <i>The impervious surface ratio is calculated based upon the impervious surface within any required side or rear yard minimum setback.</i>				

^a Applies to building rather than individual units

BELOW ITEMS ARE ADDED BASED ON HOW FAR WE HAVE GOTTEN.

28-4-4 **Parking Space for All Residential Dwelling Units**.^{148, 198} In all residential zones with a permitted, conditional or nonconforming residential use, in accordance with other sections of this chapter, there shall be provided in the type of structure or space indicated sufficient parking of automobiles. If two (2) or more parking spaces are required the parking spaces must be side-by-side. All required parking shall be upon a Hard Surface and properly located. For new buildings or structures, additional units, or for the enlargement or increase in capacity, floor area, or guest rooms of an existing main building or structure, there shall be the following minimum number of permanently maintained parking spaces on the same lot with the main building as follows:

(1) **Apartments:** For apartments, parking requirements shall be as follows:

Table 4.4.1	Number of Parking Spaces ^a	Visitor Parking Per Unit ^a
Unit Type		
Studio	1.0	.25
1 Bedroom	1.5	.25
2 Bedroom	2.0	.25
3 Bedroom	2.0	.25
4 Bedroom	2.5	.25

^a At least fifty percent (50%) of all parking spaces shall be enclosed or have an overhead covering.

~~(2) Elderly Apartment Assisted Living Facility with Resident Drivers~~ : One and one quarter (1.25) stalls per unit plus one (1) space for each employee on the highest shift.

~~(3) Residential Facility for Elderly Persons Assisted Living Facility no Resident Drivers:~~ One (1) stall for every 2 (two) beds.

~~(4) Nursing Homes: One (1) stall for every 4 (four) beds.~~

(5) **Dwellings:** In all zones where these type of residential units are allowed there shall be provided:

Table 4.8.1 ¹⁹⁸		
Type of Unit	Number of Enclosed Spaces	Other Parking Spaces
Single Family	2 ^a	
Two Family	4	
Three Family	6	2
Four Family	8	2

^a See notes in 28-14 of this ordinance for additional requirements Refer to the applicable chapter for additional requirements associated with the specific zone.

~~(7 6) Qualification:~~ To meet the requirements of a parking space: the space must meet the following:

~~(a) A qualified space shall not be in designated set back area.¹⁰⁴~~

~~(b) A a space shall have a Hard Surface with a minimum size of ten (10) feet by twenty (20) feet.¹⁰⁴~~

(8 7) **Conversion of Required Parking Space into Living Space:** In the event that an attached garage or carport is to be converted into living space, the parking spaces required parking spaces by § 28-4-4(5) shall be relocated on site prior to the existing attached garage or

carport being converted into living space. Exception: Model home is outlined elsewhere in this ordinance.

24-4-5

(13) Institutional Uses: Hospitals, sanatoriums, convalescent hospitals, ~~nursing homes~~: One (1) space for each two-bed capacity, plus one (1) space for every employee at the highest shift.

24-4-14

(4) Driveways and Accessory Parking: ¹⁷³

(a) All driveways, *streets, isles, etc. intended to provide a means of access to parking spaces* intended to meet the requirements of *this chapter* ~~providing access to required parking spaces and private garages~~ shall be paved with a Hard Surface and shall have a *Hard Surface* approach of ~~concrete~~ designed to meet the requirements of the Clinton City Engineering and Standard Specifications.

(b) Accessory parking areas on a lot *with a single family residential unit* with an established driveway that meets the requirements of “a.” above are allowed within the front setback area of a lot based upon the following criteria:

ORDINANCE NO. 15-01 Z

AN ORDINANCE AMENDING TITLE 28, ZONING AND REAL PROPERTY

WHEREAS, Clinton City has an existing Title 28, dealing Garages, Accessory Buildings, Sheds, and Carports; and,

WHEREAS, The City Council has found that changes are required; and,

WHEREAS, Clinton City has an obligation to provide for the health, safety, and general welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

BY MOTION The Clinton City Council voted to (adopt) (reject) this ordinance.

SECTION 1. Changes

AMEND:

Insert Amended

SECTION 2. Planning Commission Action. Reviewed in a public hearing the 20th day of January 2015, by the Clinton City Planning Commission and recommended for approval (rejection) through a motion passed by a majority of the members of the Commission based upon the following findings.

- Proposed changes do affectively clarify the intent of the ordinance.
- Proposed changes do not adversely affect the effectiveness of the ordinance and are in line with the intent of the General Plan.

January 2, 2015
NOTICE PUBLISHED

DAVE COOMBS
CHAIRMAN

SECTION 3. Severability. In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

SECTION 4. Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 27th day of January, 2015.

January 2, 2015

NOTICE PUBLISHED

L. MITCH ADAMS
MAYOR

ATTEST:

DENNIS W. CLUFF
CITY RECORDER

Posted: _____