

**ADDENDUM TO ORDINANCE 315
SECTIONS 5, 24, 50, 51, 57, 61 AND 78**

THIS IS A CHANGE TO ORDINANCE 315, APPROVING THE CHANGES OF SECTIONS 5, 24, 50, 51, 57, 61 AND 78 AS LISTED BELOW.

Section 5 - Definitions

Carport - a structure covered with a roof and constructed specifically for the storage of one or more motor vehicles. It may be partially enclosed. Carports are considered to be permanent structures and must adhere to all setback requirements.

Garage, Residential - A fully enclosed structure for the purpose of housing vehicles, attached to or detached from a primary structure on an improved lot.

Lease Agreement, Residential - an agreement to lease a residential property for 30 consecutive days or more which does not allow for re-leasing or subletting the property until the term of the original lease has expired.

Rental Agreement - an agreement for use or occupancy by an actual person of property for periods of less than 30 consecutive days. Compensation for the use of residential property or occupancy by any person for periods of less than 30 consecutive days is prohibited in single family residential districts.

Section 24 - Single Family Residential - SF1-A, SF2-AA, SF3-JA, & SF4-LA (p39)

C. Use Regulations.

Structures, land or premises will not be used, and structures will not hereafter be erected, constructed or altered except for one or more of the following uses:

1. Single Family Dwelling - Single Family Dwelling when occupied, may be used for only customary home occupations. Residential lease agreements for 30 or more consecutive days/nights for single family use are permitted when a lease agreement has been executed and the requirements for tenant status are met. The property may not be re-leased, occupied or sublet by different tenants until the 30-day term of the original lease has expired.

Section 50 - Streets, Right-of-Ways, and Driveways (p69)

F. Street Bore/Cut.

It shall be the policy of the city that street cuts are allowed for below ground public utility installations. For private installations, other than septic or necessary city approved utilities, crossing a public street will be accomplished with the use of proper boring equipment. If soil conditions are such that the individual or firm believes that the requirement for installation by bore would not be able to be accomplished, they may request permission from the city for a street cut. If denied, they may appeal to the Board of Adjustments and Appeals as prescribed in ARTICLE IV, ADMINISTRATION - in the section covering Board of Adjustments and Appeals. A permit is required for either bore or open cut installations. If the City or the Board of Adjustments and Appeals rules to allow the street cut, all cuts and repairs shall be

the responsibility of the City and the individual requesting the cut will be charged by the city for the work.

The individual or firm requesting the permit for street boring is responsible for repairing the area around the boring to the satisfaction of the City Building Inspector.

F.2. c. Excavations will be filled to the level of the surface with approved materials, and compacted to hold normal traffic.

Section 51 - Construction Plans (p73)

- a. Culverts required for the drainage of surface water will be of sufficient size, and covered by at least four inches of compacted crushed limestone base material and/or asphaltic concrete pavement. The size of the culvert needed for each property will be determined by the Building Inspector. Installation of the culvert, fill and surface material will be at the expense of the property owner.
- b. To ensure proper drainage of all water from the property concerned and to preclude overflow onto other adjacent property a culvert shall be installed before a parking apron or access driveway of any type, temporary or permanent, is constructed across a street right-of-way.

Section 57 - Accessory Structures and Uses. (p82)

Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this Ordinance and all other applicable City ordinances, are permitted in each zoning district. Accessory structures in residential districts shall have a height restriction of 16 feet, unless it is architecturally compatible in both design and finish with the primary structure on the same building site.

A. Manufactured Storage Type Structures with a size equal to, or less than, 150 square feet are permitted if the other conditions of this ordinance have been met. No fee permit is required.

Section 61 - Nonconforming Structures And Uses. (p90)

A. Nonconforming Structures And Uses.

1. Non-Conforming Uses

- b. Nonconforming Structures - Where a lawful structure exists on the effective date of the adoption or amendment of this Section, that could not be built under the terms of this Section by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (1) No nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity but any structure or portion thereof may be altered to decrease its structural nonconformity.
 - (2) Should such nonconforming structure or nonconforming portions of a structure be damaged or in disrepair it may be repaired as long as the repairs do not change the original footprint of the structure. Replacement of more than 50% of the support structures will result in rebuilding in compliance with current zoning.
- (p 91) c. (5) Removal or destruction of a structure containing a Nonconforming Use shall eliminate the Nonconforming Use status.

d. (2nd paragraph) If a nonconforming structure containing a Nonconforming Use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Section 78- Condition for Issuing a Development Permit (p107)

B.7. Storage buildings 150 square feet or less.

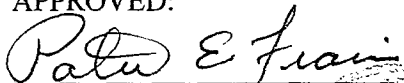
C. Development Permits are not required for:

1. Utilitarian and/or beautification projects such as: retaining walls above the 825' M.S.L. contour, sidewalks, flower beds, and fences around trees, flower beds and gardens less than 250 sq. feet. (Projects listed above REQUIRE PERMITS if the project is in the Beach and Marine District.)
2. Repairs and normal maintenance, regardless of cost, as long as floor and/or roof lines are not altered and the intended use is not changed from the original purpose.

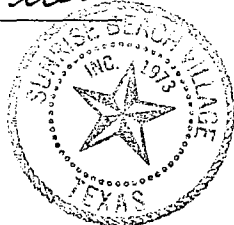
D. Even if a development permit is not required by this ordinance, property owners are encouraged to review plans with the Building Inspector.

PASSED AND APPROVED on the 21st day of January 2016, effective is date.

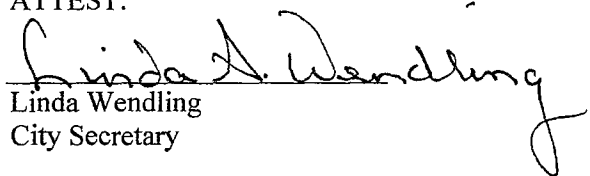
APPROVED:



Patricia E. Frain
Mayor



ATTEST:



Linda Wendling
City Secretary