

ORDINANCE NO. 171

AN ORDINANCE AMENDING ORDINANCE NO.79 CONCERNING ZONING
AND RESTRICTING PARKING AREAS IN YARDS AND
SURFACE COMPOSITION OF PARKING AREAS

Whereas, the University Heights City Council hereby makes, adopts, and ratifies the following findings related to the parking areas in yards and the surface composition of such areas:

1. Parking areas constructed of asphalt, concrete, or manufactured paving materials such as brick are preferable to areas constructed of dirt, gravel, rock, or stone, whether compacted or loose, or crushed rock or chip seal.
2. Parking areas constructed of asphalt, concrete, or manufactured paving materials such as brick are generally cleaner and emit less dust than areas constructed of dirt, gravel, rock, or stone, whether compacted or loose, or crushed rock or chip seal.
3. Parking areas constructed of asphalt, concrete, or manufactured paving materials such as brick have a better overall appearance and enhance the value of property better than areas constructed of dirt, gravel, rock, or stone, whether compacted or loose, or crushed rock or chip seal.
4. Parking areas constructed of asphalt, concrete, or manufactured paving materials such as brick reflect greater investment and care by property owners than areas constructed of dirt, gravel, rock, or stone, whether compacted or loose, or crushed rock or chip seal.
5. Parking areas that encroach into front yards are undesirable, and those constructed of dirt, gravel, rock, or stone, whether compacted or loose, or crushed rock or chip seal are even less desirable than those constructed of asphalt, concrete, or manufactured paving materials such as brick.

Based upon these Findings, the Ordinance No. 79, the City's Zoning Ordinance, is amended as follows (additions shown by underline, deletions shown by ~~strike-through~~):

Section 8. Yard Regulations.

- A. The following minimum yards shall be provided for each building, as follows:

ZONE	ONE FRONT YARD HAVING A DEPTH OF	TWO SIDE YARDS HAVING A DEPTH OF	ONE REAR YARD HAVING A DEPTH OF
R-1	25 ft.	5 ft.	30 ft.
R-3	25 ft.	10 ft.	30 ft.
B	10 ft.	0 ft.	20 ft.
C	30 ft.	15 ft.	20 ft.

- B. On corner lots, there shall be a set back from each street to the main building equal to the minimum front yard depth.
- C. If a garage is detached from the primary dwelling structure, the garage may be located in the rear yard, provided, however, that it is not less than 60 feet from the front lot line, in which event there shall be a minimum distance of 2 feet from any overhang or projection of the garage to any lot line.

- D. Open terraces, patios, or concrete slabs which that do not extend above the level of ground may project into a required yard, provided these projections remain at least 2 feet from the adjacent lot line, and provided further that the terraces, patios, or concrete slabs shall not be used for parking of motor vehicles.

Section 10. Off-street Parking Regulations.

B. Parking Space:

A required Off-street parking spaces shall be constructed of an asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material suitable for off-street parking of motor vehicles. Such spaces shall not be constructed of the following:

1. Dirt or loose gravel, rock, or stone; or
2. Compacted dirt, gravel, rock, or stone; or
3. Crushed rock or chip seal surfaces.

Parking spaces intended for off-street vehicular parking and which shall be at least nine (9) feet wide and twenty (20) feet long (except as otherwise provided). Parking spaces shall be designed to permit ingress and egress of the vehicle without moving any other vehicle parked adjacent to the parking space. For single-family dwellings, when located pursuant to the requirements of this chapter, one space may be behind another.

D. Location of Parking Spaces:

All required minimum yards shall remain open space free of parking and driveways unless otherwise provided as follows:

1. In single-family residential (R-1) zones - required parking spaces may be located in the required front yard provided that a minimum of two-thirds (2/3rds) of the required front yard area shall remain in open space, free of parking spaces and driveways.

Section 11. Planned Unit Development (PUD).

B. Development Regulations and Restrictions.

4. No parking shall be permitted upon the public cul de sac now known as ~~Quarterback~~ Birkdale Court.

Section 14. Board of Adjustment Created.

3. Powers. The Board shall have the following powers:

d) Hear and decide appeals concerning fences as provided in Ordinance No. 105.

Section 15. Non-conforming Uses and Buildings.

D. Non-conforming Use.

7. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise more than one-third (1/3) of the required front yard may continue to be used if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged.


8. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise one-third (1/3) or less of the required front yard may continue to be used if they are constructed of loose gravel, rock, or stone; or compacted gravel, rock, or stone; or crushed rock or chip seal surfaces. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged.

Effective Date. This amendment shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this 10th day of March, 2009, and approved this 10th day of March, 2009.


Louise From, Mayor

ATTEST:
(SEAL)


Christine Anderson, City Clerk