

ORDINANCE 258

AN ORDINANCE TO AMEND CHAPTERS 151.28 AND 151.33 OF ORDINANCE NO. 113

The City Council of the City of Fulda does ordain as follows:

SECTION 1. §151.28 ACCESSORY BUILDINGS, USES AND EQUIPMENT.

- (A) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- (B) No accessory building shall be erected or located within any required yard other than the rear yard.
- (C) Accessory buildings and garages shall not exceed ~~45~~ 20 feet in height and shall be five feet or more from all lot lines of adjoining lots (this includes the outer most part, including the outer most part, including gutters, of the structure), except as noted in division (D) below; and shall not be located within a utility easement.
- (D) The outer most part (includes gutters) of any accessory building may be set back 2 feet from the side lot line if it is located 70 feet or more from the front property line, and if the yard is an interior lot.
- (E) No accessory building or garage accessory to single-family residence shall occupy more than 25% of a rear yard, nor exceed ~~4,000~~ 1,500 square feet of floor area.
- (F) No permit shall be issued for the construction of more than 1 private garage structure for each dwelling. Each applicant for a building permit to construct any dwellings shall be required to provide off-street parking space for at least 1 automobile per family to be housed in addition to any garage space to be used. Every dwelling unit hereafter erected shall be so located on the lot so that at least a 2 car garage, either attached or detached, can be located on the lot.

SECTION 2. STORAGE/CARGO CONTAINERS

- A. Residential Districts - Temporary Storage Container. No more than one temporary storage container may be stored in side or rear yard, provided that such side yard storage shall not be adjacent to a street and all setbacks are met. The container may be located on the property for a period not to exceed six (6) months per year, while storage is required for remodeling or other activities related to property.
- B. Business/Industrial Districts - Temporary Storage Containers are allowed as a permitted use. The container/containers may be stored in side or rear yard, provided that such side yard storage shall not be adjacent to a street and all setbacks are met. No property shall be allowed more than two (2) storage units.
- C. Existing lots or parcels which contain portable storage device prior to adaption of this ordinance are hereby "grandfathered" and may be continued for that use as a non-conforming until moved or change of ownership

SECTION 3. ~~Excepted~~ Except as modified herein, the provisions of Ordinance No. 143 are hereby confirmed and shall remain in full force and effect.

SECTION 4. § 151.33 OFF-STREET PARKING REQUIREMENTS.

(A) *Purpose.* The regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

(B) *Application of off-street parking regulations.* The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the city.

(C) *Site plan drawing necessary.* All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section.

(D) *General provisions.*

(1) *Reduction of existing off-street parking space or lot area.* Existing upon the effective date of this chapter shall not be reduced in number or size exceeds the requirements set forth herein for a similar new use.

(2) *Nonconforming structures.* Should a nonconforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained.

(3) *Change of use or occupancy of land.* No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

(4) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building or buildings including additions thereto requiring more parking areas shall not be permitted until there is furnished the additional parking spaces as required by these zoning regulations.

(5) *Accessory to residential use.* Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than 1 truck not to exceed gross capacity of 12,000 pounds; and recreational vehicles and equipment.

(6) *Calculating space.*

(a) When determining the number of off-street parking spaces results in a fraction, each fraction of 1/2 or more shall constitute another space.

(b) In stadiums, churches, and other places of public assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 22 inches of the seating facilities shall be counted as 1 seat for the purpose of determining requirements.

(c) Should a structure contain 2 or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

(7) *Stall, aisle, and driveway design.*

(a) Each parking space shall be not less than 9 feet wide and 20 feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.

(b) The off-street parking requirements may be furnished by providing a space so designed within the principal building or 1 structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert the parking structure into a dwelling unit or living area or other adequate provisions are made to comply with the required off-street parking provisions of this chapter.

(c) Except in the case of single-, 2-family, and townhouses dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-,

2-family, and townhouse dwellings, parking area design which requires backing into the public street is prohibited.

(d) In the case of lots less than 80 feet in width, the required parking spaces serving 1- and 2-family dwelling may be designed for parking not more than 2 vehicles in a tandem arrangement for each dwelling unit in order to comply with the requirements of this chapter.

(e) No curb cut access shall be located less than 40 feet from the intersection of 2 or more street rights-of-way. This distance shall be measured from the intersection of curb lines.

(f) Except in the case of single-family, 2-family, and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the following standards:

<i>Angle</i>	<i>Wall to - Wall Minimum</i>	<i>Wall to Interlock Minimum</i>	<i>Interlock to Interlock Minimum</i>
Parking Parallel: 22 feet in length			

(g) No curb access shall exceed 24 36 feet in width.

(h) Driveway access curb opening in a public street except for single-, 2-family, and townhouse dwellings shall not be located less than 40 feet from one another.

(i) The grade elevation of any parking area shall not exceed 5%.

(j) Each property shall be allowed 1 curb cut access for each 100 feet of street frontage. All property shall be entitled to at least 1 curb cut. Single-family uses shall be limited to 1 curb cut access per street frontage.

(k) All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Plans for surfacing and drainage and stalls for 5 or more vehicles shall be submitted to the City Engineer for his or her review and the final drainage plan shall be subject to his or her written approval.

(l) Except for single-, 2-family, and townhouses, all parking stalls shall be marked with white painted lines not less than 4 inches wide.

(m) Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with § 151.30.

(n) No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.

(o) Except for single-, 2-family, and townhouses, all open off-street parking shall have a perimeter curb barrier around the entire parking lot, the curb barrier shall not be closer than 5 feet to any lot line or if abutting residentially zoned property, not less than 10 feet from a lot line. Grass, plantings, or surfacing material shall be provided in all areas bordering the parking area.

(p) All open, non-residential, off-street parking areas of 5 or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with § 151.30.

(E) *Maintenance.* It shall be the joint and several responsibility of the lessee and owner of the principal use, uses, or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping, and required fences.

(F) *Location.* All accessory off-street parking facilities required by this chapter shall be located and restricted as follows:

(1) Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of division (I) below;

(2) Except for single-, 2-family, and townhouse dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited;

(3) The boulevard portion of the street right-of-way shall not be used for parking; and

(4) In the case of single-, 2-family, and townhouse dwellings parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage.

(G) *Use of required area.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles as regulated by this chapter, and/or storage of snow.

(H) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement, and/or lease for and during the life of the respective uses, hereinafter set forth:

(1) Single-family, 2-family, and townhouse units - 2 spaces per unit;

(2) Boarding house - at least 2 parking spaces for each 3 persons for whom accommodations are provided for sleeping;

(3) Multiple-family dwellings - at least 2 free spaces per unit;

(4) Motels, motor hotels, hotels - 1 space per each rental unit plus 1 space for each employee on a maximum shift;

(5) Church, theatre, auditorium - at least 1 parking space for each 4 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction requirements which are imposed by this chapter;

(6) Community centers, libraries, private clubs, lodges, museums, art galleries - 10 spaces plus 1 for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure;

(7) Drive-in establishment and convenience food - at least 1 parking for each 15 square feet of gross floor area, but not less than 15 spaces;

(8) Bowling alley - at least 5 parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure;

(9) Restaurants, cafes, private clubs serving food and/or drinks, bars, taverns, nightclubs - at least 1 space for each 40 square feet of gross floor area of dining and bar area and 1 space for each 80 square feet of kitchen area;

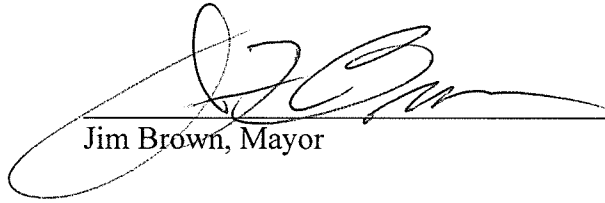
(10) Golf driving range, miniature golf, archery range - 10 off-street parking spaces plus 1 for each 100 square feet of floor area;

(11) Other uses - other uses not specifically mentioned herein shall be determined on an individual basis by the City Council and Zoning Board. Factors to be considered in the determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

(I) *Joint facilities.* The City Council may, after receiving a report recommendation from the Planning Commission, approve a conditional use permit for 1 or more businesses to provide the required off-street parking facilities by joint use of 1 or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately.

Stricken language is deleted. Underlined language is inserted.

ADOPTED by the City Council of the City of Fulda, this 29th day of April, 2025.



Jim Brown, Mayor

Attest:



Julie Burchill, City Clerk/Treasurer