

**COUNCIL ACTION FORM**

**SUBJECT: AMENDMENT TO ZONING CODE SECTION 29.408(7) – ALLOWING FOR CONSTRUCTION OF SHARED COMMON LOT LINE GARAGES**

**BACKGROUND:**

In March 2013, City Council referred to staff a letter from Mr. Jeff Bryant requesting that the Council consider an amendment to the zoning code to allow for the construction of shared common lot line garages. On April 23, 2013 Council considered the feasibility of allowing shared common lot line garages. Staff was then directed by Council to prepare an ordinance that would allow shared garage for properties that have existing shared garages or for properties that previously had shared common garages.

At the May 15, 2013 Planning and Zoning Commission meeting, the Commission reviewed and recommended draft language for the proposed zoning code text amendment.

The addendum and attachments to this report provide background information and considerations regarding the request for allowing shared common lot line garages.

**PROPOSED AMENDMENT:**

Based on City Council's direction and the Planning and Zoning Commission recommendation, the text amendment language described below has been prepared for consideration by City Council. If approved, the text amendment would establish regulations for the construction of shared common lot line garages.

Adoption of the regulations for shared common lot line garages would require that Section 29.408(7) of the *Municipal Code* be amended to add section 29.408(7)(d) to include the text shown below:

**Section 29.408(7)(d):**

**(d) The following requirements apply to shared common lot line garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:**

**(i) Location Within Setbacks.**

- a. Shared common lot line garages shall be permitted only on lots where an existing common lot line garage exists, or on lots where substantial proof can be submitted indicating a shared common lot line garage had previously existed.

- b. No detached garage or accessory building is allowed in the front yard, or within the side yard setback adjacent to public right-of-way in the case of corner lots.

**(ii) Height.**

- a. A detached garage or accessory building on the same lot with a one story principal building shall not exceed the height of that principal building.
- b. Detached garage or accessory buildings on the same lot with a principal building that is taller than one story shall not exceed 80% of the height of the principal building or 20 feet, whichever is lower.

**(iii) Size.**

- a. Detached garages and accessory buildings in the rear yard shall not occupy more than 25% of the combined rear yard of the two subject lots.
- b. The structure should not exceed a maximum of 1,200 square feet shared between the two properties.
- c. In any Agricultural or Residential district the cumulative garage door width shall not exceed eighteen (18) feet per lot. Doors less than eight feet in width, such as for lawn and garden equipment, are exempted from this requirement.

**(iv) General Requirements.**

- a. Driveways to streets. The driveway leading from a street to the entrance of a detached or attached garage shall be at least 20 feet long measured from the property line.
- b. Driveways to alleys. The driveway leading from an alley to the entrance of a detached or attached garage shall be at least 8 feet long.
- c. No detached garage or accessory building shall contain habitable space and/or a bathroom, except for recreational uses requiring plumbing such as a pool house.
- d. The construction of a detached garage or accessory building shall not precede the construction of the principal building on the same lot.

**(v) Special Setbacks.**

- a. In cases in which the rear yard of a lot abuts the front yard of an adjoining lot, a detached garage or accessory building in the rear yard shall be not less than 6 feet from the adjoining property line for the distance of the required front yard setback on the adjoining lot.
- b. In no case shall a detached garage or an accessory building in the rear yard be placed closer than 15 feet to any lot line that abuts a street.

**(vi) Agreement. All shared driveways and shared common lot line garages shall be acknowledged as such and the respective owners of the affected lots shall have the right to use such driveways and shared**

**common lot line garages jointly. Cross easements shall be granted over, across and under that portion of each owners' lot where such shared driveway is located. In addition, the rights and responsibilities for the construction, maintenance, repair and rebuilding of such driveway and shared lot line garage shall be addressed in the cross easement documents and submitted to staff.**

**ALTERNATIVES:**

1. The City Council can approve the text amendment to add Section 29.408(7)(d) to the Municipal code allowing for the construction of shared common lot line garages.
2. The City Council can deny the text amendment to add Section 29.408(7)(d) to the Municipal code allowing for the construction of shared common lot line garages.
3. Action on this request can be postponed and referred back to City staff for additional information.

**MANAGER'S RECOMMENDATION:**

The proposed text amendment reflects the direction specified in Council's referral of the request for shared common lot line garages. The language provides reasonable regulations to allow shared common lot line garages by way of administrative approval.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the text amendment adding Section 29.408(7)(d) to the City of Ames Municipal Code to allow for the construction of shared common lot line garages.

## **ADDENDUM**

### **ADDITIONAL BACKGROUND INFORMATION:**

At its March 26, 2013 meeting, the City Council referred for report a letter from Mr. Jeff Bryant, dated March 4, 2013, which requested that the City consider a zoning amendment to allow the replacement of existing shared garages with no side yard setbacks. Mr. Bryant noted that he would like to replace an existing common lot line shared garage between two properties that does not meet the current setbacks required for private garages and accessory buildings.

Mr. Bryant's two properties are identified as 220 and 224 S. Riverside Drive (See Attachment 1). They are zoned UCRM Urban Core Residential Medium Density, and the two homes were built in the 1920's. The detached double-wide garage, with two single doors, was built straddling the property line with a single driveway providing access from S. Riverside Drive. The lots are approximately 58' wide by 140' deep and are of typical size for the neighborhood.

Mr. Bryant wishes to remove the existing 18' by 18' garage and replace it with a 26' deep by 30' wide garage. The existing garage is served by a single-wide driveway, which also straddles the property line. Mr. Bryant submitted a proposed site plan showing options for a new shared garage structure over the lot line, as well as two other site plans showing how two separate 15' wide by 26' deep garages could also be accommodated on the two properties within current zoning code allowances (See Attachment 2).

In July of 2009 Mr. Bryant submitted an application to the Zoning Board of Adjustment to request a variation of the side yard setback to allow for the proposed shared garage. At that time Mr. Bryant explained that it would be possible to build two separate garage structures meeting the code setback. However, the construction of the garages would have to be pushed back on the lots to accommodate the driveway expansion needed for access to the structures, and the topography of the lots would have required a considerable amount of fill to create a level space for the garages. After conducting the public hearing, the Board could not find any unique circumstances to the property or hardship to allow for the variation to be granted. The Board also noted that while fire safety could be accomplished through construction techniques in lieu of the required setback, Mr. Bryant had shown that other alternatives could be accommodated on the lot without the variance and in line with the current code.

Recent aerial photographs of the neighborhood show other properties that either have a shared garage or shared driveways. Many of these lots look as though shared garages may have existed previously but over time have been replaced with separate garages while maintaining the shared driveway. Staff has identified on a map the properties in this immediate area which appear to have either a shared garage or a shared driveway (See Attachment 3).

At the April 23, 2013 meeting, City Council directed staff to proceed with drafting a text amendment that would allow for shared common lot line garages. Council also asked that provision be included for documenting a cross access agreement between the owners of the two properties.

On May 15, 2013, the Planning and Zoning Commission recommended approval of the proposed text amendment by a vote of 5 to 0. Mr. Jeffry Bryant, 220-224 S. Riverside Drive, stated he was in agreement with the amendment proposed by staff and was available for any questions from the Commission.

### **CURRENT CODES:**

The following current requirements for private garages and accessory buildings are found in the Ames Municipal Code Section 29.408(7):

(a) The following requirements apply to private garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

(i) Location Within Setbacks.

- a. No detached garage or accessory building is allowed in the front yard, or within the side yard setback adjacent to public right-of-way in the case of corner lots.
- b. A detached garage or accessory building wholly or partially within the side yard shall meet all the same side setbacks as required for the principal building except in the case of a corner lot. In the case of a corner lot a garage or accessory building may be placed within 3 feet of the side lot lines, provided the garage is set back a minimum of 25 feet from the abutting streets and provided the garage or accessory building is located in the side yard that does not abut the front yard where the principal building is addressed.
- c. A detached garage or accessory building wholly within the rear yard shall be a minimum of 3 feet from the abutting property line.

(ii) Height.

- a. A detached garage or accessory building on the same lot with a 1 story principal building shall not exceed the height of that principal building.
- b. Detached garage or accessory buildings on the same lot with a principal building that is taller than 1 story shall not exceed 80 % of the height of the principal building or 20 feet whichever is lower.

(iii) Size.

- a. Detached garages and accessory buildings in the rear yard shall not occupy more than 25% of the rear yard.
- b. The maximum gross floor area shall not exceed 900 square feet for a detached garage or accessory building/structure to a Single Family Dwelling or Institutional Use, or 1,200 square feet for accessory uses to a Two Family Dwelling.
- c. In any Agricultural or Residential district the cumulative garage door width shall not exceed twenty-seven feet for a Single Family Dwelling

or eighteen (18) feet per dwelling unit for a Two Family Dwelling. Doors less than eight feet in width, such as for lawn and garden equipment, are exempt.

In addition to zoning laws, the building and fire code have requirements for structures at the lot line. These codes include the following requirements for constructing a garage or accessory structure at the lot line:

- a. Should a structure be permitted to be placed abutting a lot line the structure will be required to have no openings on the property line.
- b. The structure could not cross the lot line. Each half of the garage would need a one-hour fire-resistance-rated wall on their side at the property line and 4 feet of non combustible material or approved fire-retardant-treated wood at the roof on each side of the wall or walls

### **CONSIDERATIONS:**

The purpose of the Ames Zoning Ordinance is to promote the health, safety and general welfare of the City by, among other things, regulating and restricting the location, size and uses of buildings. This promotes public interest by providing adequate light and air, securing safety from fire, flood and other dangers, and preventing the overcrowding of land. By today's standards, this type of shared structure would seem contrary to the public interest by reducing fire separation distances, by impeding free air circulation between lots, and possibly by the over-massing of structures. There could also be a concern over the maintenance and overall future aesthetics of such a structure shared between two properties.

There are not many attached garages still remaining in Mr. Bryant's neighborhood and it is uncertain if any of the lots with existing shared driveways would like to redevelop this type of structure. There is, however, some desire to allow such a condition to continue as evidenced Mr. Bryant's letter and the Council's decision to proceed with this ordinance amendment. While this condition is not a typical allowance under zoning codes and there are concerns for fire separation, air and light circulation, and potential over massing of the lots, there are also options that could be considered to mitigate the impacts of a single garage structure shared over a lot line. Such options include language to address where such structures could be developed, the size of the overall structure, the height of the structure, the location on the lot, and possibly the aesthetics of the structure to verify that the character of the neighborhood is maintained.

Staff suggested to Council that, at minimum, the following limitations be included as part of a text amendment to regulate shared common lot line garages:

1. Shared common lot line garages and accessory structures should only be permitted for lots in which an existing common lot line garage or accessory structure exists, or on lots where substantial proof can be submitted showing that a shared common lot line garage or accessory structure had previously existed.

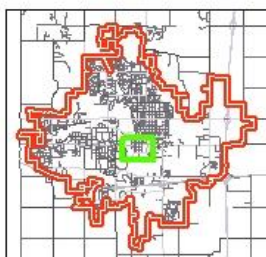
2. The structure should not be allowed in the front yard or within the side yard setback adjacent to the public right-of-way in the case of corner lots.
3. In the case of a corner lot a garage or accessory building should be set back a minimum of 25 feet from the abutting streets.
4. A detached garage or accessory building on a lot with a 1 story principal building should not exceed the height of the principal building.
5. Detached garage or accessory buildings on a lot with a principal building that is taller than 1 story should not exceed 80% of the height of the principal building or 20 feet, whichever is lower.
6. The structure should not exceed a maximum of 1,200 square feet shared between the two properties.
7. The cumulative garage door width should not exceed eighteen (18) feet per lot. Doors less than eight feet in width, such as for lawn and garden equipment, would be exempt from this requirement.

Limitations 2 through 5, as noted above, are current regulations for private garages and accessory structures. These can be made applicable for shared common lot garages to maintain consistent setbacks and heights of such structures throughout the city, with the exception of the common lot line. Limitations 6 and 7 were adapted from the current codes for two family dwellings, which allow each lot, or both dwellings, to have a functional garage space while still helping to mitigate the concern for the mass of a shared structure. By the numbers noted, each lot could have a 20' by 30' two car garage with an 18' double door.

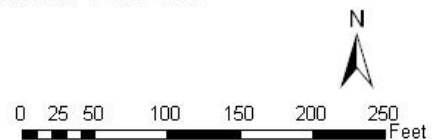
Staff recommended to Council that detailed limitations such as those above be put in place to identify the lots on which such structure could be located and the limitations of the structure on the lots. Staff also recommended that applications meeting these criteria be given administrative approval by staff without the need for a special use permit or other site review approval.



**Attachment 1**  
**Location Map for 220-224 S. Riverside Drive**



**Location Map**  
**220-224 S. Riverside Drive**





## Attachment 2

### Letter and Example Site Plans

3-09-13 PKts.

March 4, 2013

Madam Mayor and members of the Ames City Council

My name is Jeff Bryant; I am a long time Ames resident and property owner. Several years ago I planned a property improvement project where I live in Ames. Not only did it require the proper building permits, it also required special zoning considerations. City staff guided me through the process for a zoning variance. The request was denied by strict adherence to the zoning code language. Although my individual case is rare, it is not entirely unique in Ames. I believe the case I made was very reasonable and the best approach to a set of physical characteristics that I have at my properties. I feel that you cannot apply the general zoning language to my particular circumstance. Recently I had an informal conversation with City staff regarding my proposed project. It was discussed that a zoning text amendment as it pertains to my exact set of circumstances maybe worth your consideration. Following is a description of my project for you to consider for a text amendment.

I own and reside at 220 S Riverside Dr and also own 224 S Riverside Dr next door. My two properties were built around the 1920s, with a single shared driveway between the 2 houses, which leads to a shared 2 car garage. The garage straddles the lot line, with half of the garage belonging to one property, the other half to the other property. In the 20 years that I have owned these properties, this arrangement has worked well. The existing garage is currently working; however it is to the point where it needs some attention to its physical condition. It makes economic sense to remove the existing garage to build a new garage(s). A new structure would comply with building codes much easier than retrofitting the existing structure. Another factor is a new garage could be a size that would better accommodate modern vehicles.

We first looked at replacing the current shared garage with two separate garages to adhere to side yard setback requirements. Given the narrow width of the driveway between the houses, the new garages would need to be placed much further back on the lots to accommodate the entry angle of a vehicle to get around the houses. It became apparent that two separate garages with driveways leading up to them would dominate the backyards. The space between the garages that would be created by the setbacks to the lot line, becomes a considerable amount of wasted space. Also, the space behind the garages cannot be viewed from the houses or effectively used.

At that point, we started looking at the original design intent of the two properties. Having a shared driveway and a shared garage really works the best. Given the limited amount of distance between the homes and size of back yards, the common drive and garage is an efficient use of the properties lot size that maintains desired green space.

We have proposed a new shared garage to replace the existing shared garage. The design of the new garage would match the character and scale of the property and neighborhood. With modern building materials, fire separation can be achieved, as well as other building code compliance. The concept is similar to shared garages with duplexes and townhomes. The abstracts for the two properties currently contain an agreement for a shared garage and driveway.

**Attachment 2 (Cont.)**  
Letter and Example Site Plans

We are asking for you to consider a zoning text amendment that would contain the necessary language to allow us to replace an existing common shared garage with a new common shared garage with no side yard setbacks. I have observed other shared driveway situations in other older Ames neighborhoods. One in particular was granted a building permit in 1991 for a shared common garage, much like we are proposing. Our situation is rare, but not totally unique.

Thank you for your consideration,

Jeff Bryant  
220 S Riverside Dr  
Ames

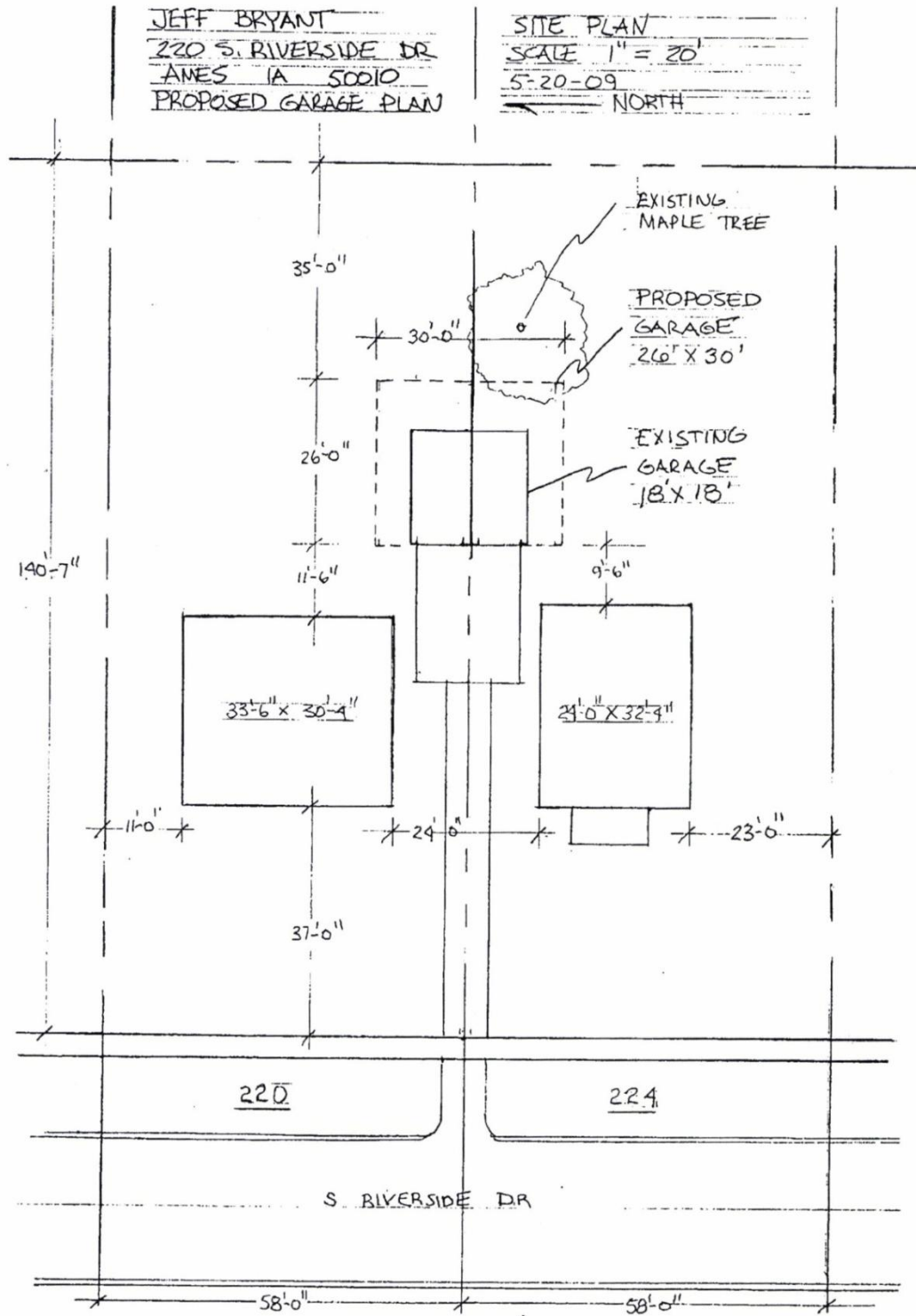
Attachments: elevations and site drawings



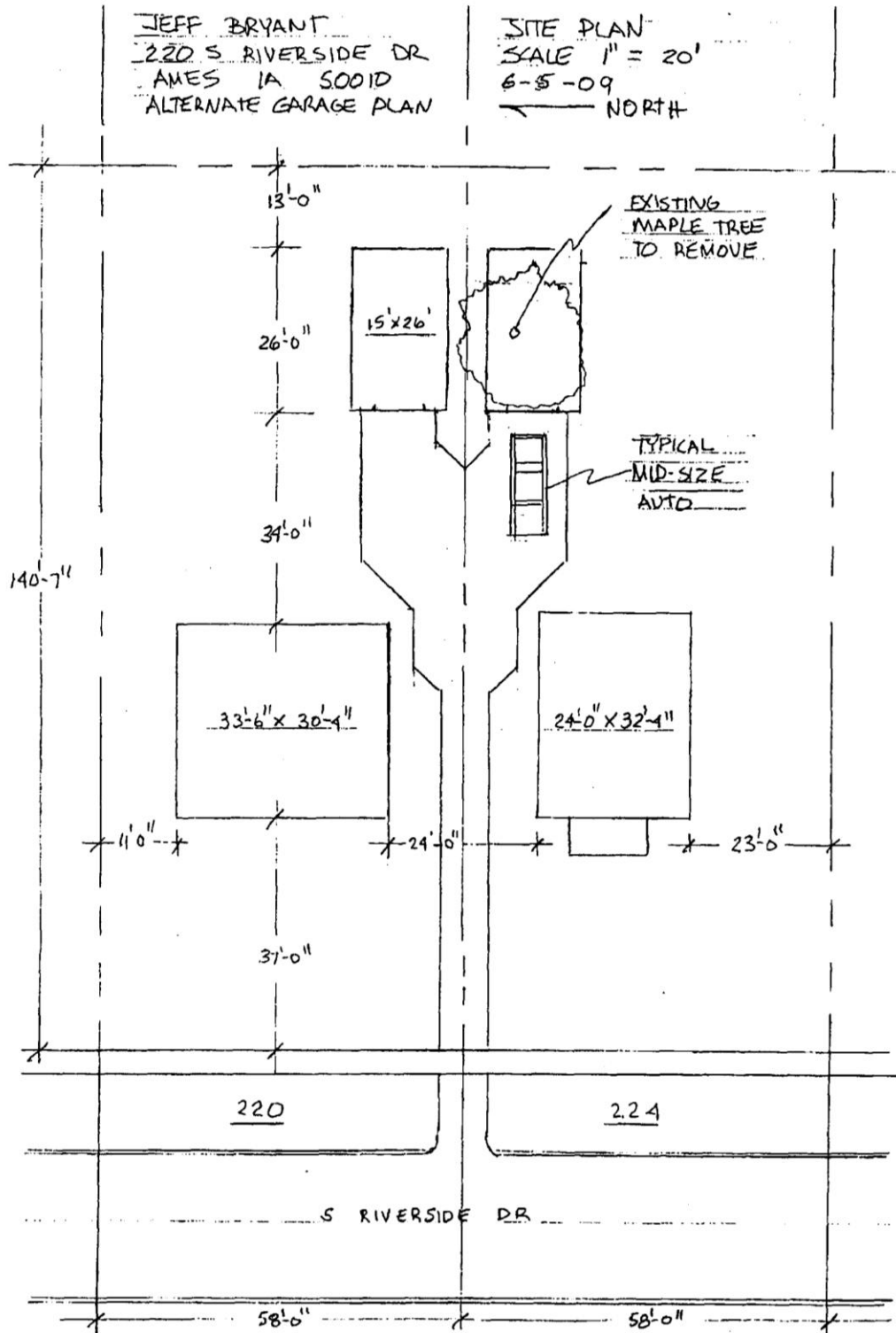
220 S Riverside Dr

224 S Riverside Dr

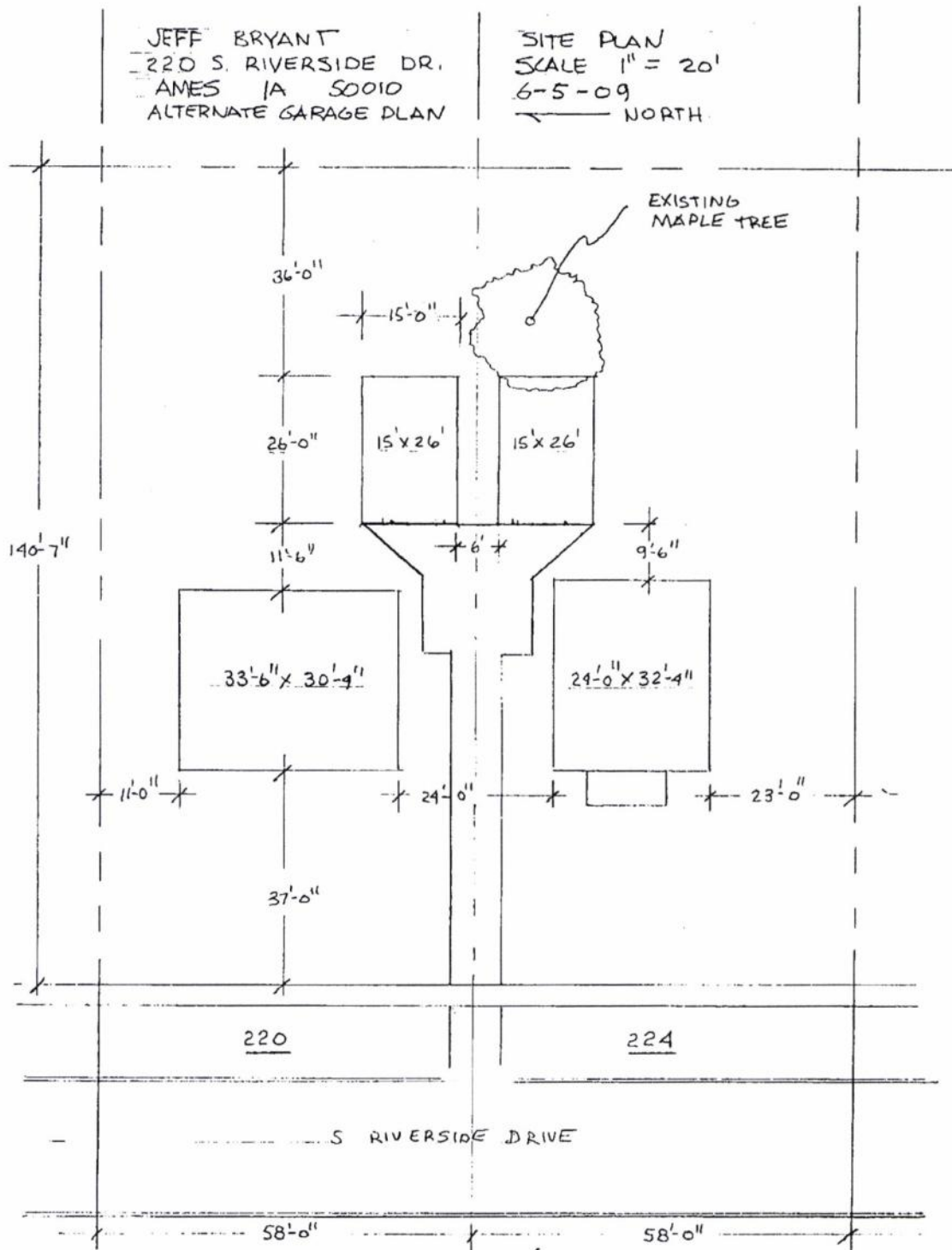
**Attachment 2 (Cont.)**  
Letter and Example Site Plans



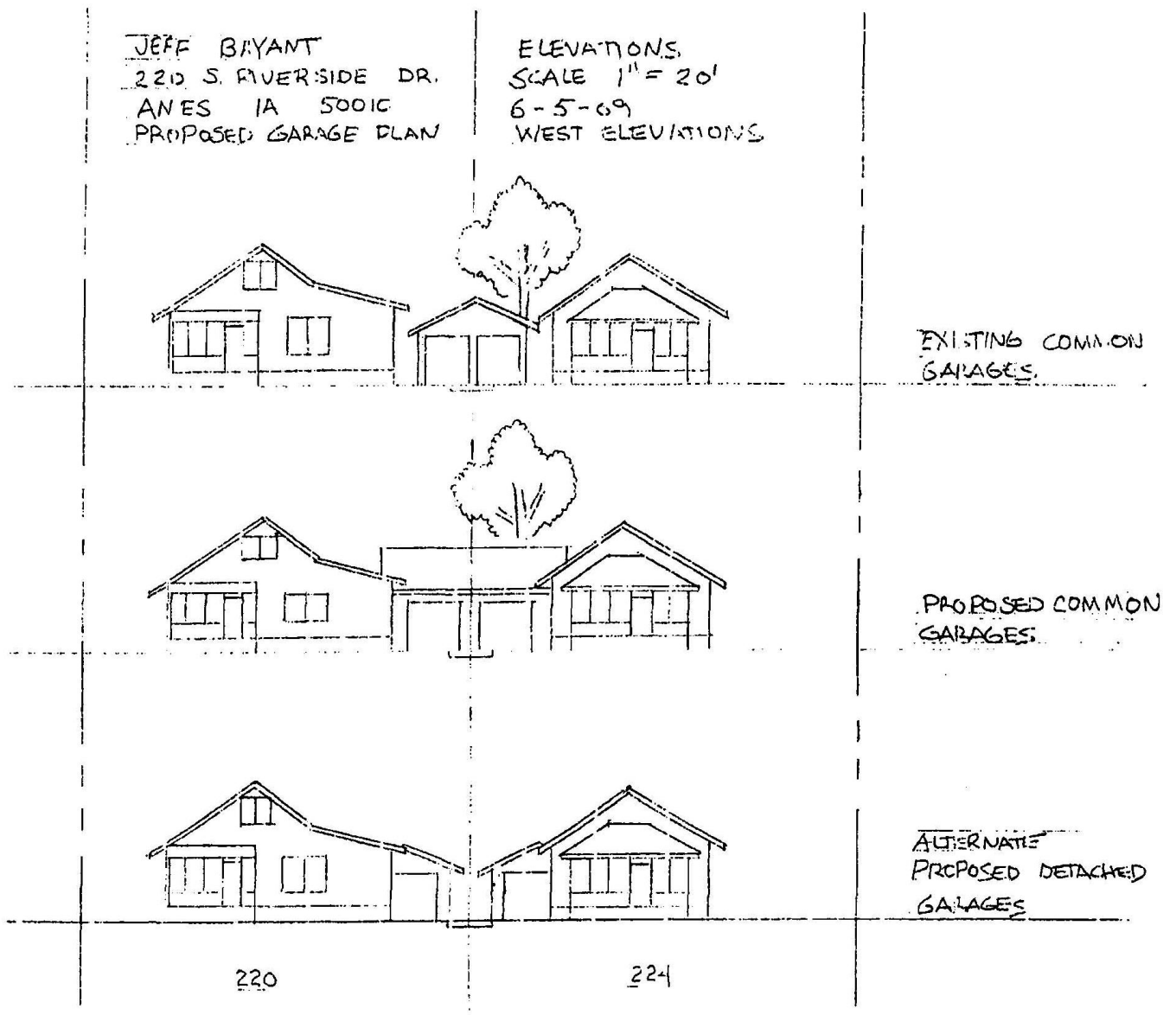
**Attachment 2 (Cont.)**  
Letter and Example Site Plans



**Attachment 2 (Cont.)**  
Letter and Example Site Plans

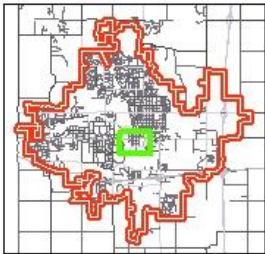
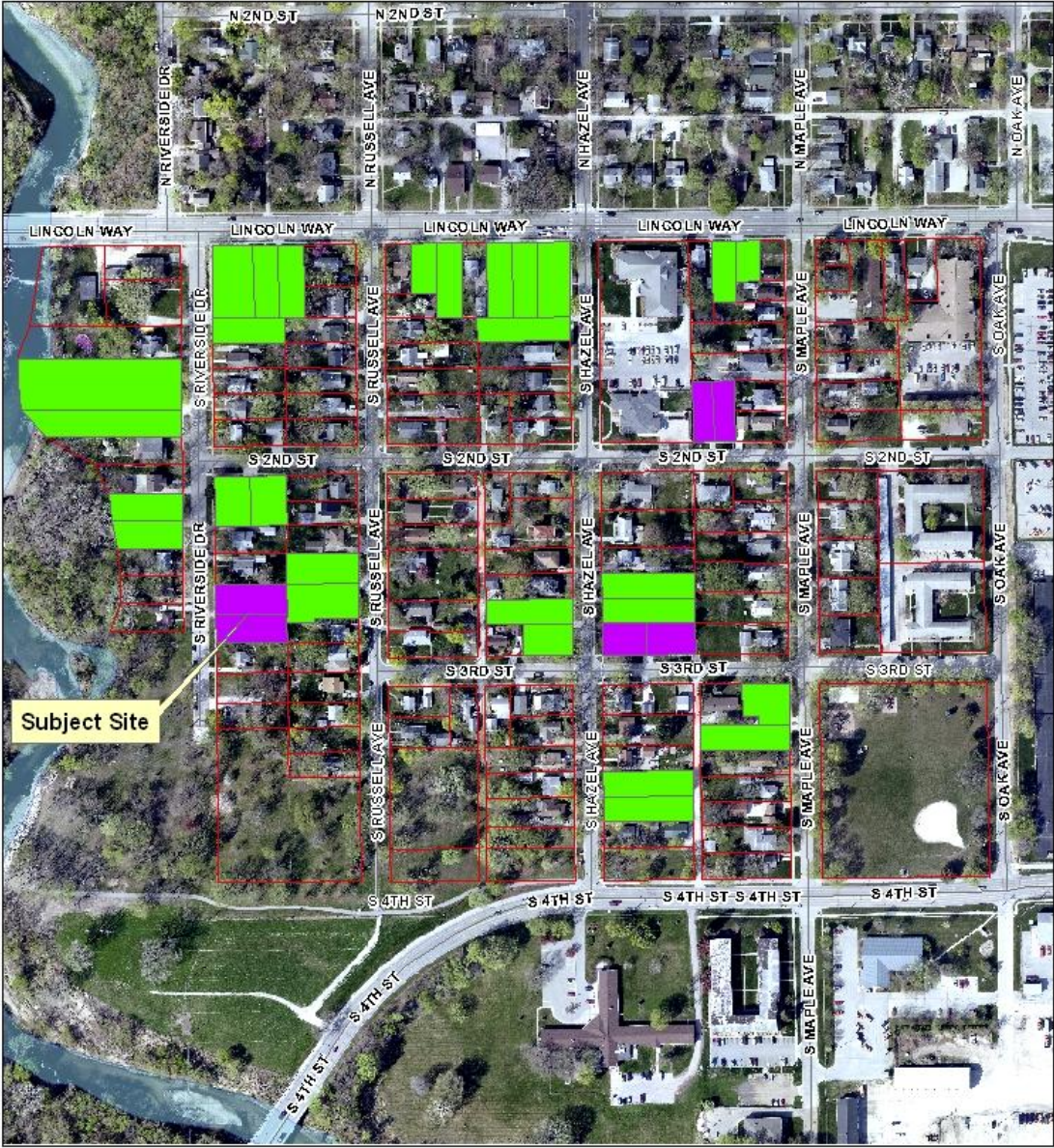


**Attachment 2 (Cont.)**  
Letter and Example Site Plans

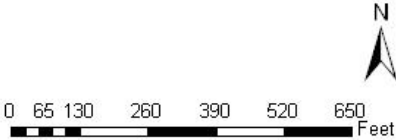




Attachment 3  
Shared Garage and Shared Driveway Map



Shared Garages and Shared Driveways





**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.408(7)(d) THEREOF, FOR THE PURPOSE OF THE ADDITION OF REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF SHARED COMMON LOT LINE GARAGES; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 29.408(7)(d) as follows:

**Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.**

**Section 29.408(7)(d):**

- (d) The following requirements apply to shared common lot line garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:
- (i) Location Within Setbacks.
    - a. Shared common lot line garages shall be permitted only on lots where an existing common lot line garage exists, or on lots where substantial proof can be submitted indicating a shared common lot line garage had previously existed.
    - b. No detached garage or accessory building is allowed in the front yard, or within the side yard setback adjacent to public right-of-way in the case of corner lots.
  - (ii) Height.
    - a. A detached garage or accessory building on the same lot with a one story principal building shall not exceed the height of that principal building.
    - b. Detached garage or accessory buildings on the same lot with a principal building that is taller than one story shall not exceed 80% of the height of the principal building or 20 feet, whichever is lower.
  - (iii) Size.
    - a. Detached garages and accessory buildings in the rear yard shall not occupy more than 25% of the combined rear yard of the two subject lots.
    - b. The structure should not exceed a maximum of 1,200 square feet shared between the two properties.
    - c. In any Agricultural or Residential district the cumulative garage door width shall not exceed eighteen (18) feet per lot. Doors less than eight feet in width, such as for lawn and garden equipment, are exempted from this requirement.
  - (iv) General Requirements.
    - a. Driveways to streets. The driveway leading from a street to the entrance of a detached or attached garage shall be at least 20 feet long measured from the property line.
    - b. Driveways to alleys. The driveway leading from an alley to the entrance of a detached or attached garage shall be at least 8 feet long.
    - c. No detached garage or accessory building shall contain habitable space and/or a bathroom, except for recreational uses requiring plumbing such as a pool house.
    - d. The construction of a detached garage or accessory building shall not precede the construction of the principal building on the same lot.
  - (v) Special Setbacks.

- a. In cases in which the rear yard of a lot abuts the front yard of an adjoining lot, a detached garage or accessory building in the rear yard shall be not less than 6 feet from the adjoining property line for the distance of the required front yard setback on the adjoining lot.
  - b. In no case shall a detached garage or an accessory building in the rear yard be placed closer than 15 feet to any lot line that abuts a street.
- (vi) Agreement. All shared driveways and shared common lot line garages shall be acknowledged as such and the respective owners of the affected lots shall have the right to use such driveways and shared common lot line garages jointly. Cross easements shall be granted over, across and under that portion of each owner's lot where such shared driveway is located. In addition, the rights and responsibilities for the construction, maintenance, repair and rebuilding of such driveway and shared lot line garage shall be addressed in the cross easement documents and submitted to staff."

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor