

**COUNCIL ACTION FORM**

**SUBJECT: TEXT AMENDMENT TO STANDARDS FOR DETACHED GARAGES & ACCESSORY BUILDINGS AND NONCONFORMING STRUCTURES**

**BACKGROUND:**

Grant Thompson, of 407 Pearson Avenue in Country Club Estates, contacted the City Council (Attachment A) regarding his inability under Municipal Code to demolish and rebuild an existing, nonconforming, detached garage in the same location (Aerial & Setbacks in Attachment B, Relevant Code in Attachment C – Part 1).

The garage is at the rear corner of the lot, with a straight driveway leading from the street. **Mr. Thompson’s garage is considered nonconforming with regard to its side and rear setbacks.** Mr. Thompson has stated that the garage is deteriorating, and he would like to replace it in the same location. **Due to the configuration of the house on the lot, complying with the setbacks for a new garage will mean that the rear yard is mostly occupied by the new structure.**

While having a garage is neither a right guaranteed by the Zoning Ordinance, nor is it required, it is generally recognized as desirable along with having usable yard space on a property. City standards address placement of detached structures and allow for remodeling and rehabilitating the nonconforming garage; however, replacement of a nonconforming structure is prohibited.

At its meeting on October 12, 2021, City Council reviewed a staff report that provided background information regarding nonconforming conditions and included options for how to address conditions related to nonconforming accessory buildings and the general setback requirements for accessory buildings. Staff outlined options for reducing setbacks for all accessory buildings, addressing nonconforming buildings only, or creating a Zoning Board of Adjustment exception process.

**City Council directed staff to proceed with two text changes in response to Mr. Thompson’s request and the general standards for accessory building setbacks:**

1. Modify the current rear yard accessory building rear setback exception of 3 feet to apply to any building in the rear yard whether it is wholly behind the primary building [the current standard] or partially behind the primary building, and
2. Amend standards for nonconforming structures to enable existing accessory buildings to be demolished and replaced in the same location with the same dimensions.

**In response to City Council’s direction, staff is proposing text changes as shown in Attachment C – Part 1.** Although these changes are designed primarily to address City Council’s direction, they also include changes intended to help clarify how standards are applied in relation to reduced setbacks.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on November 3, 2021, to consider the proposed text amendment as represented by Attachment C – Part 1. The Commissioners discussed at length whether allowing nonconforming structures to nonconform in perpetuity was a good idea. Several Commissioners pointed out that zoning codes are typically written so that nonconformities eventually disappear when the nonconforming structure reaches the end of its useful life and is replaced by a conforming structure.

Commissioners also discussed at length reducing the side setbacks for accessory structures as well as the rear setbacks in order to create conditions that are more usable for a property owner.

The Commission voted 3-2-0 to recommend reducing the rear setbacks for detached garages and accessory buildings, allowing for the reconstruction of accessory structures in the same location as initiated by the City Council, **and to also modify the following additional standard:**

- Reducing all setbacks for single-story accessory structures in the rear yard to three feet (along both rear and side property lines)

**Attachment C – Part 2 contains staff-proposed changes to accomplish the Planning and Zoning Commission recommendations.** The two nay votes were cast in opposition to the changes that permitted the full reconstruction of nonconformities.

The attached Addendum provides additional background in relation to setbacks and nonconformities.

**ALTERNATIVES:**

1. Approve on first reading a text amendment to reduce the rear setback for detached accessory buildings and allow for the reconstruction of accessory structures in the same location – Attachment C – Part 1 – (City Council Directive).
2. Approve on first reading a text amendment to reduce the rear setback for detached accessory buildings and allow for the reconstruction of accessory structures in the same location and allow for reduced side yard setbacks in the rear yard for single-story accessory buildings – Attachment C – Parts 1 & 2 – (Planning & Zoning Commission Recommendation).

3. Direct staff to prepare modifications to the proposed text amendment and return for Council consideration at a later date.
4. Do not approve the proposed text amendment.

**CITY MANAGER’S RECOMMENDED ACTION:**

The issue of setbacks and accessory buildings relates to compatibility and usability. A balance of these issues is at play with the proposed changes, both across the City as a whole as well as within neighborhoods with similarly situated properties. These accessory buildings are typically found in the older, core neighborhoods that are more likely to have varying degrees of nonconformities. The City Council discussed the issue of supporting investment for these older properties and recognized that maintaining property and garages would be beneficial to their character.

The setback standards currently apply equally to new structures and replacement structures throughout the City. As presently written, the regulations for accessory structures and nonconformities are designed to allow current nonconforming structures to remain until such time as replacement is required. At that time, compliance with setbacks is necessary. The proposed changes (Attachment C – Part 1) will result in a slightly expanded opportunity to site new buildings with a reduced rear yard setback and also create a new exception for nonconforming accessory buildings to rebuilt as is.

In addition to the changes reflected in Attachment C – Part 1, the additional changes presented in Attachment C – Part 2 reduce side yard setbacks and further provide flexibility and encourage investment in detached accessory buildings and garages.

**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 2, as supported by the Planning & Zoning Commission.**

## ADDENDUM

Typically, the City's residential zoning districts have 20-foot rear setbacks and 6-foot interior side setbacks for one-story homes or 8-foot interior setbacks two-story homes. Detached accessory buildings also have a maximum height limitation of up to 20 feet, a maximum size of 900 feet, and a maximum cumulative rear yard coverage of 25%. The City, however, allows for reduced setbacks down to 3 feet in certain situations where the detached accessory building is placed in the rear yard directly behind a home and on some corner lots depending on the configuration. (Attachment C – Part 1 includes current code standards. Attachment D illustrates current zoning setback requirements.) Commonly, older detached garages located on interior lots are not located directly behind a home due to driveway orientation and encroach into side and rear setbacks. This is the case on Mr. Thompson's lot.

Nonconforming garages and accessory buildings are not unique to Mr. Thompson's property. Staff did a visual survey of recent (2021) aerial photography for areas north of Downtown and south of Campus that are known to have a significant number of detached garages and determined that over 600 properties (out of 1,108) likely have accessory buildings that are nonconforming in either the rear setback, the side setback, or both (Attachment E). Similar nonconformities can be found in other neighborhoods.

Staff reviewed zoning ordinances from four other Iowa cities pertaining to accessory buildings. Ames and the other cities all allow for reduced setbacks for accessory buildings, though each code has its nuance. Codes might also address accessory building square-footage and/or the percentage of a lot occupied by such a building. Generally, the reduced setbacks in Ames and other cities are either 3 or 5 feet. Such standards seek to balance spacing and setbacks with flexibility for a property owner (Attachment G).

### **CODE ANALYSIS:**

Standard residential setbacks are generally a matter of convention and taste and have evolved over time along with changes to building and fire codes and transportation technology (primarily the automobile). Ames's single-family residential setbacks are in line with those of cities around the country. Buildings in proximity to one another do not pose a threat to life, so long as proper precautions are made to prevent the spread of fire.

Changing either the garage setback standards and/or the nonconforming standards will affect all properties in the City, allowing increased owner flexibility for siting for accessory buildings. Neighboring properties, however, would then have structures closer to their lots. The primary issues of the proposed changes are consistency in standards, compatibility, and usability.

### **Nonconforming Setbacks**

The proposed change allows for the reconstruction of a setback-encroaching accessory building if the new building is the same size and in the exact same location as the old

building, meaning it cannot be moved or enlarged without complying with zoning standards. Staff examined the impact of allowing setback-nonconforming accessory structures to ascertain the effect of this code change (Attachment E). Staff found that in a number of cases, the ability to reconstruct a nonconforming garage will be of limited use if the garages do not conform to contemporary needs. Nonconforming detached garages were often erected when the home was constructed, at a time when cars were smaller (Attachment F).

The proposed change allows replacement of like for like but does not allow for an expansion of encroachments. As proposed, a building constructed 2 feet from a property line may be rebuilt 2 feet from the property line in the same spot, but that building may not be enlarged with the same 2-foot setback. The change does not address the constraints of a building smaller than contemporary requirements. If a property owner wants a larger garage, the proposed rear yard setback change will ease restrictions, but the minimum side yard setback (6 or 8 feet) would then apply.

#### *407 Pearson Avenue*

An example of this situation is the detached garage owned by Mr. Thompson (Attachment B). The structure is 16 feet 6 inches wide and 20 feet 6 inches deep. The interior dimensions are 15 feet 8 inches wide by 19 feet 8 inches deep. In this situation, the depth of the garage is adequate for the parking of a standard vehicle with its minimum depth of 19 feet. While technically a two-car garage, Mr. Thompson has stated that it is difficult to fit two full-size vehicles inside. For context, a standard, new two-car garage has an interior width of at least 18 feet and a door that is 16 feet wide. Mr. Thompson explained, however, that being able to reconstruct the garage as-is would benefit him. The proposed rear setback change would allow for the garage to be partially expanded in depth towards the rear property line since it is setback more than 3 feet. Such an expansion would be offset 3 feet from the side property line.

#### Setbacks

The proposed text amendments expand the 3-foot setback exception for rear yards to clearly apply to the whole of a rear yard, meaning the full width of the lot behind a home rather than directly behind a home. The proposed changes do not include changes to side setbacks for accessory structures. Currently, an accessory structure must meet the same side setbacks as the primary structure. In residential zoning districts, this side setback is 6 feet for a one-story building and 8 feet for a two-story building. This distance is mostly greater than the four Iowa cities staff researched (Ankeny, Des Moines, West Des Moines, and Iowa City – Attachment G), but each city also has different size limitation requirements as well.

The proposed rear setback reduction will facilitate new garage construction in the rear yard. On lots with existing houses, however, it may be difficult to site a new garage due to the side setbacks and the need for vehicle maneuvering in front of the garage door (Attachment F). Properties that happen to have nonconforming structures will therefore

have an advantage over properties that do not happen to have such a structure at this time, creating potential inequity in garage placement opportunities for similarly situated lots. This is particularly true for properties with two story homes that have an 8-foot setback requirement.

### Accessory Building Size and Height

Detached garages and accessory buildings may be as large as 900 feet, depending on lot coverage. There is no limit on the number of accessory buildings, but no more than 25% of the rear yard may be occupied cumulatively by all such structures. On a lot with a home that is taller than one story, an accessory building may be as tall as 20 feet but may not exceed 80% of the height of the home.

Currently, a 20-foot-tall accessory building may be 3 feet from a property line if that structure is wholly behind the primary structure or if it meets the corner lot configuration allowances. Under the proposed text amendment to rear setbacks, 20-foot accessory structures will be able to be within 3 feet of most of the rear property line. This increases the potential for larger structures near the rear property line, depending on individual lots configuration and placement of homes.

In newer subdivisions where homes have maximized the house width in relation to lot width this will be of minor consequence. On wider lots where homes were not built as wide as possible, there is an opportunity for more or larger buildings with reduced setbacks. Although not directly identified as an issue with the initiated text amendment, other standards could be modified to address compatibility as well. Allowing for a two-story height could be more appropriate if such a height was only permitted in that portion of the yard within the primary building setbacks, meaning a rear yard of 20 feet and side setbacks of 8 feet.

## Attachment A Request to Council

Good evening Council Member (Dr.) Betcher,

My name is Grant Thompson. I live at 407 Pearson Ave and I believe that we met at the Ag Ave Block Party earlier this summer when we signed your petition to run again.

I am writing regarding the Ames municipal code as it relates to buildings and planning. We have a 1.5 car garage that is a non-conforming structure, meaning that it was grandfathered in when the current setbacks for buildings and accessory structures was passed. The garage is original to the house as far as we know (late 1920s) and is in disrepair with cracked floors, rotting sills, and is not standing straight and has been this way since we bought the home in 2018 when I was hired at ISU.

Today I was speaking with Benjamin Campbell, a Planner with the City and learned that essentially there is absolutely no way for it to be rebuilt without conforming to the modern side and rear yard setbacks. Given the size of our lot and the configuration of our house and yard, there is really no way to rebuild a new garage that meets the setbacks. I was told that when a non-conforming structure is lost for any reason - rebuild, derecho, fire, act of god, etc. the grandfathering of the structure is lost too. All new structures must conform.

Benjamin suggested that the only way to really address this was to discuss with my council representative and go from there.

On one of my many walks through the south campus neighborhood, I noticed that a large number of homes have garages that are non-conforming and could not be rebuilt in their current locations due to city code.

While garages are "nice-to-haves" and not "necessary" strictly speaking, they are desirable and have not only an affect on home price, but also desirability for future buyers. For some buyers, a no garage home may be a deal-breaker. In my case, if the garage is torn down, there's an immediate financial loss to the property and a desirability-loss when we'd eventually move.

My point is that the code seems to unfairly penalize many older homes - like many of those in the south campus neighborhood - that have been around longer than the current relevant city code.

We enjoy the numerous amenities in the south campus neighborhood - walkability, campus, campustown, Reiman Gardens, etc. and would like to remain here for the long-term if possible. My wife works at Workiva and I'm on campus, so it's a gem of a spot. Yet, the pending loss of a garage that will eventually deteriorate as all structures do, makes it a complicated choice.

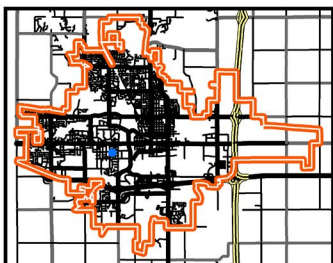
While not the intent of the municipal code, it seems to inhibit the upgrading of older homes in historic neighborhoods in favor of newer construction and suburban sprawl with larger, modern, and conforming structures. I don't know what it would take, but it seems that some interpretation, amendment, or such could be written and passed to at least allow rebuilds under certain circumstances.

I would be happy to visit with you about this and think that, if you are willing, visiting my home and a short walk in the neighborhood would help illustrate this point. I am starting with you as my ward rep, but would also be happy to include the at-large reps at this time if you think that would be advisable.

Thank you for your community service and for listening to this concern.

With best regards,  
-Grant Thompson, PhD, PLA

**Attachment B  
407 Pearson Avenue**



**407 Pearson Avenue**

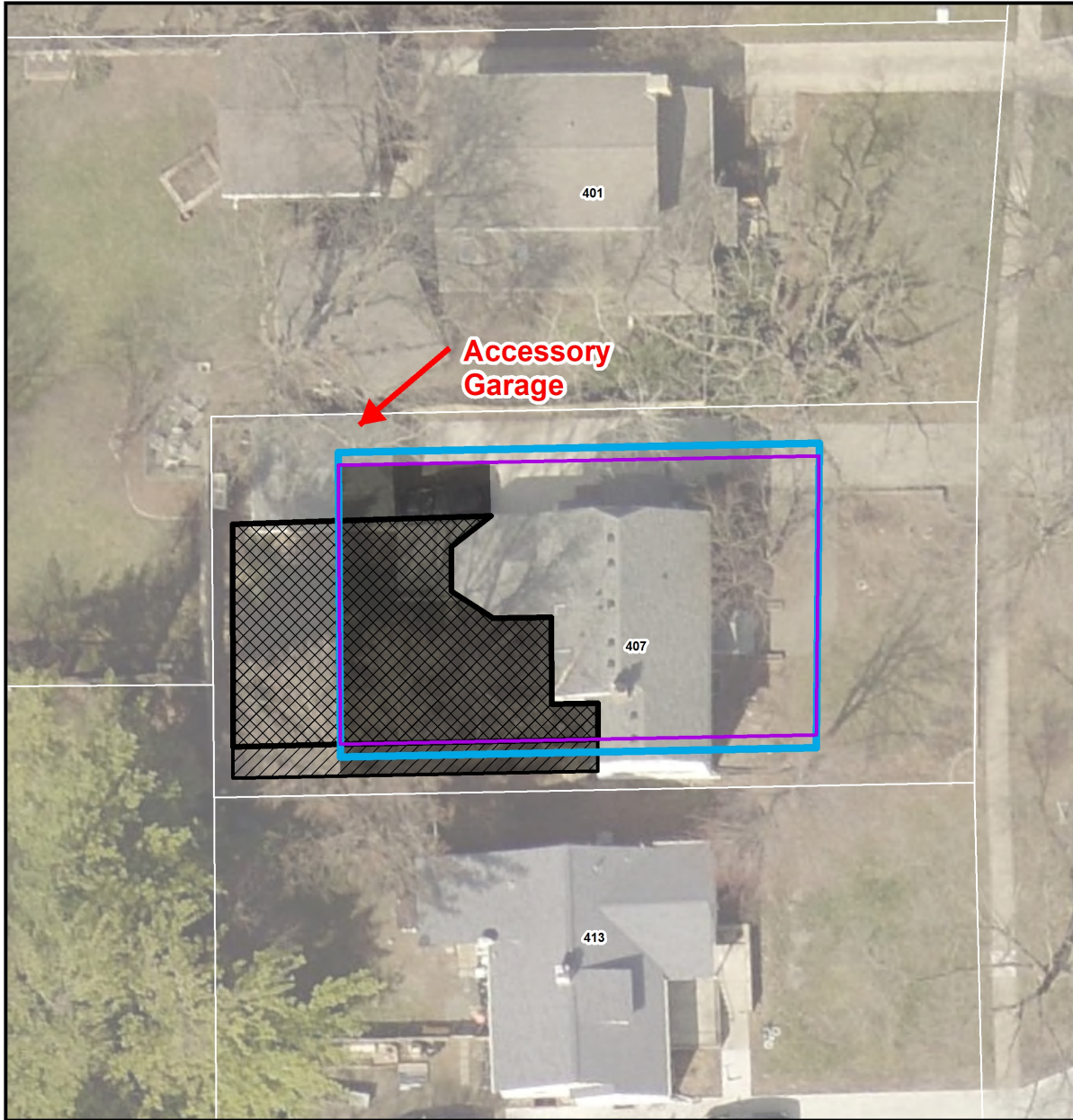


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Feet

**Legend**

 407 Pearson Avenue

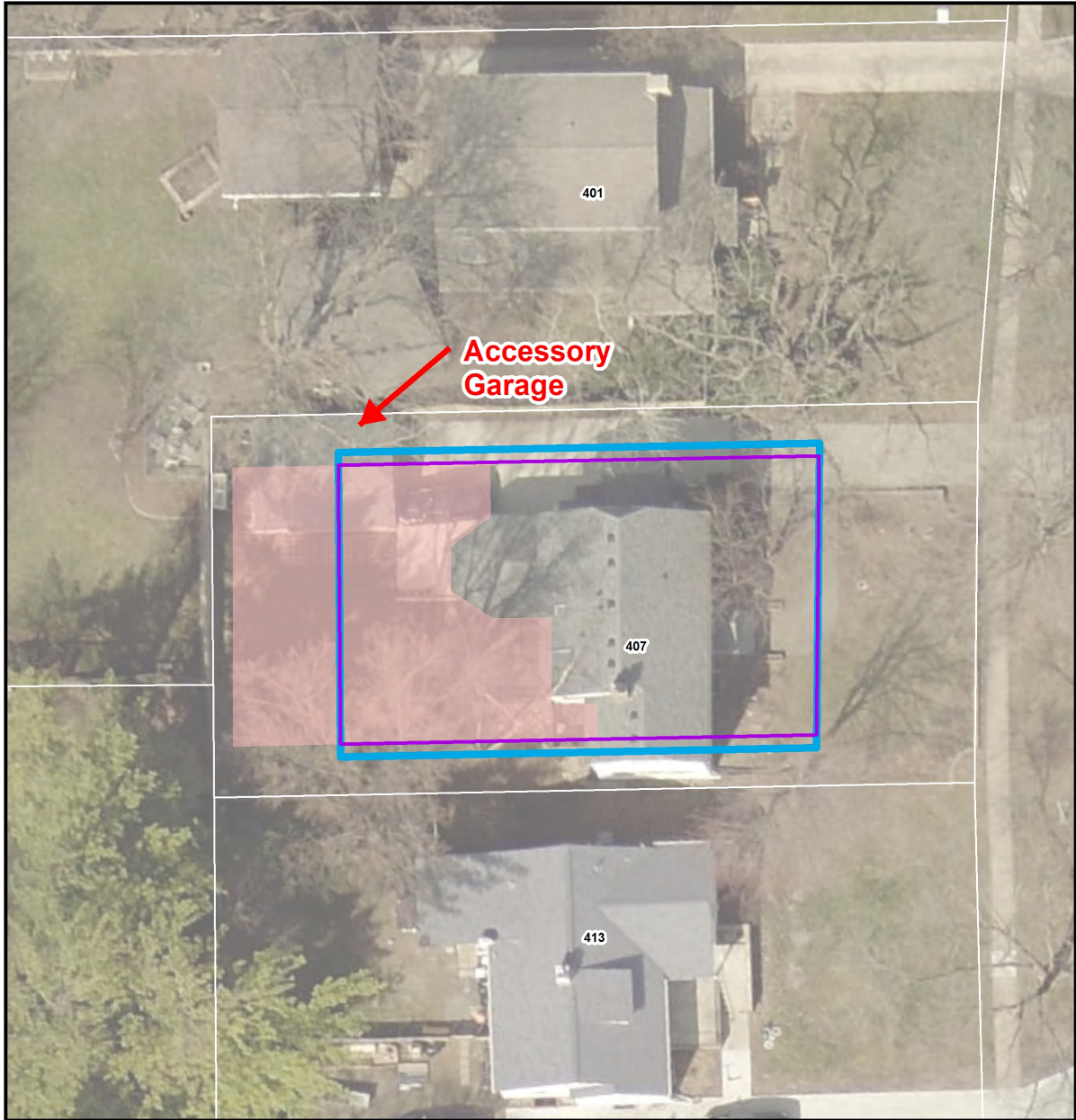




**407 Pearson Avenue**




**Legend**

- Setbacks (25' Front, 20' Rear, 6' Side - for One-Story)
- Setbacks (25' Front, 20' Rear, 8' Side - for Two-Story)
- Allowable Construction Area if Wholly Behind House (3' from Rear & Side - House Encroaches into Side Setback)
- Allowable Construction Area if Wholly Behind House (8' Setback - Assuming No Encroachment)
- Allowable Construction Area if NOT Wholly Behind Primary Structure (8' Side)



**407 Pearson Avenue**

**Legend**

-  Setbacks (25' Front, 20' Rear, 6' Side - for One-Story)
-  Setbacks (25' Front, 20' Rear, 8' Side - for Two-Story)
-  Proposed Construction Area for New Accessory Structure (8' Side Setback)

## Attachment C – Part 1

### Zoning Code: Proposed Text Changes for Nonconformities & Detached Garages and Accessory Buildings

Staff proposes the following changes to the Zoning Ordinance as directed by Council. Text to be removed is ~~struck-through~~. Text to be added is underlined.

#### Sec. 29.307 Nonconformities

(1) General.

- (a) Purpose. It is the general policy of the City to allow uses, structures and lots that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to mitigate adverse impact on conforming uses in the vicinity. This Section establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Ordinance. The regulations of this Section are intended to:
  - (i) Recognize the interests of property owners in continuing to use their property;
  - (ii) Promote reuse and rehabilitation of existing buildings; and
  - (iii) Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the community as a whole.
- (b) Unsafe Situations. Nothing in this Section shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health and other applicable life safety codes.
- (c) Repair and Maintenance. Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Nothing in this Section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an order of the Building Official.
- (d) Accessory Uses and Structures. Nonconforming accessory uses and nonconforming accessory structures shall be subject to all provisions that govern Principal Uses and structures.
- (e) Determination of Nonconformity Status.
  - (i) Whether a nonconformity exists shall be a question of fact to be decided by the Zoning Enforcement Officer, subject to appeal to the Zoning Board of Adjustment.

- (ii) The burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Zoning Code, shall in all cases be the owner's burden and not the City's.
- (f) Reversion Prohibited. No nonconforming use, building, structure and/or lot, if once changed to conform with the Ordinance shall thereafter be changed so as to be nonconforming again. No nonconforming use, building, structure and/or lot, if once changed to more nearly conform with the Ordinance, shall thereafter be changed so as to be less conforming again.

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(3) Nonconforming Structures. A nonconforming structure that lawfully occupies a site on the effective date of this Ordinance that does not conform with the Zone Development Standards of the underlying Zone or the General Development Standards of this Ordinance may be used and maintained, subject to the standards and limitations of this Section.

- (a) Maintenance and Repair. Maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance or a Special Use Permit, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity.
  - (i) Remodeling. An alteration to a nonconforming structure is classified as remodeling if, either the majority of the exterior walls or the roof is maintained through-out construction. In the event only an element of the structure (e.g. one wall) is non-conforming the remodeling of that feature must maintain 50% or more of its structural support and wall assembly to be considered remodeling and not rebuilding of the structure. Nothing within this definition is intended to restrict the adding or changing of window and door openings or changes to exterior siding and roof materials in relation to the percentage limitations.
- (b) Occupancy by a Conforming Use. A nonconforming structure may be occupied by any use allowed in the Zone in which the structure is located, subject to all other applicable use approval procedures and conditions.
- (c) Restoration of a Damaged Nonconforming Structure.
  - (i) Any nonconforming structure damaged to the extent of 70% or less of its assessed value by fire, wind, tornado, earthquake, or other natural disaster may be rebuilt, provided such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses), does not increase the nonconformity, complies with all other legal requirements, and is completed within 18 months from the time of damage. The structure shall not be rebuilt closer to the property line than the original structure or the applicable district setback lines, whichever is closer.
  - (ii) Any nonconforming structure damaged to the extent of more than 70% of its assessed value may not be rebuilt, repaired, or used unless the rebuilt structure conforms with all regulations of the district in which it is located or unless the Zoning Board of Adjustment approves the reconstruction by granting a Special Use Permit after determining that restoration will be

made to the fullest extent possible in conformance with applicable zoning standards.

- (d) Enlargement and Expansion. A nonconforming structure may not be enlarged, expanded or extended unless the enlargement, expansion, or extension conforms to the requirements of this ordinance.
- (e) Relocation. The Zoning Board of Adjustment may authorize a structure containing a nonconforming use to be moved to another location on the same lot, provided that it determines that such a move will not have the effect of increasing the degree of nonconformity.
- (f) Detached Garage. If a property owner enlarges, expands or extends a principal building on a site in a residential zoning district in conformance with the applicable development standards, and if such expansion, extension or enlargement shall result in a conforming detached garage in the rear yard or a detached garage in the rear yard that is lawfully nonconforming as to setback becoming a detached garage in the side yard that does not meet the applicable side yard setback requirements, such enlargement, expansion, or extension may continue none the less without a variance from the Zoning Board of Adjustment under the following circumstance. The conforming or lawfully nonconforming detached garage in the rear yard shall have occupied the site prior to the effective date of this Ordinance.
- (g) Rebuilding Nonconforming Detached Garages and Accessory Buildings. The following applies to nonconformities for setbacks and building lot coverage.
  - (i) Nonconforming detached garages and accessory buildings may be completely demolished (including the foundation) and rebuilt if:
    - 1. The new structure is in the exact same location on the lot as the old structure;
    - 2. The new building walls and roof height are the same as the old;
    - 3. No portion of the new building may cross a property line, including eaves; and
    - 4. Any enlargement of the rebuilt, nonconforming detached garage or accessory structure must conform to building setbacks and lot coverage standards.
  - (ii) Rebuilt detached garages and accessory buildings may make modifications to door and window location and sizes.
  - (iii) To rebuild a nonconforming detached garage or accessory building, the new structure must be completed within 18 months of the removal of the old structure. Removal includes the deconstruction or collapse of a building, regardless of if any or all of the foundation or building materials are removed from the site.

## Sec. 29.408 Other General Development Standards

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### (7) Requirements for Private Garages and Other Accessory Buildings.

(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. Side Yards.

(i) Interior Lot. 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.~~

(ii) Corner Lot. ~~In the case of a corner lot a~~ 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. Rear Yards.

(i) A detached garage or accessory building wholly within the rear yard shall be a minimum of 3 feet from the abutting property line. For purposes of this section, the rear yard is located between the rear lot line and the primary structure, extending from side lot line to side lot line. Side setback lines must still be observed.

(ii) 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.

(iii) 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.

~~d. 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.~~

~~e. 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.~~

(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 garages 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 a total of 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 1,200 square feet for accessory uses to a Two Family Dwelling.
    - c. In any Agricultural or Residential district the cumulative garage door opening width shall not exceed 30 feet for a Single Family Dwelling. Doors less than 8 feet in width, such as for lawn and garden equipment, are exempt. A cumulative width of all garage door openings exceeding 30 feet may be approved if
      - (i) the cumulative garage door openings that are generally parallel to and visible from the street are 20 feet in width or less, and
      - (ii) the additional garage door openings are located generally perpendicular to the street or are not visible from the street.
    - d. Two Family Dwellings are limited to a garage door width of 20 feet per dwelling unit. Doors less than 8 feet in width, such as for lawn and garden equipment, are exempt.
  - (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 garage door opening to a detached or attached garage that opens to an alley shall be located either 8 feet from the property line abutting the alley or a minimum of 20 feet from the property line abutting the alley.
    - 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.
- (b) The following requirements apply to private garages and accessory buildings to legally nonconforming Single Family and Two Family Dwellings in Commercial and Industrial Districts:
- (i) No detached garage or accessory building is permitted in the front yard.
  - (ii) A detached garage or accessory building is permitted in the side or rear yard on the same lot with a Single Family or Two Family Dwelling in Commercial Districts, provided it maintains the same side and rear yard setbacks that a principal building of a commercial nature would be required to maintain.
  - (iii) A detached garage or accessory building is permitted in the side or rear yard on the same lot with a Single Family or Two Family Dwelling in an Industrial District, provided the same side and rear yard setbacks for a permitted structure in the district are maintained.

- (c) When a special use permit is required for an institutional use, garages and accessory buildings/structures shall be exempt from that requirement, if the accessory structure does not exceed 900 square feet. Garages and accessory structures for an institutional use exceeding 900 square feet require approval of a special use permit.
- (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.

**Attachment C – Part 2  
Planning and Zoning Commission Recommended Changes**

**Zoning Code:  
Proposed Text Changes for Nonconformities &  
Detached Garages and Accessory Buildings**

Staff proposes the following changes to the Zoning Ordinance as directed by the Planning Commission. Text to be removed is ~~struck through~~. Text to be added is underlined. Changes to the Council-direct changes are **highlighted**.

**Sec. 29.408 Other General Development Standards**

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(7) Requirements for Private Garages and Other Accessory Buildings.

(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. Side Yards.

(i) Interior Lot. 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.~~

(ii) Corner Lot. ~~In the case of a corner lot a~~ 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. Rear Yards.

(i) A **single-story** detached garage or accessory building wholly within the rear yard shall be a minimum of 3 feet from **the abutting property line any property line (other regulations notwithstanding).** For purposes of this section, the rear yard is located between the rear lot line and the primary structure, extending from side lot line to side lot line. **Side setback lines must still be observed.** This section allows for 3-foot setbacks from both rear and side lot lines except for two-story structures, which must meet side setbacks.

(ii) 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.

(iii) 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.

~~d. 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.~~

~~e. 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.~~

(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 garages 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 a total of 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 1,200 square feet for accessory uses to a Two Family Dwelling.

c. In any Agricultural or Residential district the cumulative garage door opening width shall not exceed 30 feet for a Single Family Dwelling. Doors less than 8 feet in width, such as for lawn and garden equipment, are exempt. A cumulative width of all garage door openings exceeding 30 feet may be approved if

(i) the cumulative garage door openings that are generally parallel to and visible from the street are 20 feet in width or less, and

(ii) the additional garage door openings are located generally perpendicular to the street or are not visible from the street.

d. Two Family Dwellings are limited to a garage door width of 20 feet per dwelling unit. Doors less than 8 feet in width, such as for lawn and garden equipment, are exempt.

(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 garage door opening to a detached or attached garage that opens to an alley shall be located either 8 feet from the property line abutting the alley or a minimum of 20 feet from the property line abutting the alley.




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.

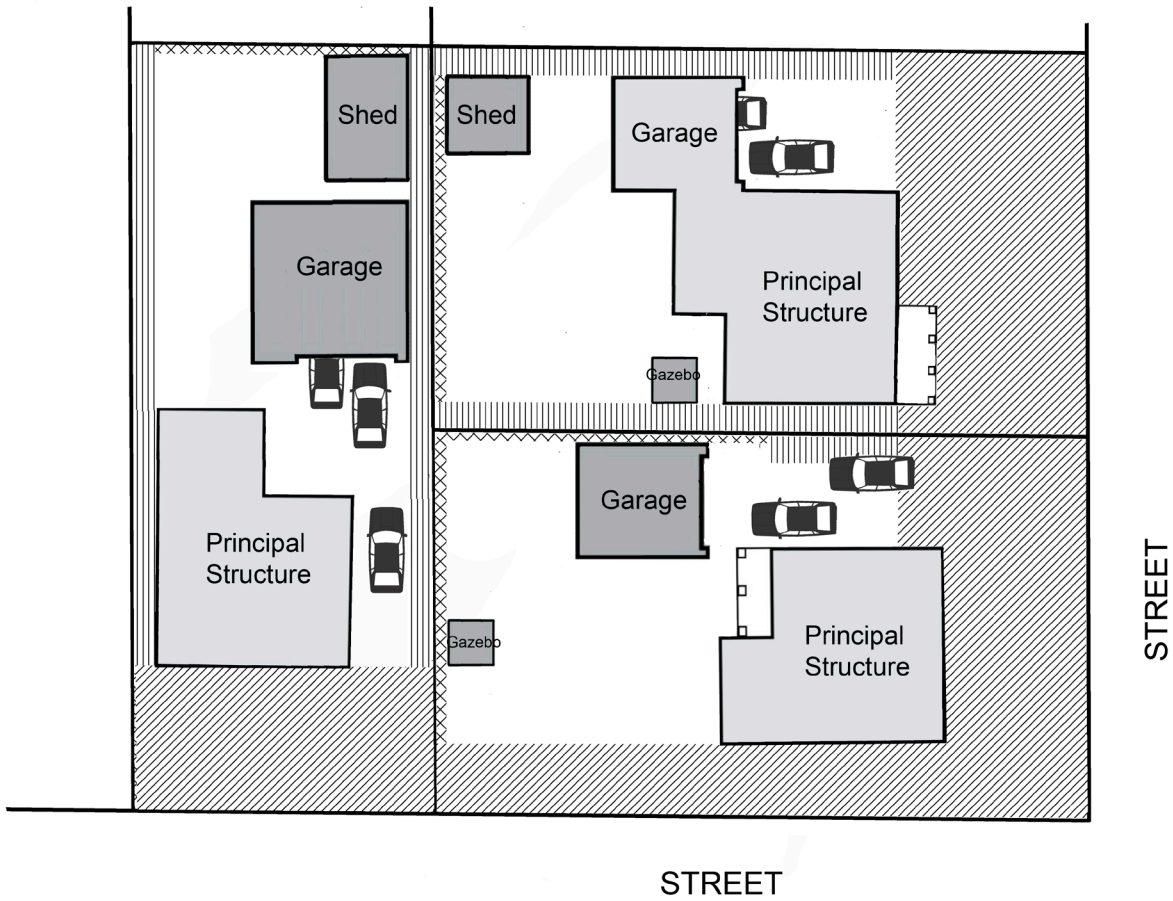
- d. The construction of a detached garage or accessory building shall not precede the construction of the principal building on the same lot.

# Attachment D

## Placement Options for Accessory Buildings in Residential Zoning Districts

**LEGEND -**  
Areas where Placement Prohibited:

-  Front Yard
-  Rear - 3' from property line (including eaves)
-  Side - 6' from property line (one-story principal structure)  
8' from property line (two-story principal structure)



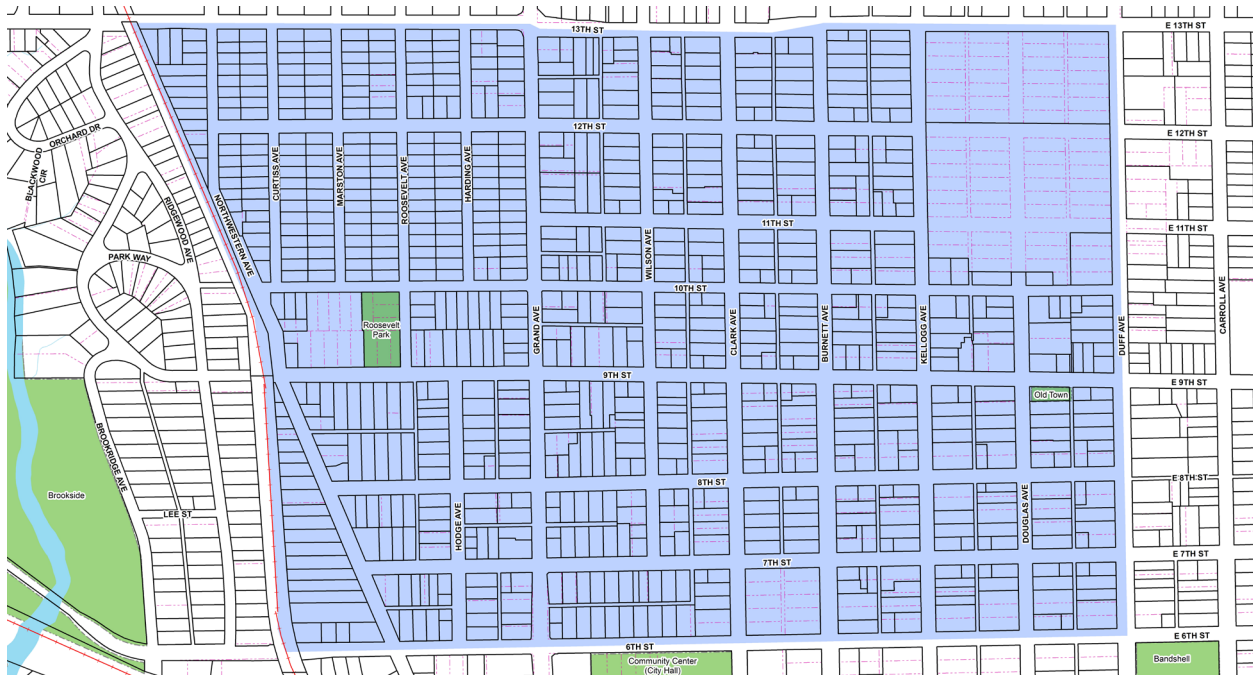
Note: Corner Lot depicted illustrates RL, RM & UCRM Zoning District requirements.  
Code References: Section 29.403; Section 29.408; and Zone Development Standards

## Attachment E Neighborhoods with Potentially Nonconforming Accessory Structures

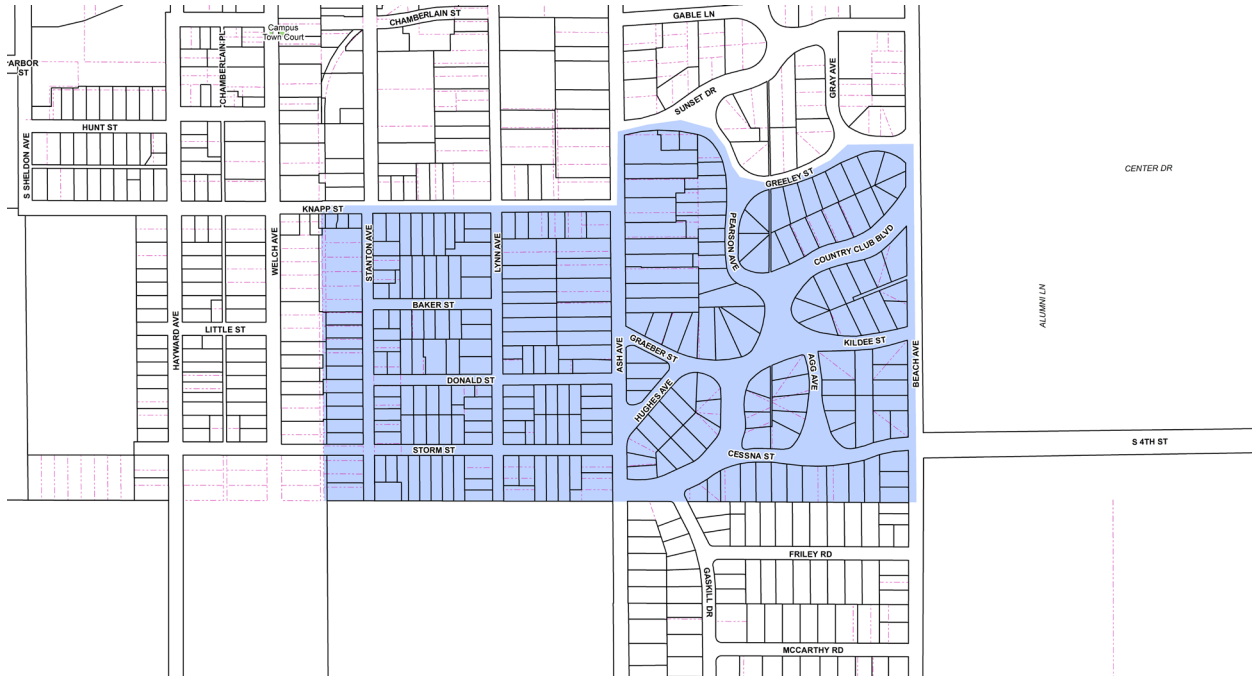
Legally nonconforming accessory structures are found throughout older parts of Ames. Staff did a visual survey of aerials in the areas highlighted below to estimate how many accessory structures that are not wholly behind primary structures are encroaching into side and rear setbacks.

The neighborhoods in and around Oldtown are zoned “UCRM” Urban Core Residential Medium Density and “RM” Residential Medium Density. The neighborhood south of the Iowa State campus is zoned mostly “RL” Residential Low Density with a few properties at the north end zoned “RH” Residential High Density. In all four zones (RL, RM, UCRM, and RH), the front setback is 25 feet, and the side setbacks are 6 feet for a one-story structure and 8 feet for a two-story structure. In RL and UCRM the rear setback is 20 feet; in RM and RH, the rear setback is 25 feet.

In the Oldtown area, out of a total 845 residential properties, 477 had structures which were not wholly behind the primary structure, and which encroached into the rear or side setbacks. The map below includes non-residential properties, which are not included in the 845 figure.



In the South Campus area, out of 263 residential properties, 139 had structures which were not wholly behind the primary structure, and which encroached into at least one of the setbacks. The old Crawford Elementary School on Stanton Avenue was excluded from the 263 figure.



**Attachment F**  
**Application of Proposed Nonconforming Regulation Changes**

Staff examined the effect of the changes to the nonconforming regulations on several select properties.

*819 7<sup>th</sup> Street*

The detached garage at 819 7<sup>th</sup> Street is approximately 2 feet from the side property line. It measures roughly 18 feet deep by 12.5 feet wide (according to the Story County Assessor's Office), smaller than what may be considered desirable. (For comparison, a standard 90-degree parking space is 19 feet by 9 feet.) That measurement is taken from the outside of the building, meaning that the usable space inside is smaller.



Rebuilding the structure would produce the same small building that could only be expanded to the east and to the north at 8 feet from the west property line (the house is two-story). Expanding the garage to the east is not feasible as the building is so close to the house. Expanding the garage to the north is impractical as the expansion can only extend roughly half of the building.





### *2225 Donald Street*

The accessory garage at 2225 Donald Street is situated similarly to that on 7<sup>th</sup> Street. Similarly, it is approximately 2 feet from the side property line. It measures roughly 19 feet deep by 12 feet wide (according to the Story County Assessor's Office), also smaller than what may be considered desirable for modern cars, minivans, and pickup trucks. This house is also two stories, creating an 8-foot side setback.

Expansion of the garages at both locations may be helped more by allowing for reduced side setbacks than for allowing such nonconforming structures to



be demolished and rebuilt as is.

## Attachment G Regulations for Accessory Structures of Selected Cities

### Ankeny

Sec. 191.07(1) – One-family and two-family residence districts and use areas.

No accessory building in one-family and two-family residential zone districts and use areas shall be erected in any yard other than a rear yard, except as provided herein. **All accessory buildings including garages shall be set back a minimum of three feet (3) from side and rear lot lines of adjoining lots in any residential zone district and use area and accessory buildings** except for garages which front an alley shall be setback a minimum of five-feet from alley right-of-way lines. Garages which front an alley in any residential zone district or use area shall be set back either seven feet (7) or a minimum of 18-feet from the alley right-of-way. Accessory buildings and structures on corner lots shall conform to front yard setback regulations on both streets. (See Section [191.05](#).) Accessory buildings on one and two-family residential lots shall not occupy more than ten-percent (10%) of the total square footage of the lot. No single accessory building for one-family and two-family lots shall exceed 1010 square feet in size, and all conforming one-family and two-family residential lots shall be permitted up to 720 square feet of detached accessory building use.

### Des Moines

Sec. 135-2(C) - Outbuilding and Detached Garage.

A fully enclosed building on a lot that is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated. Typical outbuildings include detached garages, pool houses, workshops, barns, or sheds.

1. **Side and Rear Setback. Minimum side and rear setback of an outbuilding shall be five feet.**
2. Alley. Where a garage is accessed off an alley with pavement narrower than 20 feet, the garage shall be set back from the alley lot line to allow 24 feet from the opposite edge of alley pavement to the garage door.
3. Height. The maximum height of the outbuilding may be generally no taller than one-half story less than the principal building; however, in the event that the principal building is one story in height, the outbuilding may not exceed the height of the principal building.
4. Residential Districts. The lot coverage of all accessory structures, including an outbuilding, shall not exceed 576 square feet or 25% of the rear yard, whichever is greater, on a lot zoned Neighborhood (N) or Neighborhood Mix (NX).
5. Character. The outbuilding shall be compatible in color and character with the primary structure on the lot.
6. Accessory Household Unit. If a permitted AHU is contained within an outbuilding, then the requirements of subsections 4, 5, and 8 of section 135-2.22.2.F of this article shall also apply.

## **West Des Moines**

### Sec. 9-7-4(9) Bulk Regulations, Minimum Setbacks And Building Separations For Accessory Buildings And Structures In Residential Districts:

- a. See chapter 14, "Accessory Structures", of this title for additional standards and construction requirements for accessory buildings and structures.
- b. Accessory buildings and structures that meet the minimum separation distance from the principal building are considered detached accessory structures. In such case, the detached accessory structure must meet the setback requirements as noted in [table 7.5](#) of this subsection C9.
- c. Accessory structures that do not meet the minimum separation from the principal structure are considered part of the principal structure, no matter if they are physically separate from the principal structure. In such case, the accessory structure must meet the setback requirements for a principal structure except as noted below.
  - (1) Accessory structures (other than fences and walls) that do not exceed thirty inches (30") in height as measured from grade to the highest element and any railing or trellis designed to be open fifty percent (50%) or more may follow the detached accessory structure setbacks, no matter their proximity to the principal structure.
  - (2) Accessory structures that are considered part of the principal structure and which exceed thirty inches (30") in height must be setback a minimum of twenty feet (20') from the rear property line(s) and must meet the pertinent side and front yard setback of the principal structure.
- d. Accessory structures cannot encroach into any buffer area or perimeter setback.
- e. In a footprint development, detached accessory structures and fences are not allowed within footprint lots and are only allowed for development use on common property.
- f. Accessory buildings over one thousand (1,000) square feet, which are only permitted in Residential Estate, Agricultural/Open Space zoning and for religious, institutional, or civic uses within residential districts, shall meet the minimum front yard setback of their respective zoning district and be set back a minimum of twenty feet (20') from the side and rear property lines.
- g. Accessory buildings over one thousand five hundred (1,500) square feet in multi-family Residential Districts must meet primary building setbacks and separations including setbacks adjusted for primary building height.

**TABLE 7.5  
DETACHED ACCESSORY STRUCTURES  
Single Family Zoning Districts**

Required Standards	OS	RE	RS		R-1	SF-CR	SF-VJ	MH <sup>2</sup>	VJHB
			<8,000'	>8,000'					
Front yard setback <sup>1</sup>	50'	50'	30'	35'	30'	20'	20'	20'	20'
Rear and side yard setback	5'	5'	5'	5'	5'	5'	5'	5'	5'
Setback from alleys where the structure accesses the alley	20'	20'	20'	20'	20'	20'	20'	20'	20'
Minimum separation between accessory buildings or structures under 1,000 sq. ft. and all other buildings	10'	10'	10'	10'	10'	10'	10'	10'	10'

Sec. 9-14-6: ACCESSORY BUILDINGS:

- A. Accessory buildings shall be allowed only in conjunction with the principal structure, and primary use to which it relates under the same terms and conditions as the principal structure, and primary use in any zoning district unless otherwise noted in this chapter.
- B. **Setbacks for accessory buildings, in all zoning districts, which are not specifically spelled out below, shall meet the requirements set elsewhere in this title under setback and bulk density regulations.**
  - 1. **On corner lots unless noted otherwise, detached accessory buildings shall meet the front yard setback along each street frontage, as required for the principal structure.**
  - 2. **On detached accessory buildings, when the exterior wall parallel to the property line exceeds eight and one-half feet (8<sup>1</sup>/<sub>2</sub>') in height, including the foundation or retaining wall, or exceeds twenty four feet (24') in length, that wall shall be set back from the property line a distance equal to the total exterior wall height. This setback minimum shall not preclude other yard setback or easement requirements.**
  - 3. **When the vehicle entrance for a garage faces a street or alley, the setback from the alley shall be a minimum of twenty feet (20').**
- C. Accessory buildings, constructed as part of the principal building, or connected to the principal building by a breezeway or similar structure, or constructed within ten feet (10') or less of the principal structure, shall be considered an attached accessory building. Attached accessory buildings

that include a roof (such as a covered porch, screen room, sunroom, garage and carport) will be considered part of the primary building and unless noted otherwise, must meet the primary building setbacks.

- D. Accessory buildings in residential zoning districts may occupy up to ten percent (10%) of the total lot area in which it is located. Except, in RS, R-1, SF-VJ, and SF-CR Zoning Districts and for religious, institutional, or civic uses within residential districts, the square footage for an accessory building, or the combined square footage of all detached accessory buildings on the property, shall not exceed one thousand (1,000) square feet.
- E. In RS, R-1, SF-VJ, and SF-CR Zoning Districts, the maximum roof peak height of detached accessory buildings shall not exceed twenty feet (20'). The height of retaining walls or the foundation shall be included in the height measurement.
- F. In RS, R-1, SF-VJ, and SF-CR Zoning Districts, exterior walls of detached accessory buildings shall not exceed twelve feet (12') in height. The wall height shall be measured from existing grade, and the height of retaining walls or the foundation shall be included in the height measurement.
- G. Existing detached garages with a side or rear yard setback of at least three feet (3'), which meet all of the other provisions of this section, may be repaired or reconstructed with the same setback requirements. However any additions must meet the current setback requirements.
- H. The design of accessory buildings shall be in keeping with the character of the zoning district they are located in, with comparable architectural design, materials and details to the principal structure, including roof slope, overhangs, etc. Any metal cladding shall be prefinished and have the appearance of the materials used on the primary building. Galvanized metal is prohibited as the exterior finish material in residential zoning districts.
- I. A carport cannot exceed one story in height and must be entirely open on two (2) or more sides except for structural supports. There can be no enclosed use above a carport. No other items other than a motor vehicle may be kept in the carport unless those items are kept in an enclosed section of the carport and are not visible. A carport is considered an accessory building and shall meet the requirements for accessory structures set elsewhere in this title. Carports are not considered enclosed garage space for residential uses. The design of a carport shall be in keeping with the character of the zoning district they are located in, with comparable architectural design, materials and details to the principal structure, including roof slope, overhangs, etc. Exposed metal structure is prohibited. Any metal cladding shall be prefinished and have the appearance of the materials used on the primary building. Galvanized metal is prohibited as the exterior finish material in residential zoning districts.
- J. All light fixtures mounted on, or in proximity to, accessory buildings shall be downcast or shielded and located to eliminate glare and spillover lighting beyond the property line.

- K. Driveway and parking areas that lead to accessory buildings, which are utilized by motorized vehicles licensed for use on public roadways, shall be concrete, asphalt, or a similar paved surface. New gravel driveways and parking areas are prohibited.
- L. Dog runs, dog pens and housing, play sheds, play structures, swing sets, and similar, shall abide by the setback and height provisions for accessory buildings.

### **Iowa City**

#### Sec. 14-4C-3(B)(2)(c)(1)(A):

Along street-side lot lines, accessory buildings must comply with the front, principal building setback requirement. **Along side or rear lot lines that are not street-side lot lines, accessory buildings must be set back at least five feet (5') from the side or rear lot line. This five foot (5') setback requirement may be reduced if an accessory building is set back at least sixty feet (60') from the edge of the street pavement. In such cases, the building may be located within three feet (3') of a side or rear property line.** However, garages and carports entered directly from an alley must be set back at least five feet (5') from the alley right-of-way line, regardless of how far back the structure is from the street.