



February 21st, 2023

City Council,

Per discussions by the Planning and Zoning Commission I, David Kral, am recommending a change of “60 feet” to “25 feet” in the following zoning code: 202.2-4 and 203.2-4 Highlighted below. These codes apply to R-1 and R-2 zoned areas.

202.2 Permitted Accessory uses and structures

4.A detached building shall be located a minimum of four feet from the principal structure, and 60 feet from the front property line.

203.2 Permitted Accessory uses and structures

4.A detached building shall be located a minimum of four feet from the principal structure, and 60 feet from the front property line.

This code is outdated and was discovered to be based on a setback footage measured from the center line of the road. We now measure and base setbacks by the lot lines themselves, typically via Beacon’s website.

Our current primary setbacks are as follows:

203.4. Minimum Lot Area and Width Height	Minimum Yard Requirements	Maximum
Single-family dwellings	Front: 25 feet	45 feet
Area: 7,000 square feet	Rear: 25 feet	Accessory buildings shall not exceed 15 feet in height to peak.
Width: 60 feet	Side: 8 feet	



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We also have code that prohibits accessory structures in front yards based on the definition of accessory use:

Accessory use. A use or building naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings. Accessory buildings shall not be larger than the main or principal building, and shall not intrude into the minimum front yard requirement. Earth satellite dishes shall be considered an accessory structure.

Having the detached setback match the primary setback is very similar to many surrounding towns. Some towns also have averaging setbacks based on existing construction less than the required minimum. We decided keeping it simple at 25' was the best solution.

Example where meeting a 60' setback creates a very difficult situation.

8th st SW

This citizen recently approached us about building a new detached garage on an adjoining plot purchased to his home. The plot slopes severely downhill and into a flood plain zone. While according to current flood lines building something in the space is feasible it is not desirable. A 25' setback creates a much more manageable situation.





Some other cities detached structure setback code for reference. I could not find a town with a specific minimum requirement similar to how ours is written.

Ames code:

(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.

(ii) 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.

Boone code:

4. Accessory Structures. No accessory structure shall be erected in any required court, or in a front yard except as provided hereinafter. Accessory structures shall be a distance of at least 2 feet to roof overhang, from alley lot lines, and from lot lines of adjoining lots which are in an "R" district. On a corner lot they shall conform to the setback regulations of a main building from the side street. Accessory structures may be erected as a part of the principal buildings, or may be connected thereto by a breezeway or similar structure; provided all yard requirements for a principal building are complied with. An accessory structure which is not a part of the main building shall not exceed 16 feet in height; however, this regulation shall not be interpreted to prohibit the construction of a 440-square-foot garage on a minimum rear yard. It is the intent of this chapter that no accessory structure shall be constructed upon a lot until the main building has been actually commenced and no accessory structure should be used unless the main building on the lot is also being used or occupied, in the case of a residential structure, except in cases where the vacant lot is adjacent to and abuts the lot where the main building exists. An accessory structure shall not exceed 15 percent of the gross lot area. Unattached earth satellite dishes, unattached solar panels, and WECS shall be considered accessory structures.

Waterloo:

E. Accessory Structures. No accessory structure shall be erected until after the Principal Permitted Use is erected and shall not be erected in any front yard, except for temporary or seasonal use accessory structures to a commercial use. Accessory structures shall be a distance of at least five (5) feet from alley lines; at least five (5) feet from lot lines of adjoining lots; and at least three (3) feet from the Principal Permitted Use on said lot, except that accessory structures in the rear sixty (60) percent of the lot may be erected three (3) feet from any interior lot line, and on corner lots they shall conform to the setback regulations for corner lots as provided in 10-5-1(F).





The following Decorah code references an averaging setback concept.

Decorah:

17.16.050 - Front yard.

In all residential districts, there shall be a minimum front yard required as stated in the bulk regulations for that particular district; provided, however, that where lots comprising thirty percent or more of the frontage within two hundred feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed fifty feet in any case.

- **17.16.020 - Street frontage required.**

Except as permitted in [Chapter 17.40](#) of this title, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty-five feet on at least one public street.

(Ord. 952 (part), 1993)

- **17.16.030 - Accessory building.**

A.

No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five feet from alley lines and at least five feet from lot lines of adjoining lots which are in any "R" district, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty percent of the rear yard and shall not exceed fourteen feet in height; however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty-square-foot garage on a minimum rear yard.

B.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

-David Kral
Building Official/Zoning Administrator

