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COMMUNITY DEVELOPMENT

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Planning and Zoning Commission

From: Andrew Fangman, City Planner

Date: June 10, 2014

Re: Initial Draft of the Portion of the New Zoning Ordinance that Deals with Garages, Accessory Buildings, and Accessory Uses

This chapter covers garages, accessory buildings, and accessory use regulations. The majority of these regulations remain unchanged from the current zoning ordinances. However two major changes relating to the maximum size for accessory buildings in residential areas and a change to allow for more setback flexibility for accessory buildings as they relate to alleys; are being proposed. These regulations have also been reformatted and illustrated in order to make them more user friendly.

The most frequent variance applied for are those to allow for the construction of a garage that exceeds the cumulative limited of 1,440 square feet for garages and accessory buildings in residential zoning districts. Since 2000 the Zoning Board of Adjustment has approved 18 variances to allow for the construction of garages over 1,440 square feet and has only denied two such requests. Such frequent and consistent approval of the same type of variance is a clear indication that a regulatory change is warranted. The proposed change to regulations relating to the maximum size of garages and accessory building in residential districts seeks to codify the type of variances that the Zoning Board of Adjustment have been routinely and consistently approving. Through these actions the Zoning Board of Adjustment has made it clear that garages larger than 1,440 square feet are appropriate under certain circumstances.

Since 2000 all approved variances for garages over 1,440 square feet in size have occurred on parcels over 20,000 square feet in size. Of the two variances for a garage over 1,440 square feet that were denied in this same period of time, one was on a parcel under 20,000 square feet in size. Of the 18 approved variances for oversized garages during this period of time only one exceeded 2,500 square feet in size. The proposed change to regulations regarding the maximum cumulative garage size in residential districts codifies these trends, in approved variances.

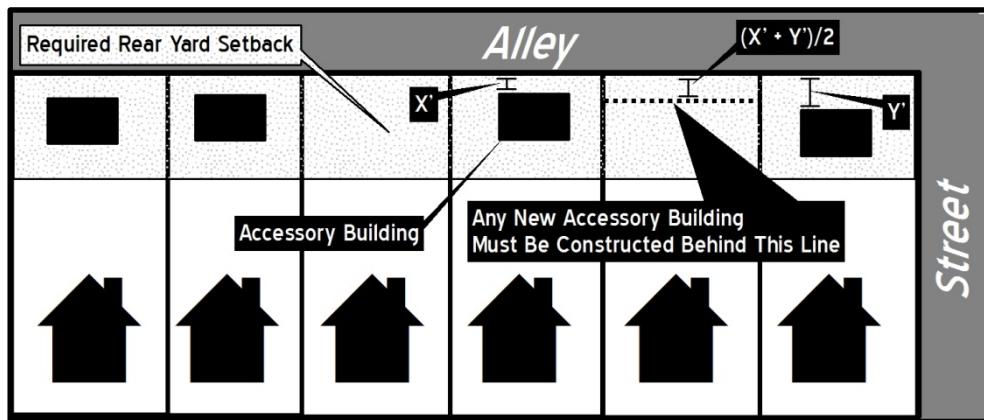
The current cumulative maximum size limit for garages and accessory buildings of 1,440 square feet for all parcels in a residential district is being proposed to be replaced with two new regulations. For parcels smaller than 20,000 square feet the current maximum cumulative size for garages and other accessory buildings will remain at 1,440 square feet. For parcels of at least 20,000 square feet the maximum cumulative size for garages and other accessory buildings will be 2,500 square feet or 7.2% of the total parcel size, whichever is less. It should also be noted that 1,440 is 7.2% of 20,000.

The other significant changes being proposed to the zoning ordinance as it relates to garages, accessory buildings, and accessory uses is to add more setback flexibility for accessory buildings as they relate to alleys. In many older parts of town it is typical for an detached garage to be located direct adjacent or very close to the alley right-of-way line. These detached garages were nearly all constructed prior to adoption of the current zoning ordinance, are now located in the rear yard setback, and are only allowed as a nonconforming use.

Action LU.5.I of the recently adopted City of Muscatine Comprehensive Plan states, “*Adopt regulations and design standards to protect the desired street and block patterns, land use patterns, and development characteristics of the City’s established neighborhoods, such as building size and height, building setbacks, density, parking, landscaping, and streetscape improvements.*” The proposed regulatory change works towards implementing this Comprehensive Plan directive by permitting for detached garages to be located within the standard rear yard setback, in areas where this is the predominate building pattern.

The proposed new regulation would permit an accessory building to be constructed in the required rear yard setback when the following conditions are met:

- The rear yard abuts an alley.
- 50% of parcels on the block and located on the same side of the alley as the subject parcel, contain an existing accessory building with in the required rear yard setback.
- Any new accessory building that is constructed within the rear yard setback is it shall not be located nearer to the alley right-of-way than the average distance to alley right-of-way of the nearest two accessory buildings located on the same side of the alley as the subject parcel.





Title 10 – Zoning

Chapter XXX – Garage, Accessory Building, & Accessory Use Regulations

10-XXX-1 Use Regulations

- A.** No accessory building shall be constructed upon a lot until the construction of the main building has commenced.
- B.** No accessory building shall be used unless the main building on the lot is also being used.
- C.** The use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction is permitted.
- D.** In residential districts, accessory buildings and uses are limited to the following:
 - 1.** Garages
 - 2.** Tennis court, swimming pool, garden house, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.
 - 3.** Home occupation that is allowed by this chapter
 - 4.** A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building.
- E.** In commercial districts, accessory buildings and uses are limited to the following:
 - 1.** Parking lots and garages conforming with the requirements of PARKING CHAPTER
 - 2.** Use of not more than 40% of the floor area of a building for incidental storage or allowed light industrial activity.
- F.** In the AG District, accessory buildings and uses are limited to dwellings for persons employed on the premises, including mobile homes, provided such mobile homes are occupied by persons employed on the premises and do not exceed one per farm tract.
- G.** In all other zoning districts, accessory buildings may be used for any use allowed by the zoning district in which they are located.



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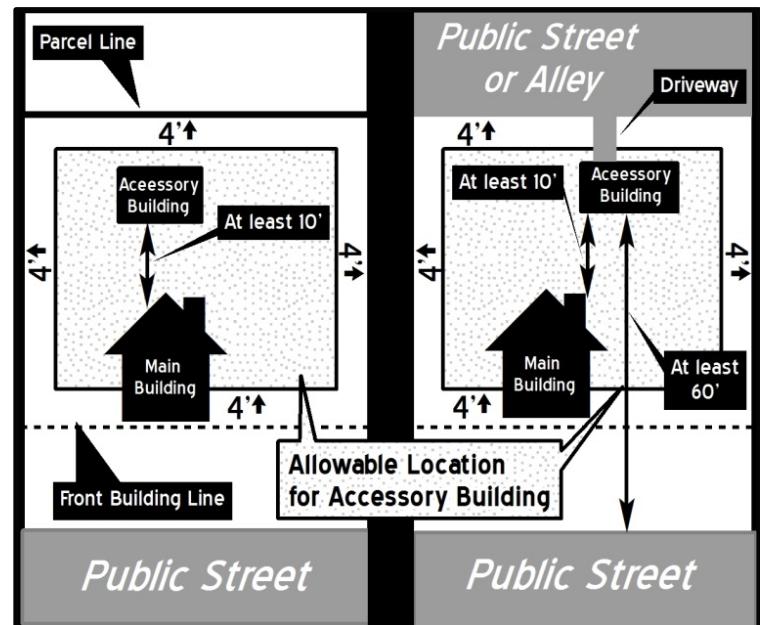
Chapter XXX: Garage, Accessory Building, & Accessory Use Regulations

10-XXX-2 Size Regulations

- A. For parcels less than 20,000 square feet in size the maximum cumulative size for garages (attached or detached) and/or any other accessory building in all residential zoning districts is 1,440 square feet,
- B. For parcels of at least 20,000 square feet in size the maximum cumulative size for garages (attached or detached) and/or any other accessory building in all residential zoning districts is the lesser of the following:
 1. 2,500 square feet, or;
 2. 7.2% of the total parcel size.
- C. No accessory building places in the rear yard may exceed 40% of the size of the rear yard.
- D. In residential zoning districts the cumulative size of any accessory buildings, not including attached garages, located in the rear yard may not exceed 40% of the size of the rear yard.

10-XXX-3 Placement & Setback Regulations

- A. Except for as enumerated in this Section accessory building must conform to the setbacks established for the zoning district in which they are located.
- B. No accessory building may be erected in front of a main building, unless the accessory building is attached to the main building by a continuous structural wall.
- C. Any accessory building or use closer than 10 feet to a main building and which must be in the side or rear yard, shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
- D. An accessory building or use more than 10 feet to a main building may be erected within 4 feet of a side or rear lot line, but must be located at least 60 feet from the front lot line when entry is from an alley or street at the rear, and 4 feet behind the front building line of the main building when entry is from the street at the front.





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Chapter XXX: Garage, Accessory Building, & Accessory Use Regulations

- E.** For every 17.5 square feet that an accessory building exceeds 1,440 square feet in size an additional 1 foot of setback of the accessory building is required in addition to what is required by the zoning district in which the accessory building is located.
- F.** Where a garage door is parallel to the alley and is entered from an alley, it must be setback 10 feet from the alley line, except for any exception enumerated in this Section.
- G.** An accessory building may be constructed within a required rear yard setback if all of the following conditions are met:
 - 1.** The rear yard abuts an alley.
 - 2.** 50% of parcels on the block and located on the same side of the alley as the subject parcel, contain an existing accessory building with in the required rear yard setback.
 - 3.** Any new accessory building that is constructed within the rear yard setback is it shall not be located nearer to the alley right-of-way than the average distance to alley right-of-way of the nearest two accessory buildings located on the same set of the alley as the subject parcel.

