

2018-01

ACCESSORY BUILDING ORDINANCE

BE IT ENACTED by the City Council of the City of Avoca, Pottawattamie County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to adopt regulations relating to accessory buildings.

SECTION 2. Amended. Chapter 8 of the City Code will be amended as follows:

3. Accessory Buildings.

- a. **General.** No accessory building shall be erected in any required yard other than a rear yard and that portion of a side yard located in the rear yard. On any corner lot, an accessory building shall conform to the setback requirements on the side street as well. An accessory building shall not occupy more than thirty (30) percent of the rear yard. Accessory buildings may be connected by a breezeway to the principal building, or if connected, shall only be regulated as part of the principal building if rooflines between the principal building, breezeway, and accessory building are uniform. Without receiving a variance, no accessory building shall be constructed upon a lot until the construction of the principal building has been commenced and no accessory building shall be used for any otherwise permitted use unless the principal building on the lot is also being used for purposes in conformance with this Chapter. As a condition of the issuance of a demolition permit for any primary structure for a residential use, the accessory buildings must be demolished also unless a variance is obtained.
- b. **Special Exceptions for Residential Accessory Buildings.** Accessory buildings for residential uses may exceed the requirements in Table 3 under the following circumstances:
 - i. **Required Yards.** Rear and side yard space encroachment exceptions for any accessory building otherwise conforming to Table 3 may be approved by the Board under the special exception permit process.
 - ii. **Vehicle Storage.** A special exception permit may be issued for an accessory building to a residential use for purposes of vehicle storage. The following also apply,
 - (i) The accessory building may not exceed a height of twenty-five (25) feet.

- (ii) The lot upon which the accessory building will be located must exceed 10,000 square feet in area.
- (iii) The accessory building must not exceed 2,500 square feet.
- (iv) The accessory building must be constructed with materials and colors complementary to the primary structure.
- (v) The owner must execute a compliance agreement providing a waiver of any defenses against the City should the accessory building be used for any other nonconforming uses, such as commercial, agricultural, industrial, or Limited Home-Based Occupations. This agreement will be recorded in the land records of the County.
- (vi) Other conditions as deemed necessary by the Board to ensure the accessory building does not harm the character of the neighborhood.

iii. **Accessory Space.** A special exception permit may be issued for an accessory building to a residential use for purposes of additional living space, storage space, or other personal space. The following also apply:

- (i) The accessory building may not exceed a height of two stories or thirty (30) feet.
- (ii) The lot upon which the accessory building will be located must exceed 10,000 square feet in area.
- (iii) The accessory building must not exceed 2,500 square feet.
- (iv) The accessory building must be constructed with materials and colors complementary to the primary structure.
- (v) Any living space created with the accessory space shall not be eligible for a rental certificate.
- (vi) The owner must execute a compliance agreement providing a waiver of any defenses against the City should the accessory building be used for any other nonconforming uses, such as commercial, agricultural, industrial, or Limited

Home-Based Occupations. This agreement will be recorded in the land records of the County.

- (vii) Other conditions as deemed necessary by the Board to ensure the accessory building does not harm the character of the neighborhood.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

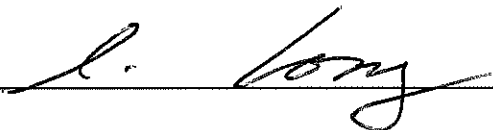
SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

First Reading Passed: 23rd Day of October 2018

Second Reading Passed: Waived

Third Reading Passed: Waived

Mayor



ATTEST:

Teresa M Hoepner
City Clerk