

**CITY OF CARSON, IOWA ORDINANCE 245**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARSON, IOWA, CHAPTER 166 ENTITLED "ZONING CODE DEFINITIONS", BY AMENDING THE DEFINITION OF "ACCESSORY BUILDING" IN SECTION 166.05 (1) AND THE DEFINITION OF "BUILDING LINE" IN SECTION 166.05 (26), CHAPTER 167 BY AMENDING THE MINIMUM LINE SETBACKS FOR ACCESSORY BUILDINGS IN PARAGRAPH B UNDER BOTH TABLES DESIGNATED AS TABLE167C IN SUBSECTION 2 OF SECTION 167.07 ENTITLED "RESIDENTIAL ZONES" AND TO ADD ADDITIONAL PROVISIONS UNDER BOTH TABLES DESIGNATED AS TABLE167C IN SUBSECTION 2 OF SECTION 167.07 ENTITLED "RESIDENTIAL ZONES" TO ADD RESTRICTIONS ON LOT COVERAGE AND RESTRICTIONS ON THE LOCATION OF ACCESSORY BUILDINGS, AND CHAPTER 168 ENTITLED "ZONING CODE – GENERAL PROVISIONS AND SPECIAL REGULATIONS", BY REPEALING SECTION 168.03 ENTITLED "LOCATION OF ACCESSORY BUILDINGS" AND REACTING THE SAME AS SECTION 168.03 ENTITLED "ACCESSORY BUILDINGS"; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE. BE IT ENACTED, by the City Council of the City of Carson, Iowa:

**SECTION 1. PURPOSE.** The purpose of this ordinance is to amend Chapter 166 of the Code of Ordinances by amending subsection (1) of Section 166.05 entitled "GENERAL DEFINITIONS", to amend Chapter 167 of the Code of Ordinances by amending subsection B under both tables in Table167C in section 2 of Section 167.07 entitled "RESIDENTIAL ZONES" and by amending section 2 entitled "Bulk Regulations" of Section 167.07 entitled "RESIDENTIAL ZONES" to additional subsections C, D and E under both tables in Table167C in section 2 of Section 167.07 and to amend Chapter 168 of the Code of Ordinances by repealing of Section 168.03 entitled "LOCATION OF ACCESSORY BUILDINGS" and by reenacting the same as Section 168.03 entitled "ACCESSORY BUILDINGS".

**SECTION 2. AMENDMENT OF SUBSECTION (1) OF SECTION 166.05.** Subsection 1 of Section 166.05 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety subsection 1 of Section 166.05 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

1. "Accessory building" means an incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage. Accessory buildings may be used in all zoning districts but subject to the issuance of a building permit and review by the code official. The definition of "accessory building" includes tool or storage sheds.

**SECTION 3. AMENDMENT OF SUBSECTION (26) OF SECTION 166.05.** Subsection 26 of Section 166.05 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety subsection 26 of Section 166.05 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

26. "Building line" means that portion of a building or structure nearest a property line, including open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

**SECTION 4. AMENDMENT OF PARAGRAPH B UNDER BOTH TABLES DESIGNATED AS TABLE167C IN SUBSECTION 2 OF SECTION 167.07.** Paragraph B under both of the tables designated as "Table167C" in subsection 2 of Section 167.07 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety Paragraph B under both of the tables designated as "Table167C" in subsection 2 of Section 167.07 of the Code of Ordinances of the City of Carson, Iowa and by re-enacting the same to state as follows:

- B. Minimum lot line setbacks in all Divisions for accessory buildings on interior lots shall be the minimum front yard setback as stated in the table above from the front lot line and shall be 10 feet from the side lot line and the rear lot line. Minimum lot line setbacks in all Divisions for accessory buildings on corner lots shall be the minimum front yard setback as stated in the table above from the front lot line and shall be 10 feet from the side lot line adjacent to an interior lot and 25 feet from the side lot line adjacent to a street and 10 feet from the rear lot line.

**SECTION 5. AMENDMENT OF SUBSECTION 2 OF SECTION 167.07.** Subsection 2 of Section 167.07 of the Code of Ordinances of the City of Carson, Iowa, entitled "Bulk Regulations" is hereby amended to add as new subsections designated as C., D. and E. under both of the tables designated as "Table167C" in subsection 2 of Section 167.07 the following:

- C. The maximum amount of lot coverage in an area zoned Residential shall not exceed forty percent (40%). Lot coverage shall be determined by adding the total horizontal areas of all buildings and structures, or parts thereof, as measured from the outermost walls of a building or structure, with that sum being expressed a percentage of the total area of the lot in question. The following shall be included for purposes of determining the lot coverage of a lot: principle and accessory buildings, permanent swimming pools, tennis and basketball courts, cement or brick slabs (not including sidewalks and driveways built in accordance with the ordinance specification), patios, garages, storage sheds and decks. Note all setback regulations still need to be met.

- D. No accessory building shall be located on a lot in an area zoned Residential unless a dwelling unit then exists on the lot.
- E. No accessory building shall be located on a lot in an area zoned Residential unless the area of the lot is at least 8,000 square feet.

**SECTION 6. AMENDMENT OF SECTION 168.03.** Section 168.03 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety Section 168.03 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

**168.03 ACCESSORY BUILDINGS.**

1. General. Accessory buildings shall occupy the sale lot as the main building or dwelling.
2. Size and Type. An accessory building shall not exceed the building height of the primary structure on the lot, based on the existing grade at the time of permit application. The size of any accessory building is also subject to the lot coverage restriction on the lot in question. Accessory buildings shall be a single story structure with no basement. Accessory buildings may not be designed or used for habitation. No sewer or floor drain may be connected directly or indirectly to City sanitary sewer.
3. Color. The color of an accessory building located on a lot in an area zoned Residential must be a color that matches the dwelling unit that then exists on the lot.
4. Separation. All accessory buildings shall be separated from the main building or dwelling.
5. Secured. All accessory buildings shall be secured by permanent attachment to a foundation or concrete pad.
6. Private Garages. An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that required setbacks are maintained, the lot coverage restriction are not exceeded and the structure does not encroach into any recorded easements. The building used as a private garage shall be permitted to be located in the front yard of a sloping lot if the lot has more than a 10-foot difference in elevation from midpoint of the front lot line to a point 50 feet away midway between the side lot lines provided that required setbacks are maintained, the lot coverage restriction are not exceeded and the structure does not encroach into any recorded easements.
7. Storage Buildings. All accessory buildings used for storage or other similar use shall be permitted to be located in any portion of the yard or side yard. No accessory buildings used for storage or other similar use shall be located in the front yard.
8. Building Permit. Prior to the location of any accessory building on any lot, a building permit must be obtained.
9. Property Taxes. All accessory buildings shall be valued, listed, and assessed as a part of the real estate subject to the annual ad valorem property tax which is collectible by the county treasurer.

**SECTION 7. REPEALER.** All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 8. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof, not adjudged invalid or unconstitutional.

**SECTION 9. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the City Council on the 9th day of MAY, 2022 and approved this 9TH day of MAY, 2022.

Tim Todd, Mayor

ATTEST: Brianne Duede, City Clerk

1<sup>st</sup> Reading 3/21/22 Roll Call Vote 5 ayes: Pilling, Rose, Houser, Graves, Richardson

2<sup>nd</sup> Reading 4/11/22 Roll Call Vote 4 ayes: Pilling, Houser, Richardson, Graves.

3<sup>rd</sup> Final Reading 5/9/22 Roll Call vote 3 ayes: Houser, Pilling, Graves.