

## **Ordinance No. 1317**

AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE MUNICIPAL CODE OF THE CITY OF DECORAH RELATED TO SECTIONS 17.16.030 ACCESSORY BUILDINGS AND 17.68.030 PERMITTED ACCESSORY USES.

WHEREAS, the City of Decorah has a housing shortage; and

WHEREAS, the Planning and Zoning Commission of the City of Decorah, Iowa recommends amending Title 17 of the Decorah City Code regarding accessory buildings and permitted accessory uses; and

WHEREAS, a public hearing was held on the proposed resolution, where public comment was made in favor of and against the request; and

WHEREAS, the City Council finds accessory dwelling units as a way to promote additional housing options in Decorah.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Decorah, Iowa as follows:

1. That Decorah Municipal Code Sections 17.16.030 and 17.68.030 by deleting said Sections 17.16.030 and 17.68.030 and adopting in lieu thereof as follows:

SECTION 1. That Section 17.16.030 Accessory Buildings, is amended by deleting said section and inserting in lieu thereof the following:

### **17.16.030 Accessory buildings.**

- 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 twenty-five 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.

SECTION 2. That Section 17.68.030 Permitted Accessory Uses, is amended by deleting said section and inserting in lieu thereof the following:

### **17.16.030 Permitted accessory uses.**

Accessory uses permitted in the R-1 district are as follows:

- A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded;
- B. Private garage or carport, swimming pools and tennis courts;
- C. Accessory dwelling unit (ADU) as fully-contained with its own kitchen, bathroom(s) and sleeping area where the owner of the property resides in either the principal structure or the ADU;
- D. Home occupations as permitted in and as limited by Section 17.16.090;
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;

- F. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project;
- G. Day nurseries and nursery schools;
- H. Parabolic or dish-type antennas in accordance with the requirements of Section 17.16.150;
- I. Solar collectors mounted on the ground in the rear yard or attached to the principal or accessory building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal or accessory structure. The mounting of solar collectors shall be in accordance with the requirements of the state building code. If required, solar access easements may be obtained from adjoining property owners in accordance with state statutes.
- J. Fences shall not exceed eight feet in height. A fence in a front yard may not exceed four feet in height. Except where a fence is within ten feet of an adjoining lot containing a one- or two-family dwelling, it shall not exceed four feet in height between the rear line of that dwelling and its front property line as defined in the zoning ordinance. On the street sides of corner lots, a fence may not exceed four feet in height between the rear of the dwelling and the corner on either street frontage. A screening fence may be authorized or required by city ordinance or administrative board or official, or by state law.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: June 19, 2023

Date of Second Reading: July 3, 2023

Roll Call Vote:

Councilmen Voting Aye: Luse, Olson, Schissel, Zittergruen, Neal, Hadley, Johnson  
Councilmen Voting Nay: None

PASSED AND ADOPTED this 17th day of July, 2023.

CITY OF DECORAH

Lorraine Borowski

Lorraine Borowski, Mayor

ATTEST:

Keri Sand

Keri Sand, City Clerk-Finance Officer

I hereby certify that the above Ordinance No. 1317 was published on the 27 day of July, 2023, in the Decorah Public Opinion

Keri Sand

Keri Sand, City Clerk-Finance Officer