

ORDINANCE NO. 13,590

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, as heretofore amended, by repealing subsection (C) of Section 2A-7 thereof, and enacting a new subsection (C) of Section 2A-7, all relating to the allowed size and location of accessory buildings.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, as restated by the Ninth Supplement thereto adopted June 16, 1997, by Resolution and Roll Call No. 97-2094, and further amended by Ordinance No. 13,485 passed June 2, 1997, and by Ordinance No. 13,542 passed November 3, 1997, be and is hereby amended by repealing subsection (C) of Section 2A-7 thereof, and enacting a new subsection (C) of Section 2A-7, all relating to the allowed size and location of accessory buildings, as follows:

**2A-7. GENERAL REGULATIONS.**

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**(C) Accessory Buildings and Structures.**

(1) Any single or two-family dwelling without either a basement or garage shall provide an accessory storage building of at least eighty (80) square feet per dwelling unit.

(2) No accessory building which is attached to the principal building, or is connected to a principal building by a breezeway or other structure, shall be erected in any required yard. No detached accessory building shall be erected in any required yard other than the rear yard. Detached accessory buildings may be constructed in the required rear yard, subject to the following:

(a) Accessory buildings shall be set back at least two (2) feet from lot lines of adjoining lots which are in any "R" District or portion of a "PUD" district devoted to single or two-family use, and on a corner lot they shall conform to the setback regulations on both streets.

(b) Accessory buildings shall be set back at least two (2) feet from alley lines if there is no direct vehicular access from the accessory building to the alley. If an accessory building opens directly onto an alley, the setback shall equal the aisle width required by Sec. 2A-25(G) minus the width of the alley.

(c) An addition may be made to an existing principal structure used for single or two-family use which extends past the front of an existing legally established detached accessory structure, provided, no connection or attachment is made between the existing detached accessory structure and the addition.

(3) Accessory buildings on a lot under one acre in size devoted to single or two-family use, which are not attached to the principal building, shall in the aggregate occupy no more than twenty (20) percent of the rear yard, and shall in the aggregate be no larger than one thousand (1,000) square feet in area. However, this regulation shall not be interpreted to prohibit the construction of an accessory building(s) having an aggregate area of not more than five hundred seventy six (576) square foot on a minimum rear yard.

(4) 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.

(5) In any "R" District or portion of a "PUD" district devoted to single or two-family use, air conditioning compressor-condensers may be located in any side yard and in any rear yard, provided that: (1) in any side yard adjacent to a street, they shall not be placed more than five (5) feet from the principal structure and shall be screened from the street by a solid fence or plantings; and (2) in any permitted yard other than a side yard adjacent to a street, the compressor-condenser for any unit of five (5) ton capacity or more shall not be located within twenty-five (25) feet of any lot line and a compressor-condenser with less than five (5) ton capacity shall not be located within five (5) feet of any lot line unless screened therefrom by a solid fence or plantings.

(6) In any "C" or "M" District, air conditioning compressor-condensers may be located in any yard adjoining a street if screened therefrom by a solid fence or plantings. Air conditioning compressor-condensers may be located in any side yard which does not adjoin a street and any rear yard, unless the adjoining lot is located in an "R" District or portion of a "PUD" district devoted to single or two-family use, in which case the "R" District regulations shall apply.

(7) The bottom edge of required screening in any district shall be no more than six (6) inches above the ground, and the upper edge shall extend not less than one (1) foot above the top of the compressor-condenser.

----- Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney