

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: April 11, 2016

Item: Ordinance Amendment – Amend Title 9 (Zoning), Chapter 7, (Setback and Bulk Density Regulations) to modify the Bulk Regulations for Office zoning districts – City Initiated – AO-003037-2016

Requested Action: Approval of an amendment to the City Code

Case Advisor: Linda Schemmel, AIA

Applicant's Request: Staff requests an amendment to City Code, Title 4, Nuisances and Title 9, Zoning, to modify bulk density regulations pertaining to the Office zoning district.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee on March 21, 2016. Discussion on the differences in Bulk Density Requirements for both Office and Professional Commerce Park (PCP) zoning districts occurred as well as how the proposed changes could be implemented in redevelopment situations. In general, the Subcommittee was supportive of the amendment.

Staff Review and Comment: There are no outstanding issues. Current office related zoning districts are Office or Professional Commerce Park. The major differences in the two designations is PCP has larger bulk density requirements (setbacks, open space and minimum parcel size) and allows for additional uses such as restaurants, hotels, larger event centers, recreation clubs and hospitals. Moving forward, the PCP zoning district is not intended to be utilized; replaced by Office and Support Office zoning districts to better separate office and commercial uses. Staff notes the following:

Maximum Acreage Size: Staff also notes that in researching older developed PCP areas (such as Westtown Parkway and Office Park Road corridors) there are a significant number of properties that do not comply with current PCP bulk density requirements although they are zoned as PCP. Staff is proposing to eliminate the maximum parcel size in bulk density requirements for Office use (currently 2 acres) to enable Office zoning to be applied to larger parcel sizes in future zoning designations. Similarly, elimination of the maximum acreage for the Office district will allow existing PCP zoned properties the option to rezone and implement Office district bulk density standards which will encourage redevelopment and provide a mechanism for these properties to eliminate non-conformities.

- *Side yard setbacks against similar zoning districts:* In addition to eliminating the maximum parcel size for Office zoning districts, staff is recommending adding the exception to the side yard setback to allow a 0 foot setback when a parcel abuts a similar zoning district. This exception is currently allowed for all commercial and industrial zoning districts. This exception will also provide a method to eliminate non-conformities in existing PCP districts.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On April 1, 2016, notice of the April 11, 2016, Plan and Zoning Commission and April 18, 2016, City Council public hearings for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

ATTACHMENTS:

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Proposed Ordinance

RESOLUTION NO. PZC

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9: ZONING, CHAPTER 7: SETBACK AND BULK DENSITY REGULATIONS, TABLE 7.9: BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS, TO MODIFY BULK REGULATIONS FOR OFFICE ZONING DISTRICTS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff has requested an amendment to Title 9 (*Zoning*), Chapter 7, (*Setback and Bulk Density Regulations*), Table 7.9(*Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts*) to modify bulk regulations for office zoning districts.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on April 11, 2016, this Commission held a duly-noticed public hearing to consider the application for an amendment to City Code;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated April 11, 2016, or as amended orally at the Plan and Zoning Commission hearing of April 11, 2016, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003037-2016) is recommended to the City Council for approval, as attached or as amended in Exhibit A.

PASSED AND ADOPTED on April 11, 2016.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on April 11, 2016 by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

Prepared by: L. Schemmel, Development Services Development, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
 When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9: ZONING, CHAPTER 7: SETBACK AND BULK DENSITY REGULATIONS, TABLE 7.9: BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9, Zoning, Chapter 7, Setback and Bulk Density Regulations, Table 7.9 Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts is hereby modified by removing language indicated by the highlighted, struck through text and inserting the language indicated in italicized and bolded text below.

**TABLE 7.9
 BULK REGULATIONS
 FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL,
 OFFICE AND OPEN SPACE DISTRICTS**

REQUIRED STANDARDS	BP	VJLI	LI	GI	OF	PCP	OS
Minimum lot area ¹	20,000 square feet	7,250 square feet	21,000 square feet	20,000 square feet	10,000 square feet minimum—2 acre maximum—	2 acres	20 acres
Minimum setback (feet)²							
- Front yard	50	15	45	40	30	50	50
- Rear yard	50	10 (from alleyway)	40	35	35	50	50
- Side yard	50	0 ⁴ 10 ⁵	50 ⁴	35 ⁴	10 ⁶	50	50
Minimum lot width (feet)	75	50	75	75	80	350	200
Maximum height (feet)	60 ³	15 30 ⁴	60 ³	60 ³	36 ³	60 ³	60 ³
Open space required (minimum percentage)	35	20	20	20	25	35	75

1. Except for condominium ownership.
2. Refer to setback definitions in the zoning ordinance.
3. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
4. Setback of zero feet (0') allowed if abuts a similar district.
5. Setback of ten feet (10') required if abuts a residential property.
6. Maximum height of thirty feet (30') allowed with a building setback of twenty feet (20').

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 3. Savings Clause. If any section, provision, sentences, clause, phrase 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 provision, section, subsection, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 4. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 5. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2016, and approved this _____ day of _____, 2016.

Steven K. Gaer
Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2016, and was published in the Des Moines Register on _____, 2016.

Ryan T. Jacobson
City Clerk