NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: May 2, 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

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff recommends an amendment to City Code, Title 9, Zoning, to modify bulk density regulations pertaining to the Office zoning district. Current office related zoning districts are Office or Professional Commerce Park (PCP). 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. The proposal to eliminate the maximum parcel size in bulk density requirements for Office use (currently 2 acres) will 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 that are non-conforming in bulk regulations the option to rezone and implement Office district bulk regulations which will encourage redevelopment and provide a mechanism for these properties to eliminate non-conformities.

Previous Council Action:
Vote: 4-0 approval, Council member Trimble absent
Date: April 18, 2016
Motion: Approval of the First Reading of the ordinance

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the Ordinance amendment in final form.

Lead Staff Member: Linda Schemmel, AIA

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	April 1, 2016	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	March 21, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:
Exhibit I - Proposed Ordinance

EXHIBIT I

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[4]	50	50
Minimum lot width (feet)	75	50	75	75	80	350	200
Maximum height (feet)	60[3]	15 30[6]	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