CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 20, 2018

ITEM: Amendment to City Code – Amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) to update setback regulations pertaining to accessory structures in Residential Estate districts – City Initiated (AO-003767-2018)

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines requests an amendment to Title 9 (Zoning) to update setback regulations pertaining to accessory structures.

- Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Bulk Density Regulations), Table 7.6

These changes are intended to correct the required side yard setback for accessory structures in Residential Estate zoning districts. (See Exhibit II – Proposed Ordinance)

Plan and Zoning Commission Action:
Vote: 6-0 Approval, Commissioner Andersen absent
Date: February 12, 2018
Motion: Approve a resolution recommending the City Council adopt an amendment to City Code

OUTSTANDING ISSUES: There are no outstanding issues.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- City Council Subcommittee
- Staff Review and Comment
  - *Setback for accessory structures in Residential Estate zoning districts*
- Noticing Information
- Staff Recommendation and Conditions of Approval

RECOMMENDATION: Based upon the preceding review, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) to update setback regulations pertaining to accessory structures in the Residential Estate zoning district.

Lead Staff Member: Linda Schemmel, AIA

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	February 7, 2018	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	Scheduled for February 20, 2018		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Plan & Zoning Commission Resolution

Exhibit A - Proposed Ordinance (*moved to Exhibit II*)

Exhibit II - Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION

Meeting Date: February 12, 2018

Item: Amendment to City Code – Amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) to update setback regulations pertaining to accessory structures in Residential Estate districts – City Initiated (AO-003767-2018)

Request Action: Recommend approval of an amendment to City Code

Case Advisor: Linda Schemmel, AIA

Applicant's Request: The City of West Des Moines requests an amendment to Title 9 (Zoning) to update setback regulations pertaining to accessory structures.

- Title 9 (Zoning):
  - Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Bulk Density Regulations), Table 7.6

These changes are intended to correct the required side yard setback for accessory structures in Residential Estate zoning districts. (See Attachment A, Exhibit A – Proposed Ordinance).

City Council Subcommittee: This item is scheduled to be discussed at the February 20, 2018, Development and Planning City Council Subcommittee.

Staff Review and Comment: There are no outstanding issues. Staff summarizes the following key points of interest:

Setback for accessory structures in Residential Estate zoning districts: A conflict existed in the zoning ordinance for the required side and rear yard setback distance for accessory structures in Residential Estate zoning districts. Table 7.6 in the Setback and Bulk Density Regulations noted incorrectly that accessory structure side and rear setbacks are five feet (5'), however the correct setback distance of twenty feet (20') is noted in the Accessory Buildings section of Chapter 14 (Accessory Structures). In a recent ordinance amendment to update accessory structure regulations (approved by City Council on September 18, 2017), the accessory structure setback information was removed from Chapter 14, but the corresponding correction to Table 7.6 was not included. This amendment corrects the setback information in Table 7.6.

Noticing Information: On February 7, 2018, notice of the February 12, 2018, Plan and Zoning Commission and February 20, 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

ATTACHMENT A

RESOLUTION NO. PZC-18-005

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 TITLE 9 (ZONING), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS) TO UPDATE SETBACK REGULATIONS PERTAINING TO ACCESSORY STRUCTURES IN RESIDENTIAL ESTATE DISTRICTS.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*) to update setback regulations pertaining to accessory structures in Residential Estate 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, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

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 or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003767-2018) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on February 12, 2018.

Craig Erickson, Chairperson
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 February 12, 2018, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

S:___Development Projects\Ordinance Amendments\Building Separation Bulk Regulations\Accessory Structures\Accessory Structures Setbacks\AO-003767-2018_SR_Accessory Structure Setback_PZ_02-12-2018.doc

EXHIBIT II

Prepared by: LSchemmel, West Des Moines Development Services, 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) TO UPDATE SETBACK REGULATIONS PERTAINING TO ACCESSORY STRUCTURES IN RESIDENTIAL ESTATE 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*), Section 4 (*Setback and Bulk Density Regulations*), Table 7.6, is hereby amended by deleting the highlighted strikethrough text and adding the text in bold italic:

TABLE 7.6
MINIMUM SETBACKS FOR
DETACHED ACCESSORY STRUCTURES
(GARAGES, SWIMMING POOLS, HOT TUBS, SATELLITE DISHES, ETC.)

Required Standards	OS (ft.)	RE (ft.)	RS (ft.) <8,000	RS (ft.) 8,000>	R-1 (ft.)	SF-CR (ft.)	SF-VJ (ft.)	MH (ft.)	RM (ft.)	RH (ft.)
Front yard	50[1]	50[1]	30[1,4]	35[1,4]	30[1,4]	30[1,4]	20[1,4]	20[1]	30[1]	35[1]
Rear yard	5[2]	~~5~~***20***[2]	5[2]	5[2]	5[2]	5[2]	5[2]	5[2]	10[2]	10[2]
Side yard	5[2]	~~5~~***20***[2]	5[2]	5[2]	5[2]	5[2]	5[2]	5[2]	10[2]	10[2]
From alleys where the structure accesses the alley	20	20	20	20	20	n/a	20	20	20	20
From main structures	10[3]	10[3]	10	10	10	10	10	10	20	20
From other accessory structures	10	10	10	10	10	10	10	10	20	20

1. Any accessory structure located between the principal building and the public street shall be screened from public view with a combination of landscaping, berming or fencing in accordance with buffering requirements.
2. Measured to foundation; however, no part of any structure, including eaves and overhangs, may be closer than five feet (5') to a property line.
3. Any accessory structure that will house farm animals, animals wild by nature, or a kennel, shall be located no less than one hundred feet (100') from and existing residential dwelling on a lot not under the same ownership.

4. In any existing platted property where the average front yard setback is greater than that required by code, no front yard depth shall be less than the smallest front yard depth of any dwelling immediately adjacent to and within two hundred feet (200') fronting on the same side of the street.

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, sentence, 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, sentence, 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 _____, 2018, and approved this _____ day of _____, 2018.

_____
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 _____, 2018, and was published in the Des Moines Register on _____, 2018.

_____
Ryan T. Jacobson
City Clerk