

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

Meeting Date: May 21, 2018

Item: Amendment to City Code – Amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) to update setback regulations pertaining to side yard setbacks for principal buildings in Single Family - Commerce (SF-CR) and Single Family – Valley Junction (SF-VJ) zoning districts – City Initiated (AO-003907-2018)

Requested 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 side yard setbacks for principal buildings in Single Family - Commerce (SF-CR) and Single Family – Valley Junction (SF-VJ) zoning districts.

- Title 9 (Zoning):
 - Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Bulk Density Regulations), Table 7.2

The proposed amendment includes reducing the side yard setbacks from a minimum of seven feet for one side yard/total of both side yards of fifteen feet to a minimum side yard of five feet for principal buildings in Single Family - Commerce (SF-CR) and Single Family – Valley Junction (SF-VJ) zoning districts.

City Council Subcommittee: This item was discussed at the March 3, 2018, Development and Planning City Council Subcommittee as a specific request for reduction of side yard setbacks for several vacant lots in Commerce. The subcommittee was supportive of a reduction in side yard setbacks for single family areas of Commerce and Valley Junction, but not for all residential areas of the city.

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

Side Yard Setbacks: Single Family Valley Junction (SF-VJ), Single Family Commerce (SF-CR) districts are for the most part developed, with a large percentage of structures constructed prior to the current zoning ordinance and setback requirements. A good share of these structures have non-conforming setbacks on at least one yard. Staff believes it is appropriate to reduce the side yard setbacks to five feet (measured from any part of the building) to eliminate some non-conformities in these two districts and allow new construction to be more compatible with the existing context. (See Attachment A, Exhibit A – Proposed Ordinance).

Noticing Information: On May 18, 2018, notice of the May 21, 2018, Plan and Zoning Commission and May 29, 2018 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-18-034

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 SIDE YARD SETBACKS FOR PRINCIPAL BUILDINGS IN SINGLE FAMILY - COMMERCE (SF-CR) AND SINGLE FAMILY – VALLEY JUNCTION (SF-VJ) ZONING 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 side yard setbacks for principal buildings in Single Family - Commerce (SF-CR) and Single Family – Valley Junction (SF-VJ) 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, 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-003907-2018) 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 May 21, 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 May 21, 2018, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

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 SIDE YARD SETBACKS FOR PRINCIPAL BUILDINGS IN SINGLE FAMILY - COMMERCE (SF-CR) AND SINGLE FAMILY – VALLEY JUNCTION (SF-VJ) ZONING 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 7.2, is hereby amended by deleting the highlighted strikethrough text and adding the text in bold italics:

TABLE 7.2
 MINIMUM SETBACKS (FEET) FOR
 SINGLE-FAMILY DETACHED DWELLINGS

REQUIRED STANDARDS	OS (ft.)	RE (ft.)	RS (ft.)				R-1 (ft.)	SF-CR (ft.)	SF-VJ (ft.)	MH ¹ (ft.)	RM (ft.)	RH (ft.)
			5,000 to 7,999 sq. ft.	8,000 to 9,999 sq. ft.	10,000 to 14,999 sq. ft.	15,000 sq. ft. or greater						
Front yard	50	50	30 ²	35 ²	35 ²	35 ²	30 ²	20 ²	20 ²	20	n/a	n/a
Rear yard	50	50	35	35	35	35	35	20	35	10	n/a	n/a
Side yard least width on any 1 side	50	20	7 ³	8 ³	8 ³	8 ³	7 ³	7 ³	7 ³	5 ³	n/a	n/a
Minimum sum of side yards	100	40	15	20	20	20	15	15 ¹⁰	15 ¹⁰	10	n/a	n/a
Minimum lot width ⁴	100 ⁶	100 ⁶	50 ^{5,6}	70 ⁶	80 ⁶	100 ⁶	60 ⁶	50	40	50	n/a	n/a
Minimum street frontage	40	40	40	40	40	60	40	50	40	40	n/a	n/a

1. Prefabricated housing only; stick built structures shall comply to the regular setback requirements of the RS or RM zone, as appropriate, to the proposed use.
2. 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 existing dwelling immediately adjacent thereto and within 200 feet fronting on the same side of the street.
3. Measured to foundation; however, no part of any structure, including eaves and overhangs, may be closer than 5 feet to a property line.
4. Measured at building setback line.
5. An additional 10 feet of lot width shall be required for each additional 1,000 square feet above 5,000 square feet.
6. The minimum lot width for corner lots shall be increased by 25 feet.

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