NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 11, 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)

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: 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. (See Exhibit I – Ordinance)

Previous Council Action:
Vote: 5-0 Approval
Date: May 29, 2018
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 in final form, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Linda Schemmel, AIA LS

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JTBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	May 18, 2018	
Letter sent to surrounding property owners	N/A	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	March 3, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Ordinance

EXHIBIT I

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~~***5***[3]	~~7~~***5***[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