CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 4, 2019

ITEM: Amendment to City Code, Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations – City Initiated (AO-003581-2017) **Continued from the February 4th, 2019 meeting**

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines requests an amendment to the following in Title 9 (Zoning) to update regulations pertaining to building setback and separation requirements and bulk density regulations for commercial and residential development within the City. (See Exhibit II – Proposed Ordinance):

- Chapter 1 *Entitlements – Process and Procedures*
  - Section 9 *Filing and Processing of Application Packets*, Subsection 4
- Chapter 2 *Zoning Rules and Definitions*
  - Section 2 *Definitions*
- Chapter 4 *Zoning Districts and Maps*
  - Section 3 *Definition of Districts*, Subsection A9 and A10
- Chapter 5 *Agricultural/Open Space and Residential Zoning District*
  - Section 4 *Specific Use Regulations*
  - Section 6 *Suffixes to Zoning Districts*, Subsection B
  - Section 7 *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsection C
- Chapter 7 *Setback and Bulk Density Regulations*
  - Section 4 *Setback and Bulk Density Regulations*
  - Section 5 *Miscellaneous Regulations*
- Chapter 10 *Performance Standards*
  - Section 4 *Specific Use Regulations*, Subsections A, E and F
- Chapter 19 *Landscaping*
  - Section 4 *Applicability*, Subsection A2
  - Section 8 *Landscape Provisions*, Subsection E2

Plan and Zoning Commission Actions:
Vote: 6-0 approval, Commissioner Hatfield absent
Date: January 28, 2019
Motion: Defer item to the February 25, 2019, Plan & Zoning Commission meeting

During the review of the item at the January 28, 2019 meeting, the Commission had several questions on the amendment related to the allowance of footprint (postage stamp) lots in single family zoning and on the updated language for performance standards on exterior building design for multi-family developments. To aid in their consideration of the amendment, the Commission recommended continuing discussion on this item to the February 25th Commission meeting to allow staff time to compile additional information on how footprint lots may affect neighborhood continuity in infill applications and a comparison of the proposed architectural standards to other metro area communities. Staff will provide a short presentation of their research during the City Council discussion on this item.

Vote: 6-0 Approval, Commissioner Drake absent
Date: February 25, 2019
Motion: Approve a resolution recommending the City Council adopt an amendment to City Code

To address the concerns of neighborhood continuity, staff recommended the proposed ordinance include additional language in the Building Form Regulations section of Chapter 5 (Agricultural/Open Space and Residential Zoning District). The Commission agreed with staff's recommendation, and that language is now incorporated in the ordinance.

The Commission recognized the need for having some standards for design and hard materials as a starting point, but also recognized that a building with a high percentage of brick or stone doesn't automatically mean a good design or attractive building. Therefore, in their recommendation for approval, the Commission requested the addition of language in the architecture section of Chapter 10 (Performance Standards) enabling the City Council to waive a portion of the required cladding area for masonry in order to maintain flexibility in meeting the overall intent of achieving good design.

OUTSTANDING ISSUES: There are no outstanding issues. Please see Exhibit B – Proposed Ordinance Commentary, for detailed information on the changes.

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

- Applicant's Request
- Previous Plan and Zoning Commission Action
- City Council Subcommittee – *February 25, 2016, August 8, 2016, October 3, 2016 and December 10, 2018*
- Staff Review and Comment
  - *Purpose and summary of the update*
- 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 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations), Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations.

Lead Staff Member: Linda Schemmel, AIA LS

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	January 18, 2019	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	February 25, 2016, August 8, 2016, October 3, 2016 and December 10, 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 B – Proposed Ordinance Commentary
  - Exhibit C – Draft Additional Ordinance Language *(incorporated in Exhibit II)*

Exhibit II - Proposed Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION

Meeting Date: February 25, 2019

Item: Amendment to City Code, Title 9 (Zoning), Chapter 1 (Entitlements – Process and Procedures), Chapter 2 (Zoning Rules and Definitions), Chapter 4 (Zoning Districts and Maps), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Chapter 7 (Setback and Bulk Density Regulations) Chapter 10 (Performance Standards), and Chapter 19 (Landscaping) to update regulations pertaining to building setback and separation requirements and bulk density regulations – City Initiated (AO-003581-2017) **Continued from January 28, 2019**

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 the following in Title 9 (Zoning) to update regulations pertaining to building setback and separation requirements and bulk density regulations for commercial and residential development within the City. (See Attachment A, Exhibit A – Proposed Ordinance):

- Chapter 1 *Entitlements – Process and Procedures*
  - Section 9 *Filing and Processing of Application Packets*, Subsection 4
- Chapter 2 *Zoning Rules and Definitions*
  - Section 2 *Definitions*
- Chapter 4 *Zoning Districts and Maps*
  - Section 3 *Definition of Districts*, Subsection A9 and A10
- Chapter 5 *Agricultural/Open Space and Residential Zoning District*
  - Section 4 *Specific Use Regulations*
  - Section 6 *Suffixes to Zoning Districts*, Subsection B
  - Section 7 *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsection C
- Chapter 7 *Setback and Bulk Density Regulations*
  - Section 4 *Setback and Bulk Density Regulations*
  - Section 5 *Miscellaneous Regulations*
- Chapter 10 *Performance Standards*
  - Section 4 *Specific Use Regulations*, Subsections A, E and F
- Chapter 19 *Landscaping*
  - Section 4 *Applicability*, Subsection A2
  - Section 8 *Landscaping*, Subsection E2

Previous Plan and Zoning Commission Action:
Vote: 6-0 approval, Commissioner Hatfield absent
Date: January 28, 2019
Motion: Defer item to the February 25, 2019, Plan & Zoning Commission meeting

During the review of the item at the January 28, 2019 meeting, the Commission had several questions on the amendment related to the allowance of footprint lots in single family zoning and on the updated language for performance standards on exterior building design for multi-family developments. To aid in their consideration of the amendment, the Commission recommended continuing discussion on this item to the February 25th Commission meeting to allow staff time to compile additional information on how footprint lots may affect neighborhood continuity in infill applications and a comparison of the proposed architectural standards to other metro area communities.

To address the concerns of neighborhood continuity, staff is recommending the proposed ordinance include additional language in the Building Form Regulations section of Chapter 5 (Agricultural/Open Space and Residential Zoning District). See Exhibit C for recommended language.

Staff also realized that the term "postage stamp lot" may be giving the incorrect impression that this lot type is small, therefore the dwelling would be small. This is not the case, the dwelling can be as large as desired. The lot size and configuration for this lot type is determined by establishing a property line 7-10 feet outside the building footprint and will include any outdoor living space associated with the dwelling. With this in mind, Staff has changed the "postage stamp lot" terminology within the ordinance amendment to "footprint lot".

City Council Subcommittee: Varying building setbacks and building separations for multi-family buildings based on building size was discussed at the February 25, 2016 and the August 8, 2016, Development and Planning City Council Subcommittee meetings. Architectural design standards were discussed at the October 3, 2016 Development and Planning Subcommittee meeting. The remaining changes were discussed at the December 10, 2018, Development and Planning City Council Subcommittee meeting. The subcommittee was supportive of the proposed changes.

Staff Review and Comment: There are no outstanding issues. Staff summarizes the following key points of interest. Please see Exhibit B – Proposed Ordinance Commentary, for detailed information on the changes.

Purpose and summary of the update: Updating building setbacks and building separations for multi-family buildings based on building size is in response to several multi-family developers requesting reduced building separation requirements for their projects to allow better utilization of the land and to eliminate "penalties" for small multi-family buildings that are currently required to comply with the same separation requirements as large multi-family buildings. A comparison of developed density vs. allowed density for medium and high density zoning done as part of the Comprehensive Plan update has found that developed densities are half of the maximum density allowed for the zoning district. Larger setbacks and building separations for multi-family buildings is a likely contributor to the disparity between developed and allowed density.

In addition, optimizing residential bulk regulations is one of the suggested policy changes included in the Housing Needs Assessment as a way to allow developments to move actual developed density closer to allowed density, distributing land costs over more units. Also included in the amendment is the ability to use footprint lots and cluster development in single family zoning, reflecting current development trends and to provide options that may help offset the high cost of land. Those options along with optimizing bulk regulations may help "move the needle" on attainable housing. Allowing detached townhomes (on footprint lots) in single family zoning will allow more than one dwelling unit on what would be considered a single-family lot. However, this type of development will not be allowed to exceed the maximum density as stated for the zoning district to preclude being more intense than would be allowed if it was a typical residential subdivision development. For instance, for R-1 zoning (minimum 7,500 square feet lot size), it would take a lot size of 15,000 square feet to allow two footprint lots on a parcel. A 30,000 square foot R-1 zoned parcel could contain up to 4 footprint lots. These developments will also require the additional step of a site plan review.

Several "housekeeping" changes have been implemented: Residential building types and terminology have been updated and outdated or extraneous terms deleted. Sections 4 and 5 within Chapter 7 (setback and bulk density matrices) are reformatted to provide clarity. Conflicting or missing information has been corrected. Minimum lot requirements were evaluated and revised as needed to bring consistency to the bulk regulations.

Setback and bulk regulations that have been subject to multiple variance requests in the past have been evaluated and adjusted as appropriate. Case in point, front yard setbacks for lots in existing developed areas will be able to follow the setback distances of the adjacent building even when non-conforming. Accessory structures in residential zoning districts will have different setbacks and separations based on building size, similar to how multi-family buildings are treated, to focus regulation on impact rather than specific requirements by zoning district. For example, accessory structures under 1,000 sf in Residential Estate zoning will now have the same setbacks as other smaller residential districts, larger accessory structures would be required to meet the current greater setback (20 feet) to push the building mass away from an adjoining property.

As part of the discussion with the Development and Planning Subcommittee on architectural guidelines, Staff noted that current regulation language is ambiguous, generic, confusing, and gives no design direction. Also, there are several gaps in the zoning ordinance on architectural standards including those for multi-family housing. In an effort to address the issue, performance standards for multi-family buildings have been updated. Medium and High

Density Residential subsections have been combined into one Multi-Family Residential subsection. Architectural design standards which only existed for high density zoning districts will now apply to all multi-family zoning districts. More specific language on materials is being incorporated in the standards, including a minimum amount of masonry materials. Strategies on mitigating the impact of large building mass and garage dominated facades characteristic of multi-family residential buildings have also been added to the design requirements.

In researching the metro area design requirements, most communities that have had recent multi-family housing projects have noted a general decline in the architectural design for these projects. Four of the eight communities studied have specific design requirements city wide, seven of eight have specific requirements in PUD's or special districts. All but one of the communities that do not currently have specific requirements within the base zoning ordinance are exploring adding more specific exterior design requirements as part of an update.

Open porches for all residential dwelling units will be allowed to encroach into the front yard setback as an incentive to help mitigate the garage dominate "snout house" look and to promote resident interaction with the neighborhood. Allowing the porch to encroach will also reduce variance requests and non-conformities for homes in older developed areas.

Noticing Information: On January 18, 2019, notice of the January 28, 2019, Plan and Zoning Commission and February 4, 2019 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 with the additional language in the Building Form Regulations section as noted in Exhibit C.

Attachments:

Attachment A – Plan and Zoning Commission Resolution

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Ordinance Commentary

Exhibit C – Draft Additional Ordinance Language.

ATTACHMENT A

RESOLUTION NO. PZC–19-009

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 1 (ENTITLEMENTS – PROCESS AND PROCEDURES), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 4 (ZONING DISTRICTS AND MAPS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS) CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 19 (LANDSCAPING) TO UPDATE REGULATIONS PERTAINING TO BUILDING SETBACK AND SEPARATION REQUIREMENTS AND BULK DENSITY REGULATIONS.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 *Zoning*, Chapter 1 *Entitlements – Process and Procedures*, Section 9 *Filing and Processing of Application Packets*, Subsection 4 and Chapter 2 *Zoning Rules and Definition,* Section 2 *Definitions* and Chapter 4 *Zoning Districts and Maps*, Section 3 *Definition of Districts*, Subsection A9 and A10 and Chapter 5 *Agricultural/Open Space and Residential Zoning District*, Section 4 *Specific Use Regulations*, Section 6 *Suffixes to Zoning Districts*, Subsection B and Chapter 7 *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsection C, and Chapter 7 *Setback and Bulk Density Regulations*, Section 4 *Setback and Bulk Density Regulation* and Section 5 *Miscellaneous Regulations* and Chapter 10 *Performance Standards* Section 4 *Specific Use Regulations*, Subsections A, E and F and Chapter 19 *Landscaping*, Section 4 *Applicability*, Subsection A2 and Section 8 *Landscaping*, Subsection E2 to update regulations pertaining to building setback and separation requirements and bulk density regulations for commercial and residential development within the City;

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-003581-2017) 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 25, 2019.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

Jennifer Canaday
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 25, 2019, by the following vote:

AYES: ANDERSEN, COSTA, CROWLEY, ERICKSON, HATFIELD, SOUTHWORTH
NAYS:
ABSTENTIONS:
ABSENT: DRAKE

ATTEST:

Jennifer Canaday
Recording Secretary

EXHIBIT B

Section 1. Amendment. Title 9 (*Zoning*), Chapter 1 (*Entitlements – Process and Procedures*), Section 9 (*Filing and Processing of Application Packets*), Subsection 4 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

Commented [SL1]: Updates in terminology.

4. Project Completion: A development project is considered completed when ***the following conditions are met based on the project scope:***

   a. All structures ~~in a single-family detached project~~ have passed ~~a~~ final ~~building~~ inspection***s*** ~~by the building official~~, and site improvements or off site works have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the ~~public works director~~ ***city and final certificates of occupancy have been issued.***

   ~~b. A certificate of occupancy has been issued by the building official verifying that all single-family attached, multi-family, commercial, office or industrial structures, and site improvements or off site work have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the public works director.~~

   ~~c.~~***b.*** When the director of ~~community~~ development ***services or designee*** verifies that a use or activity, not involving a building or grading permit, has occurred on the subject site in accordance with all applicable provisions of this title and any adopted conditions.

Section 2. Amendment. Title 9 (*Zoning*), Chapter 2 (Zoning Rules and Definitions), Section 2 (Definitions) is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text in alphabetical order:

Commented [SL2]: Updates in terminology.

BUILDING PROJECTION: Any building element such as roof eaves and overhangs, fireplaces, window bays and deck or floor cantilevers that project past the foundation line of the building or structure.

CLUSTER DEVELOPMENT: A planned development that limits the developed area to protect sensitive areas and unique features within the development. The area of the parcel not developed must be legally restricted from further development and is in addition to any required Open Space for the developed area.

DECK: A permanent uncovered outdoor living area elevated above grade. A deck is considered a porch if it is covered by a roof.

DWELLING, MULTI-FAMILY: ***A building containing two (2) or more dwelling units.*** ~~A building or buildings on a common lot, containing three (3) or more dwelling units of which at least one unit is located over another unit, commonly known as an apartment building or condominium building, but does not include single-family attached dwellings as defined herein. Each individual multi-family dwelling unit may be occupied by a single family, as defined herein, or by any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.~~

~~DWELLING, SINGLE-FAMILY ATTACHED: A building with at least two (2) single-family dwelling units attached in a row, with no unit located over another unit, and designed for and used exclusively for residential purposes by one family per dwelling unit.~~

~~DWELLING, SINGLE-FAMILY BI-ATTACHED: A building designed for and used exclusively for occupancy by two (2) families living independently of each other and containing two (2) dwelling units.~~

DWELLING, SINGLE-FAMILY ~~DETACHED~~: ***A building containing one (1) dwelling unit that has land associated with the building meeting the requirements in of Chapter 7 (Setback and Bulk Density Regulations), Table 7.1 and Table 7.2 of this Title for its respective zoning district.*** ~~A detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.~~

LEAN-TO: A structure which has been added to an existing building, sharing at least one wall with the building which may also be providing structural support. A Lean-to can be enclosed on up to two sides, including the wall

common to the existing building. Lean-to structures are intended for the storage or protection of things, and do not include structures that function as a carport or outdoor living area. Lean-to structures must meet the design and bulk regulations of the building they are attached to.

OPEN SPACE: A specific percentage of the site unencumbered by buildings, off street parking areas and vehicle use areas.

OUTDOOR LIVING AREA: An improved outdoor area adjoining a residential dwelling intended to provide a useable space for the enjoyment of the occupant or to promote interaction and connection within the neighborhood such as a patio, deck or porch.

PATIO: A permanent uncovered outdoor living area installed at grade.

PORCH: A permanent covered outdoor living area attached to a building.

PORCH, ENCLOSED: A porch with a solid enclosure four feet (4') or higher above the floor surface.

PORCH, OPEN: A porch with a railing or solid enclosure less than four feet (4') above the floor surface.

ROOF: A permanent hard material cover which provide complete protection from the elements for an area below. If the cover is comprised of a lightweight material or fabric, or is designed to be more than 50% open to the elements, it is not considered a roof for the purposes of this Title.

SECOND DWELLING UNIT (SDU): An additional dwelling on a residential lot that is considered a principal use. These dwellings are independent structures, not part of or attached to the main dwelling and are not accessory in nature.

Section 3. Amendment. Title 9 (*Zoning*), Chapter 4 (*Zoning Districts and Map*), Section 3 (*Definition of Districts*), Subsection A9 and A10 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

Commented [SL3]: Removing carry over language from Comp Plan, this language as not pertinent to zoning

A. Categories and Purposes: The categories and purposes of land use zones that have been established within the municipality are as follows:

9. RM - Residential Medium-Density District:

a. The purpose of this district is to foster a residential environment typified by ***multi-family dwelling units of no more than twelve (12) du/acre.*** ~~single-family attached homes and low density multi-family dwellings. This district is important to the housing market as it is geared to both owners and renters. Sites designated as such shall be oriented to arterial and collector streets, transit routes, convenience shopping, local and regional services, and employment centers. The district allows for single-family attached and multi-family dwelling units of no more than 12 du/acre.~~ Suffixes shall be used in the RM district to identify the maximum allowed density for the subject property.

10. RH - Residential High-Density District:

a. The purpose of this district is to provide for a ~~relatively high-density~~ ***compact*** residential environment, ***allowing multi-family dwellings of no more than eighteen (18) du/acre.*** ~~This land use category may be utilized as a transition between commercial retail and office uses, and lower density residential uses. Developments within this land use district shall be oriented to arterial or collector streets, transit routes, convenience shopping, local and regional services, and employment centers. This district allows single-family attached and multi-family dwellings of no greater than 18 du/acre. Higher densities may be permitted with the approval of the city council in accordance with the provisions in the comprehensive plan.~~ ***Suffixes shall be used in the RH district to identify the maximum allowed density for the subject property.***

Section 4. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 4 (*Specific Use Regulations*), is hereby amended by adding the bold italic text at the end of the section:

Commented [SL4]: Added performance standards. No change in allowance of secondary dwelling units.

F. The design, size and placement of second dwelling units on a lot shall conform to all applicable codes for the zoning district. The property owner must occupy either the main or second dwelling unit as their permanent residence. The second dwelling unit can be used as a rental, but cannot be sold separately from the main dwelling unit.

Section 5. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 6 (*Suffixes to Zoning Districts*), Subsection B is hereby amended by deleting the highlighted strike-thru text:

Commented [SL5]: Updates in terminology.

B. For the purpose of establishing the maximum density of ~~single-family attached and multi-family~~ developments in the RM and RH districts, ~~and single-family detached in the MH district,~~ a numerical suffix shall follow the zoning district code. The numerical suffix shall denote the maximum density per acre allowed within the subject property.

Section 5. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 6 (*Suffixes to Zoning Districts*), Subsection B is hereby amended by deleting the highlighted strike-thru text:

B. For the purpose of establishing the maximum density of ~~single-family attached and multi-family~~ developments in the RM and RH districts, ~~and single-family detached in the MH district,~~ a numerical suffix shall follow the zoning district code. The numerical suffix shall denote the maximum density per acre allowed within the subject

Section 6. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts*), Subsection C is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

Commented [SL6]: Subsection 3 added to address the concerns of single family neighborhood continuity with a footprint lot development.

C. Zoning District Compatibility And Transitioning:

1. Transition Of Densities: To assure an appropriate transition in lot sizes or densities with other existing residential development in the area, any residential development proposed for review and approval after the effective date hereof shall meet the following requirements:

   a. The density of multi-family developments should not differ more than fifty percent (50%) from the average density of the developed properties within two hundred feet (200') of the subject property.

   b. Developed properties are defined as those properties that are zoned residential and platted as a detached unit residential subdivision prior to the subject property obtaining final plat or site plan permit approval.

   c. Proposed development that will not meet the density transition guidelines as noted above, shall mitigate the impact of the development by transitioning the building form within the development as noted below.

2. Transition Of Building Form: To assure compatibility of residential developments that do not meet the density transition noted above, the number of units per building, length of the building and the number of stories per building will be restricted according to the following:

   a. Applicability: Building mass buffer will apply as follows:

      (1) Will apply to medium or high density residentially zoned properties with plat or site plan permits approved after ~~the effective date hereof~~ ***October 19, 2012.***

      (2) Will not apply to any property with a PUD in existence prior to ~~the effective date hereof~~ ***October 19, 2012.***

      (3) Will not apply along an adjacent property when a developing property modifies their zoning classification prior to development of the adjacent property that then triggers the need for the building mass buffer.

b. Multi-Family Zoning Districts; Building Mass Buffer: One hundred fifty feet (150') from any adjacent developed property where the proposed development cannot meet the density transition as provided in subsection C1a of this section.

(1) Buffer is measured from the lower density property line and includes the ROW if a street separates the subject properties.

(2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.

c. Restrictions: Within the building mass buffer, the following shall apply:

(1) No more than six (6) attached units per building.

(2) No more than two (2) stories in height.

(3) Maximum building length (measured from foundation of parallel walls of greatest distance apart):

(A) Residential buildings: Maximum length of one hundred sixty feet (160').

(B) Garage buildings: Maximum length of one hundred feet (100').

(4) For every eight (8) garage bays, there must be a total garage building separation of no less than twenty feet (20').

(5) The above restrictions apply to the entirety of any building located fully or partially within the building mass buffer.

3. Transition to Existing Context: To assure compatibility of new construction within already developed single family residential developments, the size of the proposed buildings will be restricted according to the following:

a. Applicability: Context Transition Buffer requirements will apply as follows:

(1) Will apply to single family residentially zoned properties with proposed development that is required to obtain site plan permits.

(2) Will not apply to any property with a PUD in existence prior to_____, 2019.

(3) Will not apply for the length of the contiguous property line that is adjacent to undeveloped property or property developed in non-single family uses.

(4) The city council reserves the right to waive or modify to a lesser restriction any provision or requirement of the context transition buffer, provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property.

b. Single Family Zoning Districts; Context Transition: One hundred fifty feet (150') from any adjacent single family developed property.

(1) Buffer is measured from the adjacent property line and includes the ROW if a street separates the subject properties.

(2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.

(3) Should the property be subject to buffer areas that overlap, the minimum and maximum size requirements generated by those separate buffers can be averaged to determine the restrictions for the areas of the property containing the overlapping buffers.

(4) In the situation where a property modifies their zoning classification to single family zoning, any adjacent single family zoned property would not be required to comply with the buffer regulations just because of the change in zoning designation of the adjacent property.

c. Restrictions: Within the Context Transition Buffer, the following shall apply:

(1) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no smaller than seventy-five percent (75%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.

(2) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no larger than one-hundred and fifty percent (150%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.

(3) The above restrictions apply to the entirety of any building located fully or partially within the context transition buffer.

Section 7. Amendment. Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Density Regulations*) is hereby amended by deleting the entire section and replacing it with the following text:

Commented [SL7]: Replacing entire section. See comments below for differences between existing and new.

9-7-4: SETBACK AND DENSITY REGULATIONS:

A. Setback and building separation requirements noted below do not preclude any part of a structure from meeting all applicable building and fire code requirements.

B. See Chapter 19, Section 8 (Landscape Provisions) of this Title on how building separation and setbacks are applied along required buffers.

Commented [SL8]: Added references

C. The following regulations shall apply to development within the residentially zoned districts and single family residential development in the Open Space and Valley Junction Historic Business districts.

Commented [SL9]: Since we now have residential and commercial uses allowed in both these districts, added this distinction

1. Zoning District abbreviations:

OS	Open Space district	SF-VJ	Single Family Valley Junction district
RE	Residential Estate district	MH	Manufactured Housing district
RS	Residential Single-Family district	RM	Residential Medium-Density district
R-1	Single-Family Residential district	RH	Residential High-Density district
SF-CR	Single Family Commerce district	VJHB	Valley Junction Historic Business district

2. See Chapter 5, Section 7 of this Title (Building Form Regulations and Zoning District Compatibility for Residential Districts) for descriptions of residential building types.

Commented [SL10]: Added reference

3. All setbacks or separations are measured from the closest part of the foundation of the building or structure.

Commented [SL11]: Added regulations and clarifications for residential setbacks. Also added information for buildings with 5' setbacks.

   a. For structures with setbacks of seven feet (7') or larger:

      (1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation; however, no part of any structure, including eaves and overhangs, may be closer than five feet (5') to a property line.

      (2) Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Should the projection exceed four feet (4'), any setbacks and building separations will be measured from the closest part of the projection for the extent of the projection.

      (3) No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.

b. For structures with setbacks of less than seven feet (7'):

(1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation as long as they meet all applicable building codes on fire resistive construction.

(2) No window well or any ground mounted mechanical equipment may be closer than two feet (2') to a property line.

c. Setbacks from private streets and drives:

(1) Unless otherwise noted, the minimum setback for attached or detached garages facing a street or drive measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive (whichever is more restrictive) shall be as follows:

i. Twenty five feet (25') or greater, or

ii. Ten feet (10') or less

(2) Unless otherwise noted, the minimum setback for a residential structure shall be fifteen feet (15') from the back of curb of an adjacent private street or drive. This setback shall apply to all structures, including accessory or ancillary structures such as maintenance sheds, clubhouses or leasing offices.

d. See footnotes in Table 7.2 and 7.3 in this Section for setbacks on outdoor living areas for footprint lots.

4. Maximum building height for single family dwellings is three (3) stories.

5. Bulk Regulations for Residential Districts:

TABLE 7.1

Maximum Unit Density										
Required Standards	**OS**	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**VJHB**	**MH**	**RM**	**RH**
Maximum du/acre	0.1	0.91	6.0	5.8	5.8	6.0	6.0	12.0	12.0	18.0

Lot Area – Standard Lots (not footprint lots[2])										
Required Standards	**OS**	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**VJHB**	**MH**	**RM**	**RH**
Minimum Lot Area	10 acres	40,000 sq. ft.	5,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	5,300 sq. ft.	2 acres	2 acres
Minimum Lot Size - Non-Residential Uses	n/a	2.5 acres	1 acre	1 acre	1 acre	18,000 sq. ft.	n/a	6,500 sq. ft.	2 acres	2 acres
Minimum open space (%)	75	25	25	25	25	25	25	25	25	25

Commented [SL12]: Moved up from Section 5

Commented [SL13]: Added reference since we now have criteria for outdoor living area on footprint lots.

Commented [SL14]: Added since we had no stated height limit for Single Family. This matches the building code.

Commented [SL15]: In general, we are splitting tables into subcategories to provide better table organization.

Table 7.1 content is the same except for the following:
1. Minimum lot size for OS was dropped to 10 ac from 20 ac. Maximum du/ac for OS was updated to reflect the change.
2. VJHB was added
3. Separate lot areas for building types (SF, attached SF, multi-family) were removed as we are no longer using the term attached SF. Also, stated minimum lot size of 2,000 sf for attached single family was confusing. We are now addressing footprint lot size with min/max setbacks from building.
4. Term "non-dwelling" was changed to "non-residential"
5. Minimum lot width and street frontage was moved up from Table 7.2
- Minimum lot width for OS was changed to 200' from 100' to be realistic with required side yards
-Minimum lot width for R-1 was changed from 60' to 50' to be consistent with other 7,500 sf lots.
- Minimum street frontage was changed to 40' for all SF districts to be consistent.

Lot Width - Standard Lots (not footprint lots[2])

Required Standards (in feet)	OS	RE	RS (sq. ft.) 5,000 to 7,999	RS (sq. ft.) 8,000 to 9,999	RS (sq. ft.) 10,000 to 14,999	RS (sq. ft.) 15,000 or greater	R-1	SF-CR	SF-VJ	VJHB	MH	RM	RH
Minimum lot width at building setback line[1]	200	100	50	70	80	100	50	50	40	40	50		
Minimum street frontage	40	40	40	40	40	40	40	40	40	40	40	100	150

Notes:

1. The minimum lot width for corner lots shall be increased by twenty five feet (25').
2. Lot area and dimensions of footprint lots are dictated by setback requirements noted in Table 7.2 and Table 7.3.

Commented [SL16]: 1. Moved up the corner lot width note from 7.2
2. Removed table notes on prefabricated vs. stick built housing and condo ownership – ownership not pertinent, also see note #5, table 7.2 on manufactured housing.
3. Added reference to footprint lots

6. Minimum Setbacks and Building Separations for Principal Buildings (Dwellings) in Single Family Zoning Districts:

TABLE 7.2

Setbacks - Standard Lots[3]

Required Standards (in feet)	OS	RE	RS (sq. ft.) 5,000 to 7,999	RS (sq. ft.) 8,000 to 9,999	RS (sq. ft.) 10,000 to 14,999	RS (sq. ft.) 15,000 or greater	R-1	SF-CR	SF-VJ	MH[5]	VJHB
Front yard setback[1,2]	50	50	30	35	35	35	30	20	20	20	20
Rear yard setback	50	50	35	35	35	35	35	20	35	10	35
Minimum side yard setback on any one side	50	20	7	8	8	8	7	5	5	5	5
Minimum sum of side yard setbacks	100	40	14	20	20	20	14	10	10	10	10

Commented [SL17]: Table 7.2 content is the same except for the following:
1. RM and RH removed from table
2. Minimum side yard setback for OS was changed from 100' to 50'
3. Total side yards for RS-5 and R-1 have changed from 15' to 14' (double the minimum) Side yards for SF-CR and SF-VJ have already been changed to 5'/10'
4. Lot width and frontage moved up to Table 7.1
5. Added category on footprint lots.

NOTE: This will allow detached TH (footprint lots) in OS, RE, RS and R-1. Intent is to allow additional ownership methods in single family (if it looks and acts like a single family home, why prevent it). Footprint ownership can facilitate cluster development and possibly reduce housing costs with less land associated with unit (but association fees could offset the savings).

Setbacks and Building Separation for Detached Dwellings on Footprint Lots[3,6,7]

Required Standards (in feet)	OS	RE	RS	R-1	SF-CR	SF-VJ	MH	VJHB
Minimum setback of all yards for footprint lot[4]	7	7	7	7				
Maximum setback of all yards for footprint lot[4]	10	10	10	10				
Minimum separation between principal structures	14	14	14	14				

Notes:

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').
2. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback.
3. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.
4. Outdoor living areas associated with and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
    1. Patios: setback a minimum of one foot (1') from the footprint property line.
    2. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
    3. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
5. Manufactured Homes within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with separation or fire protection requirements under the authority of 42 U.S.C. § 5403 (Federal Manufactured Home Construction and Safety Standards). Manufactured Homes not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district.
6. Maximum unit density, aggregate minimum lot area, minimum street frontage and building setbacks for the development must meet applicable zoning district requirements.
7. Developments with footprint lots will require review and approval of a Site Plan Permit in addition to any other required review process.

Commented [SL18]: 1. Moved the corner lot width note to 7.1
2. Removed table notes on prefabricated vs. stick built housing and condo ownership – ownership not pertinent, also see note #5 on manufactured housing.
3. Existed platted property note (#1) has been revised
4. Setback "measured to" note has been moved up to C3
5. "Measured at" lot width note moved up to Table 7.1
6. Added #2-6
- #2 Is an incentive to add porches to help mitigate the garage dominate "snout house" look.
- #3 Allows accessory buildings under 1,000 sf in RE to have the same setback (5'side/5'rear) as other residential districts. Will hopefully reduce variance requests. Will also help mitigate impact of larger second or accessory dwelling units.
- #4 Added for two reasons: Requirement for all dwelling units to have outdoor living area is being considered. Also provides direction on how attached accessory structures should be addressed on a footprint lot (will hopefully prevent the issues happening with Bridgewood detached TH's).
- #5 Added to provide direction on setbacks in MH parks where there are no property lines.
- #6 Added to ensure SF developments with detached townhomes (footprint lots) end up with the same max density as traditional development in the same zoning district.
- #7 Developments with non-standards lots can be complex, so site plan review will be required.

7. Minimum Setbacks and Building Separations for Principal and Accessory Buildings or Structures in Multi Family Zoning Districts:

TABLE 7.3

Detached Dwellings (Detached Townhomes)		
Required Standards (in feet)	**RM**	**RH**
Front yard setback[1]	30	30
Rear yard setback	35	35
Side yard setback	7	7
Minimum of all yards for footprint lot[2]	7	7
Maximum of all yards for footprint lot[2]	10	10

Commented [SL19]: Table 7.3 (Single Family Attached) and 7.4 (Multi-Family) have been combined.
1. Categories have been established based on building size.
2. Single Family zoning districts have been removed from this table.
3. Setbacks and building separations have been reduced for the smaller building sizes.
4. Minimum/Maximum setbacks have been added for footprint lots
5. Perimeter setbacks have been removed for detached townhomes
6. Internal setbacks have been included for attached multi-family for areas that will not have a perimeter setback.
7. Accessory buildings over 1,500 sf in MF will now need to meet the principal building setbacks.

Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	10	10

Attached Dwelling Building
Up to 2 story, 4 units or less per building
(Townhomes, Apartments or Condominiums)

Required Standards (in feet)	**RM**	**RH**
Minimum setback[1] - From perimeter of development	35	35
Front and Rear yard setback[1] - Internal to the development - The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.	15	15
Side yard setback - Internal to the development	7	7
Minimum of all yards for footprint lot[2]	7	7
Maximum of all yards for footprint lot[2]	10	10
Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	10	10

Attached Dwelling Building
Up to 2 story, more than 4 units per building
or
3 story or greater, 4 units or less per building
(Townhomes, Apartments or Condominiums)

Required Standards (in feet)	**RM**	**RH**
Front yard setback[1,3] - From perimeter of development	50	50
Rear and Side yard setback[3] - From perimeter of development	35	35
Front and Rear yard setback[1,3] - Internal to the development - The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.	20	20
Side yard setback[3] - Internal to the development	10	10
Minimum of all yards for footprint lot[2]	7	7
Maximum for all yards of a footprint lot[2]	10	10
Minimum separation between principal buildings	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	20	20

Attached Dwelling Building 3 story or greater, more than four units per building (Townhomes, Apartments or Condominiums)		
Required Standards (in feet)	**RM**	**RH**
Front yard setback[1,3] - From perimeter of development	60	60
Rear and Side yard setback[3] - From perimeter of development	35	35
Front and Rear yard setback[1] - Internal to the development	30	30
Side yard setback - Internal to the development	15	15
Minimum for all yards of a footprint lot[2]	7	7
Maximum for all yards of a footprint lot[2]	10	10
Minimum separation between principal buildings	30	30
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	20	20

Notes:

1. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback. Porches are not allowed to encroach into any perimeter setback.
2. Outdoor living areas associated with, and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
   a. Patios: setback a minimum of one foot (1') from the footprint property line.
   b. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
   c. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
3. For any building over three (3) stories, an additional ten feet (10') of building setback is required for every story over three (3) stories.
4. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) must meet primary building setbacks and separations, including setbacks adjusted for primary building height.

Commented [SL20]: 1. Perimeter setback is incorporated in the table, so that table note has been removed
2. Removed table note on prefabricated vs. stick built housing – not valid anymore as MH removed from table.
3. Notes #1, 2 and 4 are new
- #1 Same incentive as SF to mitigate snout houses
- #2 Same as SF above to address attached accessory structures
- #4 Intended to regulate accessory structures the same as main buildings by providing larger setbacks for larger accessory buildings. (1,500 sf is the approximate size of a 6 bay garage, which coordinates with building mass buffer regulations)

8. Minimum Setbacks and Bulk Regulations for Principal Buildings of Non-Residential Uses (Daycares, Churches, Schools) in Residential Zoning Districts:

TABLE 7.4

	Minimum Setback (in feet)[1]							
Required Standards (in feet)	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**MH**	**RM**	**RH**
Front yard setback	100	50	50	20	20	35	50	50
Rear yard setback	100	50	50	20	20	35	50	50
Side yard setback	50	25	25	15	15	10	25	25

Commented [SL21]: Was Table 7.5 - Removed OS and VJHB as they allow non-residential uses.
Content is the same except for the following:
1. Lot width for RS & R-1 was reduced to 100' to be consistent with RE.
2. Lot width of SF-CR, SF-VJ and MH were changed to 50' to be consistent and to match street frontage.
3. Lot width for RM and RH were changed to match lot width in 7.1
4. Minimum street frontage was changed to 50' for all SF districts to be consistent and under the assumption that non-residential uses would require a 2-way drive.
5. Minimum street frontage for MH and RH were changed to match 7.1.
6. 1 story note on accessory structure height was removed.

Lot Size								
Minimum lot width (in feet)	100	100	100	50	50	50	100	150
Minimum street frontage (in feet)	50	50	50	50	50	50	100	150
Minimum open space (%)	25	25	25	25	25	25	25	25

Building Height (in feet)								
Maximum height of principal building[2]	40	40	40	40	40	40	40	40
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

Notes:

1. See Subsection C9 and Table 7.5 of this Section for detached accessory structure setbacks in residential zoning districts.
2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.

Commented [SL22]: Added note #1 - There was no direction on if accessory structures for non-residential uses should meet principal building setbacks (like commercial zoning) or could meet reduced setbacks as other buildings in residential zoning.

9. Bulk Regulations, Minimum Setbacks and Building Separations for Accessory Buildings and Structures in Residential Districts:
   a. See Chapter 14 of this Title (Accessory Structures) for additional standards and construction requirements for accessory buildings and structures.
   b. Accessory buildings and structures that meet the minimum separation distance from the principal building are considered detached accessory structures. In such case, the detached accessory structure must meet the setback requirements as noted in Table 7.5 below.
   c. Accessory structures that do not meet the minimum separation from the principal structure are considered part of the principal structure, no matter if they are physically separate from the principal structure. In such case, the accessory structure must meet the setback requirements for a principal structure except as noted below.
   d. Accessory structures (other than fences and walls) that do not exceed thirty inches (30") in height as measured from grade to the highest element and any railing or trellis designed to be open 50% or more may follow the detached accessory structure setbacks, no matter their proximity to the principal structure.
   e. See Chapter 10 of this Title (Performance Standards), Section 4 (Specific Use Regulations) for additional separation requirements for accessory structures that will house animals.
   f. Accessory structures cannot encroach into any buffer area or perimeter setback.
   g. In a footprint development, detached accessory structures and fences are not allowed within footprint lots and are only allowed for development use on common property.
   h. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.
   i. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) in multi-family residential districts must meet primary building setbacks and separations including setbacks adjusted for primary building height.

Commented [SL23]: Added reference

Commented [SL24]: We are eliminating the setback table for attached accessory structures (they will now need to meet principal structure setbacks, with one exception as noted in C1). Will just have matrix for detached accessory buildings/structures

Commented [SL25]: Pushing all setback info for animal keeping to performance standards.

Commented [SL26]: Added note since this was not clear in previous version

Commented [SL27]: Added to provide clarity on what should be contained in a footprint lot.

Commented [SL28]: Restating what was noted in respective matrixes above.

TABLE 7.5

Detached Accessory Structures – Single Family Zoning Districts

Required Standards	OS	RE	RS (ft.)		R-1	SF-CR	SF-VJ	MH[2]	VJHB
			<8,000	8,000>					
Front yard setback[1]	50	50	30	35	30	20	20	20	20
Rear and Side yard setback	5	5	5	5	5	5	5	5	5
Setback from alleys where the structure accesses the alley	20	20	20	20	20	20	20	20	20
Minimum separation between accessory buildings or structures under 1,000 sf and all other buildings	10	10	10	10	10	10	10	10	10

Commented [SL29]: Was Table 7.6 – Also removed Table 7.7 (attached accessory structures) as they are handled above. Content is the same except for the following.
1. SF and MF are split into separate tables
2. Changes SF-CR to 20' front yard setback (same as principal building setback).
3. Combined Side and Rear setback into one line in matrix
4. Combined building separation from accessory and main structures as they were the same.

Detached Accessory Structures – Multi-Family Zoning Districts[2]

Required Standards	MD	HD
Front yard setback[1]	35	35
Rear and Side yard setback	10	10
Setback from alleys where the structure accesses the alley	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings	See Table 7.3	See Table 7.3

Notes:

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').
2. Accessory buildings or structures within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with adopted building code separation and fire protection requirements from all other structures. Accessory structures not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district requirements.

Commented [SL30]: 1. Note #1 on average front yard has been updated (same as found under Table 7.2)
2. Note #2 added to provide direction on setbacks in MH parks where there are no property lines.
3. Removed the note requiring for screening of an accessory building in front of principle building. Not sure we have ever enforced it and the question pops up on how to enforce it on a corner lot with two front yards.
4. Setback note was moved to the top of the Section.
5. Note on housing animals was moved to above this table.

D. The following regulations shall apply to development within the commercial, office and industrial zoned districts and non-residential development in the Open Space and Valley Junction Historic Business districts

1. Zoning District abbreviations:

RC	Regional Commercial district	VJC	Valley Junction Commercial district	LI	Light Industrial district
CMC	Community Commercial district	VJHB	Valley Junction Historic Business district	GI	General Industrial district
NC	Neighborhood Commercial district	WR	Warehouse Retail district	OF	Office district
CVC	Convenience Commercial district	BP	Business Park district	PCP	Professional Commerce Park district
SC	Support Commercial district	VJLI	Valley Junction Light Industrial district	OS	Open Space district

Commented [SL31]: Added abbreviations table, did not have one for commercial districts in this section.

2. All setbacks or separations are measured from the closest part of the foundation of the building or structure.

   a. Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation.

   b. Any part of the structure, including eaves and overhangs, must meet all applicable building and fire codes on fire resistive construction based on distance from the property line or proximity to adjacent buildings.

   c. Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Projections that exceed four feet (4') from the foundation line will need to meet required setbacks and separation distances.

   d. No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.

   e. Except for the following, all detached accessory structures must meet primary building setback and separation requirements.

      (1) Trash and mechanical enclosures may use off-street parking setbacks for their respective district along the side and rear yards, however no enclosure may be located closer than five feet (5') from a property line.

      (2) Maintenance sheds or garages equal to or less than one hundred and twenty square feet (120') in floor area may use off-street parking setbacks for their respective district along the side and rear yards, however no shed or garage may be located closer than five feet (5') from a property line.

Commented [SL32]: Moved setback information to top rather than in the matrix tables, added information on projections.

Commented [SL33]: New setback regulation for trash enclosures and maintenance sheds to allow them to be tucked back in the site away from the building.

3. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Commercial Districts:

TABLE 7.6

Commented [SL34]: Was Table 7.8. Content the same except added a line for accessory structure height.

	Lot Size							
Required Standards	**RC**	**CMC**	**NC**	**CVC**	**SC**	**VJC**	**VJHB**	**WR**
Minimum lot area (square feet)	60,000	60,000	60,000	40,000	60,000	20,000	6,250	20,000
Minimum lot width (feet)	50	50	50	50	50	50	50	50
Minimum open space (%)	25	25	25	25	25	25	0	25

Minimum Setback (in feet)								
Required Standards	**RC**	**CMC**	**NC**	**CVC**	**SC**	**VJC**	**VJHB**	**WR**
Front yard setback	100	100	45	45	100	35	0	50
Rear yard setback	50[1]	50[1]	35[1]	35[1]	50[1]	35[1]	0	50[1]
Side yard setback	50[1]	50[1]	35[1]	50[1]	50[1]	35[1]	0	50[1]

Building Height (in feet)								
Required Standards	**RC**	**CMC**	**NC**	**CVC**	**SC**	**VJC**	**VJHB**	**WR**
Maximum height of principal building or structure	36[2]	36[2]	30	30	36[2]	30	36	60[2]
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

Notes:

1. Setback of zero feet (0') allowed if the property abuts a similar district.
2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.

Commented [SL35]: Removed the condo ownership note and setback definition note – not needed.

4. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Industrial, Office and Open Space Districts:

TABLE 7.7

Commented [SL36]: Was Table 7.9. Content the same except for the following
1. OS minimum lot size was reduced from 20 ac to 10 ac (same as residential)
2. Added a line for accessory structure height.

Lot Size							
Required Standards	**BP**	**VJLI**	**LI**	**GI**	**OF**	**PCP**	**OS**
Minimum lot area	20,000 square feet	7,250 square feet	10,000 square feet	20,000 square feet	10,000 square feet	60,000 square feet	10 acres
Minimum lot width (feet)	75	50	75	75	80	150	200
Minimum open space (%)	35	20	20	20	25	35	75

Minimum Setback (in feet)							
Required Standards	**BP**	**VJLI**	**LI**	**GI**	**OF**	**PCP**	**OS**
Front yard setback	50	15	30	40	30	50	50
Rear yard setback	50	10 (from alleyway)	35	35	35	50	50
- If abuts like zoning district			15		15	25	
Side yard setback	50	10[2]	20[2]	35[2]	10[2]	50	50
- If abuts like zoning district						25	

Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
	Building Height (in feet)						
Maximum height of principal building or structure	60[1]	15 30[3]	60[1]	60[1]	36[1]	36[1]	60[1]
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20

Notes:

1. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
2. Setback of 0 feet allowed if abuts a similar district.
3. Maximum height of thirty feet (30') allowed with a building side yard setback of twenty feet (20').

Section 8. Amendment. Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 5 (*Miscellaneous Regulations*) is hereby deleted.

Commented [SL37]: Added all this information into Section 4.

Section 9. Amendment. Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection A is hereby amended by adding the bold italic text in numerical order:

27. Cluster Developments: In order to be considered a cluster development, a minimum of 50% of the development area must be set aside, identified for preservation or protection and deed restricted from further development. Cluster Development may utilize footprint lots or multiple buildings on one lot, as noted in Chapter 7 of this Title (Setback and Bulk Density Regulations), Table 7.2.

Preservation areas must be identified and legally restricted from further development. These protected areas must be unencumbered by structures, off street parking areas and vehicle use areas but may include landscaped areas, buffers, fences, pedestrian sidewalks/trails and plazas or recreation areas. Stormwater management facilities may be included if they are designed as development or community amenity such as ponds or created wetlands.

Section 10. Amendment. Title 9 (Zoning), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection E is hereby amended by deleting the entire subsection and replacing it with the following text and renumbering subsequent subsections:

Commented [SL38]: Combining the medium and high density sections

E. The Following Standards Shall Apply To Development In Multi-Family Residential Districts:

1. Access: These developments should be designed and oriented to provide principal access to arterial and collector streets and should not be designed to direct traffic through single-family residential districts to access the arterial or collector street.

2. Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide for safe circulation within the project, to the public sidewalks, developments adjacent to the project, and public transportation stops.

Commented [SL39]: Keeping these items with a little wordsmithing.

3. Architecture: Architectural design for multi-family buildings shall express a varied but cohesive presentation of exterior building materials, details and treatment of windows and doors. All facades of the building shall be treated with the same level of architectural style and detail (360 degree

Commented [SL40]: New – will apply to both medium and high density zoning districts. Includes more specific language on design intent and expectations. Minimum areas of masonry (brick and stone) have been included, based on building height.

architecture). Door or window openings shall be incorporated on all sides of the building. Building design that is repetitive in form and material use should be avoided.

Building design shall incorporate durable and substantial buildings materials.

a. Attached Dwelling Building, up to 2 story, 4 units or less per building: Side and rear building facades shall incorporate a minimum of two material types. One primary and one accent material comprised of a different material type, color, or texture than the primary material. Facades that face a public or private street shall incorporate a third material of masonry (brick or stone) for a minimum of 20 percent of the total cladding area of the facades facing the street.

b. Attached Dwelling Building, up to 2 story, more than 4 units per building and buildings 3 story or greater: Masonry materials such as brick or stone shall be included on all sides of the building, predominantly on the base (lowest) story of the building. Appropriate sills and headers should be incorporated to provide structural authenticity. Buildings of one or two stories in height must have masonry cladding for a minimum of 40 percent of the total cladding area. Buildings of three stories and above in height must have masonry cladding for a minimum of 60 percent of the total cladding area. The City Council, after having received a recommendation from the Plan and Zoning Commission, reserves the right to waive a portion of the masonry requirement up to twenty five (25) percent of the total requirement, provided said waiver does not adversely affect the intent of these regulations

Commented [SL41]: Language recommended by the Plan and Zoning Commission. Will apply to the 40% or 60% masonry requirement only.

c. Vertical, board/batten or lap siding, shakes or panel siding with a smooth or stucco type finish can encompass cladding areas not required to be masonry, combining a variety of colors and textures along with trim and details to provide visual interest within the development. Siding installation methods must conceal fasteners.

Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions for non-masonry cladding. Vinyl or metal siding may be used only with appropriately scaled trim and not as the majority cladding material. Non-traditional materials such as metal panels or concrete masonry units and composite materials simulating the appearance of traditional cladding materials may be utilized after review by the Director of Development Services to determine that the use of these alternate building materials enhances the physical appearance and accomplishes a compatible design within the residential context of the development. Materials should change with the change in building plane and be arranged to have the appearance of three-dimensional elements. Trim and structural elements such as posts or columns shall be sized to the scale of the building.

Buildings that meet or exceed twelve (12) attached units shall incorporate additional design strategies to lessen the plainness of appearance and monolithic building mass characteristic of large residential buildings. All of the following strategies shall be incorporated in the building design:

a. Facade modulation - stepping back or extending forward a portion of the building. Changes in footprint shall be a minimum of two feet (2');

b. Changing the roof height and form by alternating wall plate heights or stepped parapets; addition of dormers; incorporation of projected roof elements such as canopies; all organized with the changes in floor plan. Changes in roof height shall be a minimum of eighteen inches (18");

c. Easily identifiable building entrances achieved through the use change in building form, materials and details. Projected or recessed entryways with associated changes in building

material, change in rooflines and heights and the addition of awnings or canopies are examples strategies.

Garages visible from any street or adjacent property should be recessed behind the wall of the entry façade or front porch; or be designed to minimize the dominance of the garage door. Examples design strategies are: The addition of engaged columns framing the garage door, secondary roof elements or living area above the garage, all organized over the garage door; or the use of decorative garage doors with windows and of a color that blends with the surrounding facade.

Multiple bay garages attached to a building or multiple bay detached garages shall minimize the appearance of repetitive garage doors, dividing garages into no more than six (6) consecutive bays by using at least one of the following methods:

a. Limiting detached garage building size to no more than 6 bays.

b. Plan layout that interrupts multiple garage bays by inserting dwelling units or common use areas between garage bays.

c. Utilizing side entry garages to serve the end units of a building. The materials, treatments and the architectural style established in the building design shall be carried across the front façade of the side entry garages.

The architectural details of detached accessory structures such as garages shall incorporate the materials, treatments and the architectural style of the principal buildings. Portions of accessory buildings visible from any street or adjacent property shall incorporate same level of detail as the principal buildings.

Commented [SL42]: 6 bays coordinates with our 1,500 sf setback requirements and building mass buffer requirements,

Section 11. Amendment. Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection F is hereby amended by deleting the entire subsection and renumbering the subsequent subsections accordingly.

Section 12. Amendment. Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 4 (*Applicability*), Subsection A2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

Commented [SL43]: Terminology clean up.

2. The requirements herein do apply to:

   a. All new nonresidential structures;

   b. All new ***developments in*** multi-family ***zoning districts*** ~~and single-family attached dwellings~~;

   c. Major modifications to structures or sites;

   d. All subdivision plats where buffers are required;

   e. Minor modifications except that the requirements of this chapter shall only apply to the area of the site impacted by the minor modification.

Section 13. Amendment. Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 8 (*Landscaping*), Subsection E2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

2. Conditions for Requiring a Buffer: The following conditions shall require a buffer between abutting districts and uses:

   a. Any ~~single-family attached residential~~ ***multi-family residential*** development greater than four (4) dwelling units per building~~, multi-family residential~~ and all commercial, office and industrial uses or any undeveloped residential high density district (RH), residential medium density district (RM), manufactured housing district (MH) and all commercial and industrial districts which abut any ***single family*** residential

~~estate~~ ***zoning*** district ~~(RE), residential single-family district (RS), single-family residential district (R-1)~~ or single-family detached uses shall be buffered as required in this section.

b. Any multi-family residential and all commercial, office and industrial uses or any undeveloped residential high density district (RH), all commercial, office and industrial districts which abut any residential medium density district (RM) ***or*** manufactured housing district (MH)~~, or single-family attached uses~~ shall be buffered as required in this section.

EXHIBIT II

Prepared by: L. Schemmel, 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 1 (ENTITLEMENTS – PROCESS AND PROCEDURES), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 4 (ZONING DISTRICTS AND MAPS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS) CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 19 (LANDSCAPING) TO UPDATE REGULATIONS PERTAINING TO BUILDING SETBACK AND SEPARATION REQUIREMENTS AND BULK DENSITY REGULATIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS WITHIN THE CITY.

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

Section 1. Amendment. Title 9 (*Zoning*), Chapter 1 (*Entitlements – Process and Procedures*), Section 9 (*Filing and Processing of Application Packets*), Subsection 4 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

4. Project Completion: A development project is considered completed when ***the following conditions are met based on the project scope:***

   a. All structures ~~in a single-family detached project~~ have passed ~~a~~ final ~~building~~ inspection***s*** ~~by the building official~~, and site improvements or off site works have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the ~~public works director~~ ***city a****nd final certificates of occupancy have been issued.*

   ~~b. A certificate of occupancy has been issued by the building official verifying that all single-family attached, multi-family, commercial, office or industrial structures, and site improvements or off site work have been completed and any bonds guaranteeing improvements have been released or continued at the discretion of the public works director.~~

   ~~c.~~***b.*** When the director of ~~community~~ development ***services or designee*** verifies that a use or activity, not involving a building or grading permit, has occurred on the subject site in accordance with all applicable provisions of this title and any adopted conditions.

Section 2. Amendment. Title 9 (*Zoning*), Chapter 2 (Zoning Rules and Definitions), Section 2 (Definitions) is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text in alphabetical order:

BUILDING PROJECTION: Any building element such as roof eaves and overhangs, fireplaces, window bays and deck or floor cantilevers that project past the foundation line of the building or structure.

CLUSTER DEVELOPMENT: A planned development that limits the developed area to protect sensitive areas and unique features within the development. The area of the parcel not developed must be legally restricted from further development and is in addition to any required Open Space for the developed area.

DECK: A permanent uncovered outdoor living area elevated above grade. A deck is considered a porch if it is covered by a roof.

DWELLING, MULTI-FAMILY: ***A building containing two (2) or more dwelling units.*** ~~A building or buildings on a common lot, containing three (3) or more dwelling units of which at least one unit is located over another unit, commonly known as an apartment building or condominium building, but does not include single-family attached dwellings as defined herein. Each individual multi-family dwelling unit may be occupied by a single family, as defined herein, or by any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.~~

~~DWELLING, SINGLE-FAMILY ATTACHED: A building with at least two (2) single-family dwelling units attached in a row, with no unit located over another unit, and designed for and used exclusively for residential purposes by one family per dwelling unit.~~

~~DWELLING, SINGLE-FAMILY BI-ATTACHED: A building designed for and used exclusively for occupancy by two (2) families living independently of each other and containing two (2) dwelling units.~~

DWELLING, SINGLE-FAMILY ~~DETACHED~~: ***A building containing one (1) dwelling unit that has land associated with the building meeting the requirements in Chapter 7 (Setback and Bulk Density Regulations), Table 7.1 and Table 7.2 of this Title for its respective zoning district.*** ~~A detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.~~

LEAN-TO: A structure which has been added to an existing building, sharing at least one wall with the building which may also be providing structural support. A Lean-to can be enclosed on up to two sides, including the wall common to the existing building. Lean-to structures are intended for the storage or protection of things, and do not include structures that function as a carport or outdoor living area. Lean-to structures must meet the design and bulk regulations of the building they are attached to.

OPEN SPACE: A specific percentage of the site unencumbered by buildings, off street parking areas and vehicle use areas.

OUTDOOR LIVING AREA: An improved outdoor area adjoining a residential dwelling intended to provide a useable space for the enjoyment of the occupant or to promote interaction and connection within the neighborhood such as a patio, deck or porch.

PATIO: A permanent uncovered outdoor living area installed at grade.

PORCH: A permanent covered outdoor living area attached to a building.

PORCH, ENCLOSED: A porch with a solid enclosure four feet (4') or higher above the floor surface.

PORCH, OPEN: A porch with a railing or solid enclosure less than four feet (4') above the floor surface.

ROOF: A permanent hard material cover which provide complete protection from the elements for an area below. If the cover is comprised of a lightweight material or fabric, or is designed to be more than 50% open to the elements, it is not considered a roof for the purposes of this Title.

SECOND DWELLING UNIT (SDU): An additional dwelling on a residential lot that is considered a principal use. These dwellings are independent structures, not part of or attached to the main dwelling and are not accessory in nature.

Section 3. Amendment. Title 9 (*Zoning*), Chapter 4 (*Zoning Districts and Map*), Section 3 (*Definition of Districts*), Subsection A9 and A10 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

A. Categories and Purposes: The categories and purposes of land use zones that have been established within the municipality are as follows:

9. RM - Residential Medium-Density District:

a. The purpose of this district is to foster a residential environment typified by ***multi-family dwelling units of no more than 12 du/acre.*** ~~single-family attached homes and low density multi-family dwellings. This district is important to the housing market as it is geared to both owners and renters. Sites designated as such shall be oriented to arterial and collector streets, transit routes, convenience shopping, local and regional services, and employment centers. The district allows for single-family attached and multi-family dwelling units of no more than 12 du/acre.~~ Suffixes shall be used in the RM district to identify the maximum allowed density for the subject property.

10. RH - Residential High-Density District:

a. The purpose of this district is to provide for a ~~relatively high density~~ ***compact*** residential environment, ***allowing multi-family dwellings of no more than 18 du/acre.*** ~~This land use category may be utilized as a transition between commercial retail and office uses, and lower density residential uses. Developments within this land use district shall be oriented to arterial or collector streets, transit routes, convenience shopping, local and regional services, and employment centers. This district allows single-family attached and multi-family dwellings of no greater than 18 du/acre. Higher densities may be permitted with the approval of the city council in accordance with the provisions in the comprehensive plan.~~ ***Suffixes shall be used in the RH district to identify the maximum allowed density for the subject property.***

Section 4. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 4 (*Specific Use Regulations*), is hereby amended by adding the bold italic text at the end of the section:

F. The design, size and placement of second dwelling units on a lot shall conform to all applicable codes for the zoning district. The property owner must occupy either the main or second dwelling unit as their permanent residence. The second dwelling unit can be used as a rental, but cannot be sold separately from the main dwelling unit.

Section 5. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 6 (*Suffixes to Zoning Districts*), Subsection B is hereby amended by deleting the highlighted strike-thru text:

B. For the purpose of establishing the maximum density of ~~single-family attached and multi-family~~ developments in the RM and RH districts, ~~and single-family detached in the MH district,~~ a numerical suffix shall follow the zoning district code. The numerical suffix shall denote the maximum density per acre allowed within the subject property.

Section 6. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts*), Subsection C is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

C. Zoning District Compatibility And Transitioning:

1. Transition Of Densities: To assure an appropriate transition in lot sizes or densities with other existing residential development in the area, any residential development proposed for review and approval after the effective date hereof shall meet the following requirements:

a. The density of multi-family developments should not differ more than fifty percent (50%) from the average density of the developed properties within two hundred feet (200') of the subject property.

b. Developed properties are defined as those properties that are zoned residential and platted as a detached unit residential subdivision prior to the subject property obtaining final plat or site plan permit approval.

c. Proposed development that will not meet the density transition guidelines as noted above, shall mitigate the impact of the development by transitioning the building form within the development as noted below.

2. Transition Of Building Form: To assure compatibility of residential developments that do not meet the density transition noted above, the number of units per building, length of the building and the number of stories per building will be restricted according to the following:

a. Applicability: Building mass buffer will apply as follows:

(1) Will apply to medium or high density residentially zoned properties with plat or site plan permits approved after ~~the effective date hereof~~ ***October 19, 2012.***

(2) Will not apply to any property with a PUD in existence prior to ~~the effective date hereof~~ ***October 19, 2012.***

(3) Will not apply along an adjacent property when a developing property modifies their zoning classification prior to development of the adjacent property that then triggers the need for the building mass buffer.

b. Multi-Family Zoning Districts; Building Mass Buffer: One hundred fifty feet (150') from any adjacent developed property where the proposed development cannot meet the density transition as provided in subsection C1a of this section.

(1) Buffer is measured from the lower density property line and includes the ROW if a street separates the subject properties.

(2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.

c. Restrictions: Within the building mass buffer, the following shall apply:

(1) No more than six (6) attached units per building.

(2) No more than two (2) stories in height.

(3) Maximum building length (measured from foundation of parallel walls of greatest distance apart):

(A) Residential buildings: Maximum length of one hundred sixty feet (160').

(B) Garage buildings: Maximum length of one hundred feet (100').

(4) For every eight (8) garage bays, there must be a total garage building separation of no less than twenty feet (20').

(5) The above restrictions apply to the entirety of any building located fully or partially within the building mass buffer.

3. Transition to Existing Context: To assure compatibility of new construction within already developed single family residential developments, the size of the proposed buildings will be restricted according to the following:

a. Applicability: Context Transition Buffer requirements will apply as follows:

(1) Will apply to single family residentially zoned properties with proposed development that is required to obtain site plan permits.

(2) Will not apply to any property with a PUD in existence prior to_____, 2019.

(3) Will not apply for the length of the contiguous property line that is adjacent to undeveloped property or property developed in non-single family uses.

(4) The city council reserves the right to waive or modify to a lesser restriction any provision or requirement of the context transition buffer, provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property.

b. Single Family Zoning Districts; Context Transition: One hundred fifty feet (150') from any adjacent single family developed property.

(1) Buffer is measured from the adjacent property line and includes the ROW if a street separates the subject properties.

(2) Buffer will overlay any required setbacks, landscape buffer park or easements on the property.

(3) Should the property be subject to buffer areas that overlap, the minimum and maximum size requirements generated by those separate buffers can be averaged to determine the restrictions for the areas of the property containing the overlapping buffers.

(4) In the situation where a property modifies their zoning classification to single family zoning, any adjacent single family zoned property would not be required to comply with the buffer regulations just because of the change in zoning designation of the adjacent property.

c. Restrictions: Within the Context Transition Buffer, the following shall apply:

(1) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no smaller than seventy-five percent (75%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.

(2) Total above grade floor area of each dwelling (including vehicle storage) within the buffer shall be no larger than one-hundred and fifty percent (150%) of the average above grade floor area (including vehicle storage) of the dwelling(s) contained in the directly adjacent property.

(3) The above restrictions apply to the entirety of any building located fully or partially within the context transition buffer.

Section 7. Amendment. Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Density Regulations*) is hereby amended by deleting the entire section and replacing it with the following text:

9-7-4: SETBACK AND DENSITY REGULATIONS:

A. Setback and building separation requirements noted below do not preclude any part of a structure from meeting all applicable building and fire code requirements.

B. See Chapter 19, Section 8 (Landscape Provisions) of this Title on how building separation and setbacks are applied along required buffers.

C. The following regulations shall apply to development within the residentially zoned districts and single-family residential development in the Open Space and Valley Junction Historic Business districts.

1. Zoning District abbreviations:

OS	Open Space district	SF-VJ	Single Family Valley Junction district
RE	Residential Estate district	MH	Manufactured Housing district
RS	Residential Single-Family district	RM	Residential Medium-Density district
R-1	Single-Family Residential district	RH	Residential High-Density district

SF-CR	Single Family Commerce district	VJHB	Valley Junction Historic Business district

2. See Chapter 5, Section 7 of this Title (Building Form Regulations and Zoning District Compatibility for Residential Districts) for descriptions of residential building types.
3. All setbacks or separations are measured from the closest part of the foundation of the building or structure.
   a. For structures with setbacks of seven feet (7') or larger:
      (1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation; however, no part of any structure, including eaves and overhangs, may be closer than five feet (5') to a property line.
      (2) Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Should the projection exceed four feet (4'), any setbacks and building separations will be measured from the closest part of the projection for the extent of the projection.
      (3) No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.
   b. For structures with setbacks of less than seven feet (7'):
      (1) Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation as long as they meet all applicable building codes on fire resistive construction.
      (2) No window well or any ground mounted mechanical equipment may be closer than two feet (2') to a property line.
   c. Setbacks from private streets and drives:
      (1) Unless otherwise noted, the minimum setback for attached or detached garages facing a street or drive measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive (whichever is more restrictive) shall be as follows:
         i. Twenty-five feet (25') or greater, or
         ii. Ten feet (10') or less
      (2) Unless otherwise noted, the minimum setback for a residential structure shall be fifteen feet (15') from the back of curb of an adjacent private street or drive. This setback shall apply to all structures, including accessory or ancillary structures such as maintenance sheds, clubhouses or leasing offices.
   d. See footnotes in Table 7.2 and 7.3 in this Section for setbacks on outdoor living areas for footprint lots.
4. Maximum building height for single family dwellings is three (3) stories.
5. Bulk Regulations for Residential Districts:

TABLE 7.1

	Maximum Unit Density									
Required Standards	**OS**	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**VJHB**	**MH**	**RM**	**RH**
Maximum du/acre	0.1	0.91	6.0	5.8	5.8	6.0	6.0	12.0	12.0	18.0

Lot Area – Standard Lots (not footprint lots[2])										
Required Standards	**OS**	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**VJHB**	**MH**	**RM**	**RH**
Minimum Lot Area	10 acres	40,000 sq. ft.	5,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	5,300 sq. ft.	2 acres	2 acres
Minimum Lot Size - Non-Residential Uses	n/a	2.5 acres	1 acre	1 acre	1 acre	18,000 sq. ft.	n/a	6,500 sq. ft.	2 acres	2 acres
Minimum open space (%)	75	25	25	25	25	25	25	25	25	25

Lot Width - Standard Lots (not footprint lots[2])													
Required 'Standards (in feet)	**OS**	**RE**	**RS** (sq. ft.)				**R-1**	**SF-CR**	**SF-VJ**	**VJHB**	**MH**	**RM**	**RH**
			5,000 to 7,999	8,000 to 9,999	10,000 to 14,999	15,000 or greater							
Minimum lot width at building setback line[1]	200	100	50	70	80	100	50	50	40	40	50		
Minimum street frontage	40	40	40	40	40	40	40	40	40	40	40	100	150

Notes:

1. The minimum lot width for corner lots shall be increased by twenty-five feet (25').
2. Lot area and dimensions of footprint lots are dictated by setback requirements noted in Table 7.2 and Table 7.3.

6. Minimum Setbacks and Building Separations for Principal Buildings (Dwellings) in Single Family Zoning Districts:

TABLE 7.2

Setbacks - Standard Lots[3]											
Required Standards (in feet)	**OS**	**RE**	**RS** (sq. ft.)				**R-1**	**SF-CR**	**SF-VJ**	**MH[5]**	**VJHB**
			5,000 to 7,999	8,000 to 9,999	10,000 to 14,999	15,000 or greater					
Front yard setback[1,2]	50	50	30	35	35	35	30	20	20	20	20
Rear yard setback	50	50	35	35	35	35	35	20	35	10	35
Minimum side yard setback on any one side	50	20	7	8	8	8	7	5	5	5	5
Minimum sum of side yard setbacks	100	40	14	20	20	20	14	10	10	10	10

Setbacks and Building Separation for Detached Dwellings on Footprint Lots[3,6,7]

Required Standards (in feet)	**OS**	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**MH**	**VJHB**
Minimum setback of all yards for footprint lot[4]	7	7	7	7				
Maximum setback of all yards for footprint lot[4]	10	10	10	10				
Minimum separation between principal structures	14	14	14	14				

Notes:

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').
2. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback.
3. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.
4. Outdoor living areas associated with and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
    a. Patios: setback a minimum of one foot (1') from the footprint property line.
    b. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
    c. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
5. Manufactured Homes within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with separation or fire protection requirements under the authority of 42 U.S.C. § 5403 (Federal Manufactured Home Construction and Safety Standards). Manufactured Homes not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district.
6. Maximum unit density, aggregate minimum lot area, minimum street frontage and building setbacks for the development must meet applicable zoning district requirements.
7. Developments with footprint lots will require review and approval of a Site Plan Permit in addition to any other required review process.

7. Minimum Setbacks and Building Separations for Principal and Accessory Buildings or Structures in Multi Family Zoning Districts:

TABLE 7.3

Detached Dwellings (Detached Townhomes)		
Required Standards (in feet)	**RM**	**RH**
Front yard setback[1]	30	30
Rear yard setback	35	35
Side yard setback	7	7
Minimum of all yards for footprint lot[2]	7	7
Maximum of all yards for footprint lot[2]	10	10
Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	10	10

Attached Dwelling Building **Up to 2 story, 4 units or less per building** (Townhomes, Apartments or Condominiums)		
Required Standards (in feet)	**RM**	**RH**
Minimum setback[1] - From perimeter of development	35	35
Front and Rear yard setback[1] - Internal to the development - The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.	15	15
Side yard setback - Internal to the development	7	7
Minimum of all yards for footprint lot[2]	7	7
Maximum of all yards for footprint lot[2]	10	10
Minimum separation between principal buildings	14	14
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	10	10

Attached Dwelling Building **Up to 2 story, more than 4 units per building** **or** **3 story or greater, 4 units or less per building** (Townhomes, Apartments or Condominiums)		
Required Standards (in feet)	**RM**	**RH**
Front yard setback[1,3] - From perimeter of development	50	50
Rear and Side yard setback[3] - From perimeter of development	35	35

Front and Rear yard setback[1,3] - Internal to the development - The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb.	20	20
Side yard setback[3] - Internal to the development	10	10
Minimum of all yards for footprint lot[2]	7	7
Maximum for all yards of a footprint lot[2]	10	10
Minimum separation between principal buildings	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	20	20

Attached Dwelling Building **3 story or greater, more than four units per building** (Townhomes, Apartments or Condominiums)		
Required Standards (in feet)	**RM**	**RH**
Front yard setback[1,3] - From perimeter of development	60	60
Rear and Side yard setback[3] - From perimeter of development	35	35
Front and Rear yard setback[1] - Internal to the development	30	30
Side yard setback - Internal to the development	15	15
Minimum for all yards of a footprint lot[2]	7	7
Maximum for all yards of a footprint lot[2]	10	10
Minimum separation between principal buildings	30	30
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings[4]	20	20

Notes:

1. Open porches with a minimum depth of six feet (6') are allowed to encroach up to eight feet (8') into the standard lot front yard setback. Porches are not allowed to encroach into any perimeter setback.
2. Outdoor living areas associated with, and adjacent to the dwelling unit for footprint lots must be contained in the footprint lot and meet the following setback requirements:
    a. Patios: setback a minimum of one foot (1') from the footprint property line.
    b. Decks that do not exceed thirty inches (30") in height or open trellises: setback a minimum of five feet (5') from footprint property line.
    c. Structures that exceed thirty inches (30") in height such as decks, porches and sunrooms: setback a minimum of seven feet (7') from footprint property line.
3. For any building over three (3) stories, an additional ten feet (10') of building setback is required for every story over three (3) stories.

4. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) must meet primary building setbacks and separations, including setbacks adjusted for primary building height.

8. Minimum Setbacks and Bulk Regulations for Principal Buildings of Non-Residential Uses (Daycares, Churches, Schools) in Residential Zoning Districts:

TABLE 7.4

Minimum Setback (in feet)[1]								
Required Standards (in feet)	**RE**	**RS**	**R-1**	**SF-CR**	**SF-VJ**	**MH**	**RM**	**RH**
Front yard setback	100	50	50	20	20	35	50	50
Rear yard setback	100	50	50	20	20	35	50	50
Side yard setback	50	25	25	15	15	10	25	25
Lot Size								
Minimum lot width (in feet)	100	100	100	50	50	50	100	150
Minimum street frontage (in feet)	50	50	50	50	50	50	100	150
Minimum open space (%)	25	25	25	25	25	25	25	25
Building Height (in feet)								
Maximum height of principal building[2]	40	40	40	40	40	40	40	40
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

Notes:

1. See Subsection C9 and Table 7.5 of this Section for detached accessory structure setbacks in residential zoning districts.
2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.

9. Bulk Regulations, Minimum Setbacks and Building Separations for Accessory Buildings and Structures in Residential Districts:

   a. See Chapter 14 of this Title (Accessory Structures) for additional standards and construction requirements for accessory buildings and structures.

   b. Accessory buildings and structures that meet the minimum separation distance from the principal building are considered detached accessory structures. In such case, the detached accessory structure must meet the setback requirements as noted in Table 7.5 below.

   c. Accessory structures that do not meet the minimum separation from the principal structure are considered part of the principal structure, no matter if they are physically separate from the principal structure. In such case, the accessory structure must meet the setback requirements for a principal structure except as noted below.

(1) Accessory structures (other than fences and walls) that do not exceed thirty inches (30") in height as measured from grade to the highest element and any railing or trellis designed to be open 50% or more may follow the detached accessory structure setbacks, no matter their proximity to the principal structure.

d. See Chapter 10 of this Title (Performance Standards), Section 4 (Specific Use Regulations) for additional separation requirements for accessory structures that will house animals.

e. Accessory structures cannot encroach into any buffer area or perimeter setback.

f. In a footprint development, detached accessory structures and fences are not allowed within footprint lots and are only allowed for development use on common property.

g. Accessory buildings over one-thousand square feet (1,000 sf), which are only permitted in Residential Estate and Open Space zoning, shall meet the minimum front yard setback of their respective zoning district and be setback a minimum of twenty feet (20') from the side and rear property lines.

h. Accessory buildings over one-thousand, five hundred square feet (1,500 sf) in multi-family residential districts must meet primary building setbacks and separations including setbacks adjusted for primary building height.

TABLE 7.5

Detached Accessory Structures – Single Family Zoning Districts

Required Standards	**OS**	**RE**	**RS** (ft.)		**R-1**	**SF-CR**	**SF-VJ**	**MH**[2]	**VJHB**
			<8,000	8,000>					
Front yard setback[1]	50	50	30	35	30	20	20	20	20
Rear and Side yard setback	5	5	5	5	5	5	5	5	5
Setback from alleys where the structure accesses the alley	20	20	20	20	20	20	20	20	20
Minimum separation between accessory buildings or structures under 1,000 sf and all other buildings	10	10	10	10	10	10	10	10	10

Detached Accessory Structures – Multi-Family Zoning Districts[2]

Required Standards	**MD**	**HD**
Front yard setback[1]	35	35
Rear and Side yard setback	10	10
Setback from alleys where the structure accesses the alley	20	20
Minimum separation between accessory buildings or structures under 1,500 sf and all other buildings	See Table 7.3	See Table 7.3

Notes:

1. In any existing platted property where the average front yard setback is different than that required for the specific zoning district, the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. Resulting front yard setback shall not be

less than the minimum required side yard setback for the zoning district. Front yard setback measured from the face of any garage accessed from the street will be a minimum of twenty-five feet (25') regardless of the averaged front yard depth. If the overall depth of the lot from the subject front yard is fifty feet (50') or less, the setback for any garage accessed from the street will be a minimum of twenty feet (20').

2. Accessory buildings or structures within a land lease Manufactured Home Park must be completely contained within the land lease area and comply with adopted building code separation and fire protection requirements from all other structures. Accessory structures not within a land lease Manufactured Home Park must meet the setback and separation distances of the applicable zoning district requirements.

D. The following regulations shall apply to development within the commercial, office and industrial zoned districts and non-residential development in the Open Space and Valley Junction Historic Business districts.

1. Zoning District abbreviations:

RC	Regional Commercial district	VJC	Valley Junction Commercial district	LI	Light Industrial district
CMC	Community Commercial district	VJHB	Valley Junction Historic Business district	GI	General Industrial district
NC	Neighborhood Commercial district	WR	Warehouse Retail district	OF	Office district
CVC	Convenience Commercial district	BP	Business Park district	PCP	Professional Commerce Park district
SC	Support Commercial district	VJLI	Valley Junction Light Industrial district	OS	Open Space district

2. All setbacks or separations are measured from the closest part of the foundation of the building or structure.

   a. Building projections are allowed to encroach up to two feet (2') from each building into minimum setback or separation.

   b. Any part of the structure, including eaves and overhangs, must meet all applicable building and fire codes on fire resistive construction based on distance from the property line or proximity to adjacent buildings.

   c. Building projections that are allowed to encroach within a setback cannot exceed a distance of four feet (4') from the foundation line. Projections that exceed four feet (4') from the foundation line will need to meet required setbacks and separation distances.

   d. No window well or any ground mounted mechanical equipment may be closer than three feet (3') to a property line.

   e. Except for the following, all detached accessory structures must meet primary building setback and separation requirements.

      (1) Trash and mechanical enclosures may use off-street parking setbacks for their respective district along the side and rear yards, however no enclosure may be located closer than five feet (5') from a property line.

(2) Maintenance sheds or garages equal to or less than one hundred and twenty square feet (120') in floor area may use off-street parking setbacks for their respective district along the side and rear yards, however no shed or garage may be located closer than five feet (5') from a property line.

3. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Commercial Districts:

TABLE 7.6

Lot Size								
Required Standards	**RC**	**CMC**	**NC**	**CVC**	**SC**	**VJC**	**VJHB**	**WR**
Minimum lot area (square feet)	60,000	60,000	60,000	40,000	60,000	20,000	6,250	20,000
Minimum lot width (feet)	50	50	50	50	50	50	50	50
Minimum open space (%)	25	25	25	25	25	25	0	25

Minimum Setback (in feet)								
Required Standards	**RC**	**CMC**	**NC**	**CVC**	**SC**	**VJC**	**VJHB**	**WR**
Front yard setback	100	100	45	45	100	35	0	50
Rear yard setback[1]	50	50	35	35	50	35	0	50
Side yard setback[1]	50	50	35	50	50	35	0	50

Building Height (in feet)								
Required Standards	**RC**	**CMC**	**NC**	**CVC**	**SC**	**VJC**	**VJHB**	**WR**
Maximum height of principal building or structure	36[2]	36[2]	30	30	36[2]	30	36	60[2]
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20	20

Notes:

1. Setback of zero feet (0') allowed if the property abuts a similar district.
2. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.

4. Bulk Regulations and Setbacks for Principal and Accessory Buildings or Structures in Industrial, Office and Open Space Districts:

TABLE 7.7

Lot Size							
Required Standards	**BP**	**VJLI**	**LI**	**GI**	**OF**	**PCP**	**OS**
Minimum lot area	20,000 square feet	7,250 square feet	10,000 square feet	20,000 square feet	10,000 square feet	60,000 square feet	10 acres
Minimum lot width (feet)	75	50	75	75	80	150	200
Minimum open space (%)	35	20	20	20	25	35	75

Minimum Setback (in feet)							
Required Standards	**BP**	**VJLI**	**LI**	**GI**	**OF**	**PCP**	**OS**
Front yard setback	50	15	30	40	30	50	50
Rear yard setback	50	10 (from alleyway)	35	35	35	50	50
- If abuts like zoning district			15		15	25	
Side yard setback	50	10[2]	20[2]	35[2]	10[2]	50	50
- If abuts like zoning district						25	

Building Height (in feet)							
Required Standards	**BP**	**VJLI**	**LI**	**GI**	**OF**	**PCP**	**OS**
Maximum height of principal building or structure	60[1]	15 30[3]	60[1]	60[1]	36[1]	36[1]	60[1]
Maximum height of accessory building or structure (at highest roof element)	20	20	20	20	20	20	20

Notes:

1. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
2. Setback of zero feet (0') allowed if abuts a similar district.
3. Maximum height of thirty feet (30') allowed with a building side yard setback of twenty feet (20').

Section 8. <u>Amendment.</u> Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 5 (*Miscellaneous Regulations*) is hereby deleted.

Section 9. Amendment. Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection A is hereby amended by adding the bold italic text in numerical order:

27. Cluster Developments: In order to be considered a cluster development, a minimum of 50% of the development area must be set aside, identified for preservation or protection and deed restricted from further development. Cluster Development may utilize footprint lots or multiple buildings on one lot, as noted in Chapter 7 of this Title (Setback and Bulk Density Regulations), Table 7.2.

Preservation areas must be identified and legally restricted from further development. These protected areas must be unencumbered by structures, off street parking areas and vehicle use areas but may include landscaped areas, buffers, fences, pedestrian sidewalks/trails and plazas or recreation areas. Stormwater management facilities may be included if they are designed as development or community amenity such as ponds or created wetlands.

Section 10. Amendment. Title 9 (Zoning), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection E is hereby amended by deleting the entire subsection and replacing it with the following text and renumbering subsequent subsections:

E. The Following Standards Shall Apply To Development In Multi-Family Residential Districts:

1. Access: These developments should be designed and oriented to provide principal access to arterial and collector streets and should not be designed to direct traffic through single-family residential districts to access the arterial or collector street.

2. Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide for safe circulation within the project, to the public sidewalks, developments adjacent to the project, and public transportation stops.

3. Architecture: Architectural design for multi-family buildings shall express a varied but cohesive presentation of exterior building materials, details and treatment of windows and doors. All facades of the building shall be treated with the same level of architectural style and detail (360 degree architecture). Door or window openings shall be incorporated on all sides of the building. Building design that is repetitive in form and material use should be avoided.

Building design shall incorporate durable and substantial buildings materials.

a. Attached Dwelling Building, up to 2 story, 4 units or less per building: Side and rear building facades shall incorporate a minimum of two material types. One primary and one accent material comprised of a different material type, color, or texture than the primary material. Facades that face a public or private street shall incorporate a third material of masonry (brick or stone) for a minimum of 20 percent of the total cladding area of the facades facing the street.

b. Attached Dwelling Building, up to 2 story, more than 4 units per building and buildings 3 story or greater: Masonry materials such as brick or stone shall be included on all sides of the building, predominantly on the base (lowest) story of the building. Appropriate sills and headers should be incorporated to provide structural authenticity. Buildings of one or two stories in height must have masonry cladding for a minimum of 40 percent of the total cladding area. Buildings of three stories and above in height must have masonry cladding for a minimum of 60 percent of the total cladding area. The City Council, after having received a recommendation from the Plan and Zoning Commission, reserves the right to waive a portion of the masonry requirement up to twenty five (25) percent of the total requirement, provided said waiver does not adversely affect the intent of these regulations to enhance the physical

appearance of residential development and accomplishes a compatible design within the overall context of the surrounding area and the City.

c. Vertical, board/batten or lap siding, shakes or panel siding with a smooth or stucco type finish can encompass cladding areas not required to be masonry, combining a variety of colors and textures along with trim and details to provide visual interest within the development. Siding installation methods must conceal fasteners.

Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions for non-masonry cladding. Vinyl or metal siding may be used only with appropriately scaled trim and not as the majority cladding material. Non-traditional materials such as metal panels or concrete masonry units and composite materials simulating the appearance of traditional cladding materials may be utilized after review by the Director of Development Services to determine that the use of these alternate building materials enhances the physical appearance and accomplishes a compatible design within the residential context of the development. Materials should change with the change in building plane and be arranged to have the appearance of three-dimensional elements. Trim and structural elements such as posts or columns shall be sized to the scale of the building.

Buildings that meet or exceed twelve (12) attached units shall incorporate additional design strategies to lessen the plainness of appearance and monolithic building mass characteristic of large residential buildings. All of the following strategies shall be incorporated in the building design:

a. Facade modulation - stepping back or extending forward a portion of the building. Changes in footprint shall be a minimum of two feet (2');

b. Changing the roof height and form by alternating wall plate heights or stepped parapets; addition of dormers; incorporation of projected roof elements such as canopies; all organized with the changes in floor plan. Changes in roof height shall be a minimum of eighteen inches (18");

c. Easily identifiable building entrances achieved through the use change in building form, materials and details. Projected or recessed entryways with associated changes in building material, change in rooflines and heights and the addition of awnings or canopies are examples strategies.

Garages visible from any street or adjacent property should be recessed behind the wall of the entry façade or front porch; or be designed to minimize the dominance of the garage door. Examples design strategies are: The addition of engaged columns framing the garage door, secondary roof elements or living area above the garage, all organized over the garage door; or the use of decorative garage doors with windows and of a color that blends with the surrounding facade.

Multiple bay garages attached to a building or multiple bay detached garages shall minimize the appearance of repetitive garage doors, dividing garages into no more than six (6) consecutive bays by using at least one of the following methods:

a. Limiting detached garage building size to no more than 6 bays.

b. Plan layout that interrupts multiple garage bays by inserting dwelling units or common use areas between garage bays.

c. Utilizing side entry garages to serve the end units of a building. The materials, treatments and the architectural style established in the building design shall be carried across the front façade of the side entry garages.

The architectural details of detached accessory structures such as garages shall incorporate the materials, treatments and the architectural style of the principal buildings. Portions of accessory buildings visible from any street or adjacent property shall incorporate same level of detail as the principal buildings.

Section 11. Amendment. Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Specific Use Regulations*), Subsection F is hereby amended by deleting the entire subsection and renumbering the subsequent subsections accordingly.

Section 12. Amendment. Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 4 (*Applicability*), Subsection A2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

2. The requirements herein do apply to:

   a. All new nonresidential structures;

   b. All new ***developments in*** multi-family ***zoning districts*** ~~and single-family attached dwellings~~;

   c. Major modifications to structures or sites;

   d. All subdivision plats where buffers are required;

   e. Minor modifications except that the requirements of this chapter shall only apply to the area of the site impacted by the minor modification.

Section 13. Amendment. Title 9 (*Zoning*), Chapter 19 (*Landscaping*), Section 8 (*Landscape Provisions*), Subsection E2 is hereby amended by deleting the highlighted strike-thru text and adding the bold italic text:

2. Conditions for Requiring a Buffer: The following conditions shall require a buffer between abutting districts and uses:

   a. Any ~~single-family attached residential~~ ***multi-family residential*** development greater than four (4) dwelling units per building~~, multi-family residential~~ and all commercial, office and industrial uses or any undeveloped residential high density district (RH), residential medium density district (RM), manufactured housing district (MH) and all commercial and industrial districts which abut any ***single family*** residential ~~estate~~ ***zoning*** district ~~(RE), residential single-family district (RS), single-family residential district (R-1)~~ or single-family detached uses shall be buffered as required in this section.

   b. Any multi-family residential and all commercial, office and industrial uses or any undeveloped residential high-density district (RH), all commercial, office and industrial districts which abut any residential medium-density district (RM) ***or*** manufactured housing district (MH)~~, or single-family attached uses~~ shall be buffered as required in this section.

Section 14. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 15. 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 16. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 & 2 of the City Code of the City of West Des Moines, Iowa.

Section 17. 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 18. 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 _____, 2019, and approved this _____ day of _____, 2019.

_____
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 _____, 2019, and was published in the Des Moines Register on _____, 2019.

_____
Ryan T. Jacobson
City Clerk