**NO CHANGE FROM PREVIOUS READING**

# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: May 6, 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)

**ORDINANCE: Approval of Third Reading and Adopt in Final Form**

**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 I – Proposed Ordinance):

- Chapter 1 *Entitlements – Process and Procedures*
  - Section 9 *Filing and Processing of Application Requests,* Subsection A4
- 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*, Subsection A
- Chapter 19 *Landscaping*
  - Section 4 *Applicability*, Subsection A2
  - Section 8 *Landscape Provisions*, Subsection E2

Previous Council Actions:
Vote: 4-1 for approval, Council member Trimble opposed.
Date: April 15, 2019
Motion: Approval of the Second Reading of the Ordinance

Vote: 4-1 for approval, Council member Trimble opposed due to concern with the allowance of footprint lots in single family zoning districts.
Date: April 1, 2019
Motion: Approval of the First Reading of the Ordinance

**OUTSTANDING ISSUES:** There are no outstanding issues.

**RECOMMENDATION**: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the Third Reading and adopt the Ordinance in final form.

Lead Staff Member: Linda Schemmel, AIA

**Staff Reviews:**

| | |
|---|---|
| Department Director | |
| Appropriations/Finance | |
| Legal | |
| Agenda Acceptance | |

**PUBLICATION(S) (if applicable)**

| | | |
|---|---|---|
| Published In | Des Moines Register | |
| Date(s) Published | 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 - Proposed Ordinance

**EXHIBIT I**

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 2019 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 Requests*), Subsection A4 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 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:

***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**<br>(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**<br>**Up to 2 story, 4 units or less per building**<br>(Townhomes, Apartments or Condominiums) | | |
|---|---|---|
| **Required Standards** (in feet) | **RM** | **RH** |
| Minimum setback[1]<br>- From perimeter of development | 35 | 35 |
| Front and Rear yard setback[1]<br>- Internal to the development<br>- The minimum setback for garages facing a street or drive is 25 feet from sidewalk or back of curb. | 15 | 15 |
| Side yard setback<br>- 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**<br>**Up to 2 story, more than 4 units per building**<br>**or**<br>**3 story or greater, 4 units or less per building**<br>(Townhomes, Apartments or Condominiums) | | |
|---|---|---|
| **Required Standards** (in feet) | **RM** | **RH** |
| Front yard setback[1,3]<br>- From perimeter of development | 50 | 50 |
| Rear and Side yard setback[3]<br>- From perimeter of development | 35 | 35 |

| | | |
|---|---|---|
| Front and Rear yard setback[1,3]<br>- Internal to the development<br>- 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]<br>- 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**<br>**3 story or greater, more than four units per building**<br>(Townhomes, Apartments or Condominiums) | | |
|---|---|---|
| **Required Standards** (in feet) | **RM** | **RH** |
| Front yard setback[1,3]<br>- From perimeter of development | 60 | 60 |
| Rear and Side yard setback[3]<br>- From perimeter of development | 35 | 35 |
| Front and Rear yard setback[1]<br>- Internal to the development | 30 | 30 |
| Side yard setback<br>- 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<br>30[3] | 60[1] | 60[1] | 36[1] | 60[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 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 11. 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 12. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 13. 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 14. 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 15. 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 16. 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