

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

Meeting Date: November 11, 2019

Item: Amendment to City Code – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Title 10 (Subdivision Regulations), Chapter 3 (Design Standards and Required Improvements) to modify setbacks for corner lots in certain lot configurations – City Initiated – AO-004537-2019

Requested Action: Recommend Approval of an Amendment to City Code

Case Advisor: Brian Portz, AICP *BP*

Applicant's Request: City of West Des Moines requests an amendment to the following noted chapters and sections of Title 9 (Zoning) and Title 10 (Subdivision Regulations) to modify setbacks for corner lots in certain lot configurations.

- Title 9 (Zoning):
 - Chapter 2 (Zoning Rules and Definitions) Section 2 (Definitions)
- Title 10 (Subdivision Regulations)
 - Chapter 3 (Design Standards and Required Improvements) Section 1 (Subdivision Design Standards)

The intent with this proposed amendment is to allow for reduced setbacks for corner lots where the corner lot directly backs the rear yard of another corner lot. In this type of lot configuration, principle structures and accessory structures are allowed to be closer to the street in the side yard than would otherwise be permitted thus providing more buildable area within the lot. The amendment is in response to frequent inquiries as to why when buying a larger corner lot, a property owner is unable to use much of the side yard due to the practice of applying two front yard setbacks.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee at their October 7, 2019 meeting. The Subcommittee was supportive of the change which allows for more buildable lot area.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There is one outstanding issue, but it does not affect the intent of the amendment.

- *Retroactively Apply to Recorded Plats:* The City's Legal Department is currently reviewing whether the proposed amendment will allow the street side yard reduced setback to override setbacks that are indicated on existing final plats. The Legal Department will have a determination on this prior to the Ordinance Amendment being considered by the City Council for approval. Depending on the determination, additional modifications to the Zoning Code may be incorporated.

Noticing Information: On November 1, 2019, notice for the November 11, 2019, Plan and Zoning Commission and November 18, 2019, City Council Public Hearings on 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 amendment to City Code.

ATTACHMENTS:

- Attachment A – Plan & Zoning Commission Resolution
- Exhibit A – Proposed Ordinance
- Exhibit B – Illustration

RESOLUTION NO. PZC 19-079

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS) AND TITLE 10 (SUBDIVISION REGULATIONS), CHAPTER 3 (DESIGN STANDARDS AND REQUIRED IMPROVEMENTS) TO MODIFY SETBACKS FOR CORNER LOTS IN CERTAIN LOT CONFIGURATIONS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines requests an amendment to amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) and Title 10 (Subdivision Regulations), Chapter 3 (Design Standards and Required Improvements) to modify setbacks for corner lots in certain lot configurations by allowing a lesser setback on the common street side when two corner lots back to each other (share a rear lot line);

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, on November 11, 2019, this Commission held a duly-noticed meeting to 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, dated November 11, 2019, or as amended orally at the Plan and Zoning Commission hearing of November 11, 2019, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-004537-2019) 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 November 11, 2019.

Erica Andersen, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on November 11, 2019, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

Prepared by: B. Portz, 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, TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS) AND TITLE 10 (SUBDIVISION REGULATIONS), CHAPTER 3 (DESIGN STANDARDS AND REQUIRED IMPROVEMENTS) TO MODIFY SETBACKS FOR CORNER LOTS IN CERTAIN LOT CONFIGURATIONS

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

Section 1. Amendment. Title 9 (*Zoning*), Chapter 2 (*Zoning Rules and Definitions*), Section 2 (*Definitions*), is hereby amended by adding the bold italic text and deleting the highlighted, strike-through text:

LOT LINES: A. Front: The line separating the front of the lot from the street. ~~In the case of a corner lot, either of the two (2) lot lines separating the front of the lot and public street right-of-way may be considered the front lot line.~~

YARD, STREET SIDE: Within single family residential zoning districts, when a corner lot directly abuts the rear yard of another corner lot, the yard that is fronting the street common to both lots is considered to be a street side yard, or if a corner lot abuts a third street, the frontage on the opposite side of the interior side yard is considered a street side yard.

Section 2. Amendment. Title 10 (*Subdivision Regulations*), Chapter 3 (*Design Standards and Required Improvements*), Section 1 (*Subdivision Design Standards*), Subsection D, is hereby amended by adding the bold italic text:

1. Lot Types:

- a. Corner Lot: A lot located at the intersection of two (2) or more streets, and having the street abut the front and one or more side lines of the lot. ~~Each yard abutting a street right-of-way is considered a front yard, but only one front yard must comply with minimum lot frontage requirements.~~ For purposes of this definition, an alley or interstate highway is not considered a street.

i. Only one front yard must comply with minimum lot frontage requirements.

ii. In the case of a lot located in a single-family residential zoning district:

- 1) If the corner lot directly backs the rear yard of another corner lot, the yard that is fronting the street common to both lots is considered to be a street side yard.***
- 2) If the corner lot abuts a third street, the frontage on the opposite side of the interior side yard is considered a street side yard.***
- 3) The street side yard setback for primary and detached accessory structures, excluding fencing shall be a minimum of twenty feet (20'), except that any garage along the street side yard must be located to provide a minimum of twenty-five feet (25') of driveway surface to the garage, as measured from the right-of-way line of a public street or the interior edge of a sidewalk or curb of a private street, whichever is closer, to accommodate the parking of vehicles without overhanging a pedestrian pathway.***

4) In the situation where a landscape buffer is designated along the street side yard, the street side yard setback will be measured from the property line, not the buffer line; however, no building or structure may encroach into the designated buffer.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 4. 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 5. 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, Section 1 of the City Code of the City of West Des Moines, Iowa.

Section 6. 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 7. 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



