NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: December 2, 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

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: 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.

Previous Council Action:
Vote: 5-0 approval.
Date: November 18, 2019
Motion: Approval of the First Reading of the amendment to City Code.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third and adopt the ordinance in final form amending City Code, 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, subject to meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	November 1, 2019	
Letter sent to surrounding property owners		NA

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	October 7, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Proposed Ordinance

EXHIBIT I

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. See Illustration # 1 and 2 below.

Illustration #1

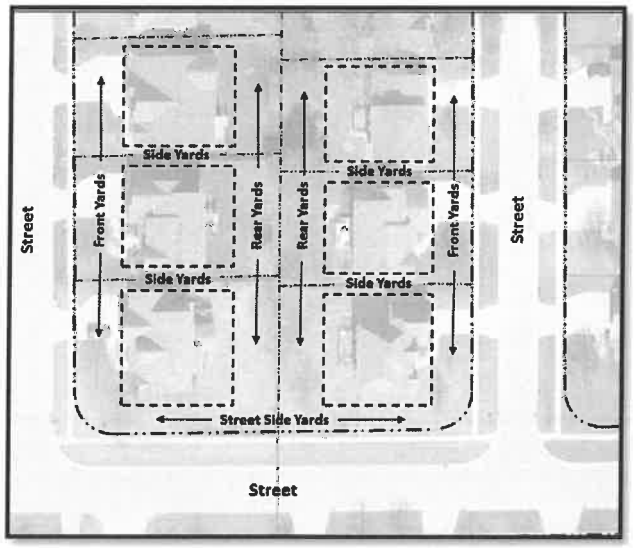
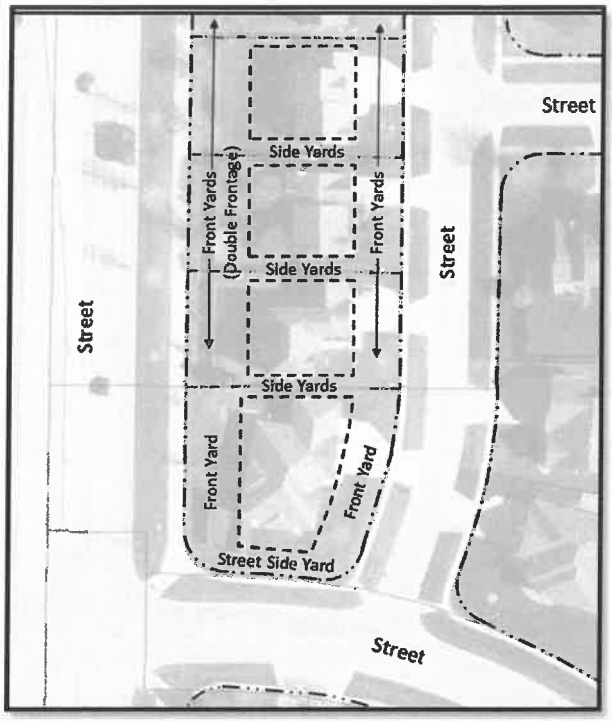


Illustration #2



Section 2. <u>Amendment.</u> 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 and deleting the highlighted, strike-through 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. See Illustration #1 below.
         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. See Illustration #2 below.
         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. Any existing street side yard setbacks indicated on a recorded plat that are greater than twenty feet (20') shall apply to the lot(s) in question.
         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.

Illustration #1

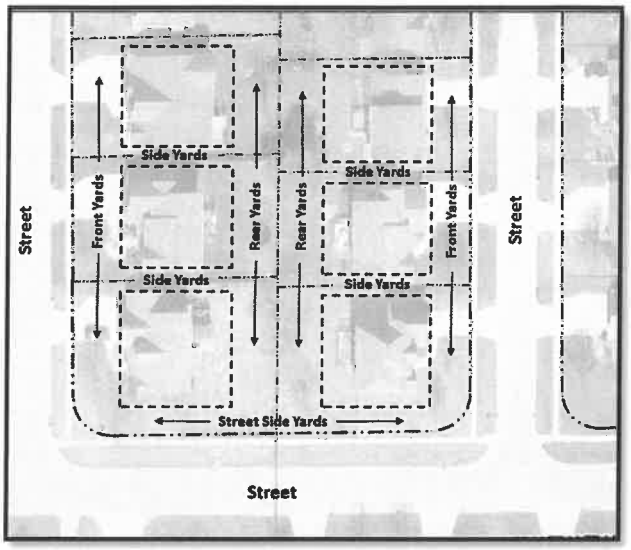
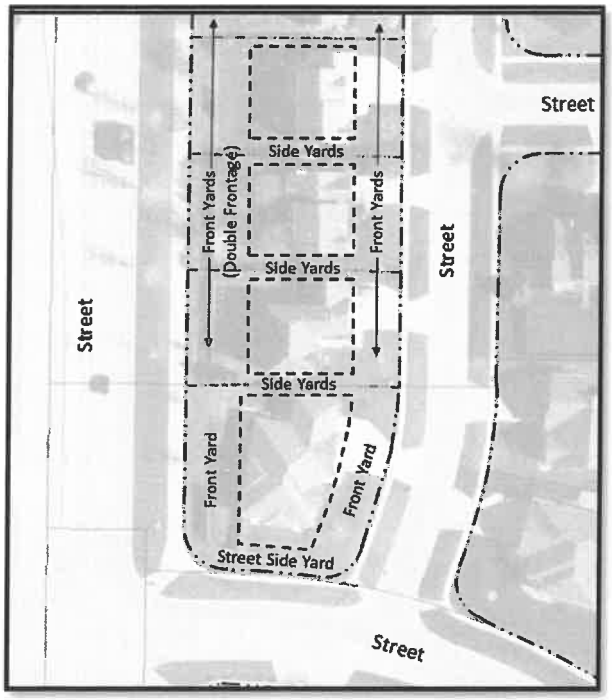


Illustration #2



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

Section 4. <u>Savings Clause.</u> 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