

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: August 22, 2022

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) and Title 10 (Subdivision Regulations) to modify regulations pertaining to street side yards on corner lots - City Initiated – AO-005674-2022

RESOLUTION: Approval of Ordinance Amendment

Background: Development Services Staff is initiating an amendment to the chapters and sections identified below in Title 9 (Zoning) and Title 10 (Subdivision Regulations) to modify regulations pertaining to the street side yards as currently regulated within City Code.

Specifically, the following changes are proposed with this request:

- Title 9: Zoning
 - Chapter 2: *Zoning Rules and Definitions*, Section 2: *Definitions* to expand on the definition of street side yard on corner lots
 - Chapter 7: *Setback and Bulk Density Regulations*, Section 4: *Setback and Density Regulations* to update the matrix table to note of the expansion of street side yard context
- Title 10: Subdivision Regulations
 - Chapter 3: *Design Standards and Required Improvements*, Section 1: *Subdivision Design Standards* to expand on the definition of street side yard on corner lots and match that proposed for Title 9

Staff Review & Comment:

- Ordinance Amendment Intent: Amend City Code to broaden the situations in which designation of a street side yards is applicable.
- Key Aspects of Proposed Amendment: Per city code, corner lots are considered to have two front yards and traditionally, the same 30-, 35- or 50-foot front yard setback was applied to both street frontages. The width of corner lots is required to be larger to accommodate the larger setback on what may otherwise be considered a side yard. Individuals that purchased the larger corner lots are not pleased when they find out that they are restricted from placing any structures in the 'front yard' setback of the side yard. In 2019, the City Council approved a code amendment establishing allowances for the application of a street side yard on corner lots as illustrated below when a lot is back-to-back with another corner lot (illustration #1) and when a corner double frontage lot (illustration #2):

Illustration #1:

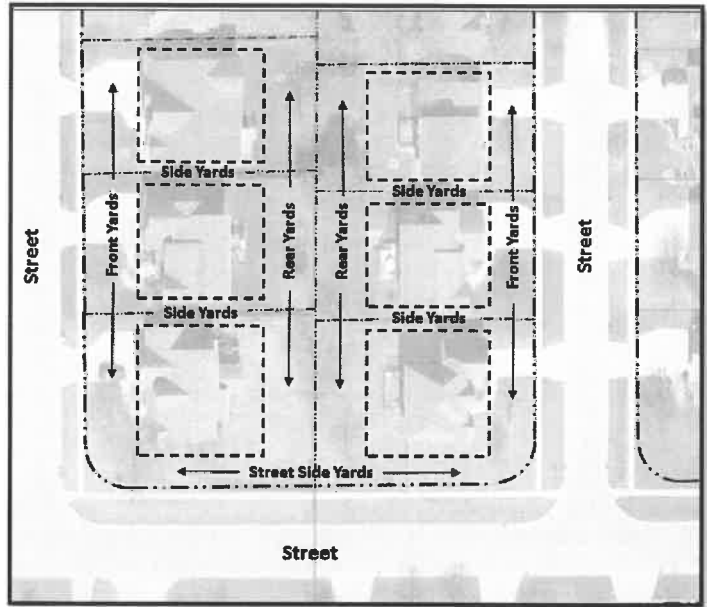
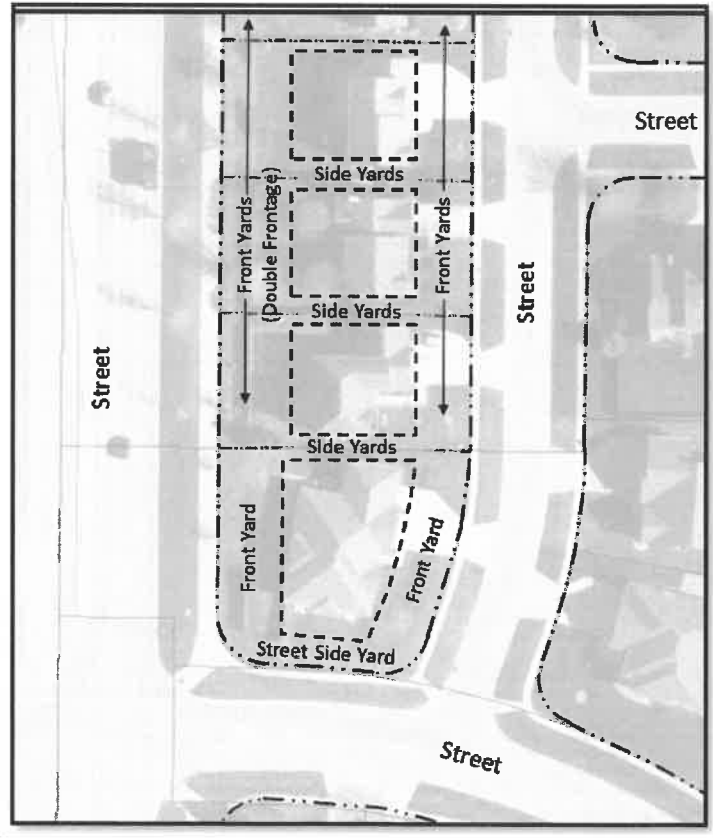


Illustration #2:



This ordinance amendment will expand on the definition of street side yard within single family residential zoning districts and allow for the designation on corner lots where either the abutting adjacent lot does not justify a consistent building setback line to be maintained, or the designation of the street along the side is of a classification that does not allow individual driveways off of the secondary frontage (street side yard). The change is in response to frequent inquiries about application of street side yard on corner lots and real-life examples of situations recently being experienced in which it could be applied. Allowing street side yards is one way in which to increase the useable area of individual lots for residents.

Corner Lots Abutting a Park or School/Public Facilities
—a different street frontage context



Front Street Side Yard

Corner Lots Abutting Detention or Conservation or Environmental Area(s)



Front Street Side Yard

Corner Lots Abutting an Arterial Road Classification -or- no access due to permanent/plat restriction on access



Front Street Side Yard

- **Authority over City Code:** The Planning and Zoning Commission has been granted the power to provide recommendations to the City Council for amendments to Title 9, Zoning. The Commission does not have authority over what is or is not included in any other title within City Code other than Title 9. The proposed ordinance amendment in its entirety has been provided to the Commission for context; however, the recommendation contained in the resolution will only apply to the changes to Title 9. The Commission can make suggestions for the Council to consider; however, the Council has ultimate authority over what is adopted as City Code.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date: August 22, 2022

Vote:

Recommendation:

Planning and Zoning Commission Discussion:

City Council First Reading:

Date:

Vote:

Recommendation: Approve the Ordinance Amendment to City Code.

Lead Staff Member: Kate DeVine

Approval Meeting Dates:

Planning & Zoning Commission	August 22, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews

Planning & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator/Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director	<input type="checkbox"/> Legal Department
	<input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Agenda Acceptance

Publications

Published In	Des Moines Register Community Section
Date Published	August 17, 2022

Subcommittee Review (if applicable)

Committee	Development & Planning		
Date Reviewed	August 1, 2022		
Recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Split

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-22-076

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, staff requests approval of an Ordinance Amendment to the following chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to street side yards as currently regulated within City Code.

- Chapter 2: *Zoning Rules and Definition, Section 2: Definitions*
- Chapter 7: *Setback and Bulk Density Regulations, Section 4: Setback and Density Regulations*

WHEREAS, the Ordinance Amendment request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends the City Council approve the Ordinance Amendment (AO-005674-2022).

PASSED AND ADOPTED on August 22, 2022

Jennifer Drake, Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 22, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: K. Devine, City of West Des Moines, Choose an item. Dept., P.O. Box 65320,
West Des Moines, IA 50265-3620, 515-222-3620

When Recorded Return to: City Clerk, City of West Des Moines, P.O. 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), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS), AND TITLE 10 (SUBDIVISION REGULATIONS), CHAPTER 3 (DESIGN STANDARDS AND REQUIRED IMPROVEMENTS), PERTAINING TO STREET SIDE YARDS

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 deleting the highlighted strike-through text and inserting the text in bold italics accordingly in alphabetical order. All other items in current adopted portion of code not reflected below shall remain as is.

LOT TYPES:

- A. Corner Lot: A lot located at the intersection(s) of two (2) or more streets, and having the street right-of-way about the front and one or more side lines of the lot.

YARD, STREET SIDE: Within ~~single family residential zoning districts,~~ ***certain/specified single family residential zoning districts, on corner lots where the abutting adjacent lot does not require a consistent building setback line (i.e. front yard setback or front yard lot lines: front) to be maintained, a street side yard may be allowed. For example,*** 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 (***a double-frontage lot***), the frontage on the opposite side of the interior side yard is considered a street side yard. See Illustrations #1 and 2 below. ***Additionally, see Title 10, Chapter 3, Section 1.***

Section 2. Amendment. Title 9: Zoning, Chapter 7: Setback and Bulk Density Regulations, Section 4: Setback and Density Regulations, Subsection C.6: Minimum Setbacks and Building Separations For Principal Buildings (Dwellings) In Single Family Zoning Districts, Table 7.2 is hereby amended by inserting the text in bold italics. All other items in current adopted table not reflected below shall remain as is:

Table 7.2 Setbacks – Standard Lots³

Required Standards	OS	RE	RS				R-1	SF - CR	SF - VJ	VJHB	MH ⁵
			5,000 To 7,999 Sq. Ft.	8,000 To 9,999 Sq. Ft.	10,000 To 14,999 Sq. Ft.	15,000 Sq. Ft. Or Greater					
			5,000 To 7,999 Sq. Ft.	8,000 To 9,999 Sq. Ft.	10,000 To 14,999 Sq. Ft.	15,000 Sq. Ft. Or Greater					
			5,000 To 7,999 Sq. Ft.	8,000 To 9,999 Sq. Ft.	10,000 To 14,999 Sq. Ft.	15,000 Sq. Ft. Or Greater					
Front yard 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'	35'	10'
Minimum side yard setback on any 1 side	50'	20'	7'	8'	8'	8'	7'	5'	5'	5'	5'
Minimum sum of side yard setbacks ⁸	100'	40'	14'	20'	20'	20'	14'	10'	10'	10'	10'
<i>Street Side Yard (see Title 10, Chapter 3, Section 1)</i>			<i>20'</i> <i>25' to garage opening</i>	<i>20'</i> <i>25' to garage opening</i>	<i>20'</i> <i>25' to garage opening</i>	<i>20'</i> <i>25' to garage opening</i>	<i>20'</i> <i>25' to garage opening</i>				

Section 3. Amendment. Title 10: Subdivision Regulations, Chapter 3: Design Standards and Required Improvements, Section 1: Subdivision Design Standards, Subsection D: Lots is hereby amended by inserting the text in bold italics accordingly and renumbering as required. All other items in current adopted portion of code not reflected below shall remain as is.

D. Lots:

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. 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 of the interior side yard is considered a street side yard. See Illustration #2 below.

3) If the corner lots abuts an adjacent property where the building setback line (i.e. front yard setback or yard) is not consistent, a street side yard may be used.

4) If the side yard of a corner lot abuts a roadway that is of a classification that does not allow direct driveway access to a dwelling or accessory structure, attached or detached, then the side yard is considered a street side yard.

5) If the side yard of a corner lot abuts a non-residential use or apparent natural environmental area or element (i.e. natural areas, parks, schools, detention, etc.) then the side yard is considered a street side yard.

6) 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.

- 7) 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 4. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. 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 6. 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 7. Other Remedies. In addition to the provisions set out in 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 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council on September 19, 2022.

Russ Trimble, Mayor

Attest:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2022, and published in the Des Moines Register on _____, 2022.