

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: June 12, 2023

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to Single Family Detached Residential Setback Regulations - Ted Grob – AO-006028-2023

RESOLUTION: Approval of Ordinance Amendment

Background: Ted Grob with Savannah Homes is initiating an amendment to the chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to the Residential Single Family (RS) zoning district's setback standards for lots ranging from 5,000 to 7,999 square feet as currently regulated within City Code. As noted below, the proposed modification will allow the application of reduced setbacks when specific lot size and dimension parameters are met. Staff has added to the request to propose that the setback standards for the Single Family Residential (R-1) zoning district be similarly treated.

Specifically, the following changes are proposed with this request:

- 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* to add superscript "3" indicators for the RS, 5,000 to 7,999 Sq. Ft. lot size zoning district and the R-1 zoning district in Table 7.2: *Setbacks – Standard Lots*. A correction to remove the superscript "3" in the *Setback and Building Separation for Detached Dwellings on Footprint Lots* table is also included.
 - 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* to modify Notes #3 at the end of the table(s) 7.2 to provide regulations for "Reduced Setbacks" when a lot meets specific qualifications.

Staff Review & Comment:

- *Ordinance Amendment Intent:* Staff has mentioned as part of the recently adopted Comprehensive Plan update, and anticipated update to the Zoning Code, that it is intended to allow for a wider range of housing types, lot sizes and price points, which should aid in promoting more affordable homes. This amendment is a first step towards making small width lots more buildable. Increasing the buildability of smaller width lots allows for more lots to be created in a subdivision which in turn allows the cost of a development's land and infrastructure costs to be spread across the additional lots and thereby reducing each lot's selling price.
- *Key Aspects of Proposed Amendment:* The key aspects of the amendment will allow for reduced setbacks for lots in the Residential Single Family (RS) zoning district with lots ranging in size from 5,000 to 7,999 square feet and the Single Family Residential (R-1) zoning district when they meet the following criteria:

- Lot width is a maximum of 50 feet (75' for corner lots which are required to be 25' wider in width).
- Lot frontage at the street is a minimum of 40'.
- The lot is a minimum of 5,000 square feet, but no more than 7,999 square feet in size (up to 11,000 square feet for corner lots).

When a lot meets these parameters, the front yard setback may be reduced to 25' from the code stated 30'; the rear yard setback may be reduced to 30' from the code stated 35'; and the side yards reduced to a minimum of 6' (both sides) from the code stated 7'. The Final Plat subdivision drawing shall illustrate and note the allowed setbacks and buildable area of each lot.

Any lot that does not meet the above stated specifications is required to abide by the code stated setbacks of a minimum 30' front yard, 35' rear yard and 7' side yard (both sides). In addition to the RS, 5,000 to 7,999 square feet lot size zoning district, the amendment is being proposed as applicable in the R-1 zoning district since the minimum lots size allowed is 7,500 and the setbacks are similar in current code.

Staff is recommending waiving the application of the average front yard provision when determining if a lot meets the above parameters to be allowed reduced setbacks; as well as prohibiting further encroachment into the front yard through application of the code provision that allows an open front porch, which is a minimum of 6' in depth to encroach up to 8' into the front yard. Additionally, staff proposes that reduced setback lots shall not be allowed the option of a Variance or Zoning Exception for the primary dwelling to further decrease the setback required. A detached accessory structure would be allowed the opportunity to obtain a Variance or Zoning Exception if they met the test currently outlined in city code.

A side yard setback of 5' or less (measured to the foundation) can lead to situations in which building elements such as bump-outs, bay windows and roof overhangs are at a separation distance between adjacent homes that results in a Building Code requirement for fire resistive construction. Protective construction adds costs and/or can result in undesirable home designs in which the roof overhangs are simply cut-off to achieve minimum building separations that no longer require fire resistive construction. Additionally, homes that are too close together can lead to problems with the placement of mechanical equipment and egress windows which can make maintenance and accessing the back yard problematic.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date: June 12, 2023

Vote:

Recommendation:

Planning and Zoning Commission Discussion:

City Council First Reading:

Date: July 5, 2023

Vote:

Recommendation: Approve the Ordinance Amendment to City Code.

Lead Staff Member: Kara Tragesser

Approval Meeting Dates:

Planning & Zoning Commission	June 12, 2023
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"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

Publications (if applicable)	
Published In:	Des Moines Register Community Section
Date(s) Published	June 7, 2023
Date(s) of Mailed Notices	N/A

Council Subcommittee Review (if applicable)				
Subcommittee	Development & Planning			
Date Reviewed	June 5, 2023			
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-23-035

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 setback regulations for single family residential lots to provide for reduced setbacks for lots meeting specific criteria:

- 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* to add superscript “3” indicators for the RS 5,000 to 7,999 Sq. Ft. lot size zoning district and the R-1 zoning district in Table 7.2: *Setbacks – Standard Lots*. A correction to remove the superscript “3” in the *Setback and Building Separation for Detached Dwellings on Footprint Lots* table is also included.
 - 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* to modify Notes #3 at the end of the table(s) 7.2 to provide regulations for “Reduced Setbacks” when a lot meets specific qualifications.

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-006208-2023).

PASSED AND ADOPTED on June 12, 2023.

Andrew Conlin, 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 June 12, 2023.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: Kara Tragesser, 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 7 (SETBACK AND BULK DENSITY REGULATIONS) PERTAINING TO RESIDENTIAL SINGLE FAMILY (RS-5) AND SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS TO PROVIDE FOR REDUCED SETBACKS IN CERTAIN SITUATIONS

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

Section 1. 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 *Setbacks – Standard Lots* is hereby amended by adding a superscript “3” to the 5,000 to 7,999 sq. ft. cell within the “RS” section and to the R-1 column header as shown in bold italic and highlighted text in the table below:

TABLE 7.2
 Setbacks – Standard Lots

Required Standards	OS	RE	RS				R-1 ³	SF-CR	SF-VJ	VJHB	MH ⁵
			5,000 to 7,999 sq ft ³	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	100'	40'	14'	20'	20'	20'	14'	10'	10'	10'	10'
Street Side Yard (see Title 10, Chapter 3, Section 1)			20' 25' to garage opening	20' 25' to garage opening	20' 25' to garage opening	20' 25' to garage opening	20' 25' to garage opening				

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 Setbacks And Building Separation For Detached Dwellings on Footprint Lots, to remove superscript “3” from the “Maximum setback from building foundation on one side or the rear yard of the footprint lot to accommodate additional yard or private outdoor living areas” cell as shown in strikethrough and highlighted in the table below:

Setbacks And Building Separation For Detached Dwellings On Footprint Lots^{6,7}

Required Standards	OS	RE	RS	R-1	SF-CR	SF-VJ	VJHB	MH
Minimum setback from building foundation of all yards for footprint lot ⁴	7'	7'	7'	7'				
Maximum setback from building foundation of one side or the rear yard of the footprint lot to accommodate additional yard or private outdoor living areas 3,4	15'	15'	15'	15'				
Maximum setback from building foundation of all other yards for footprint lot ⁴	10'	10'	10'	10'				
Minimum separation between principal structures	14'	14'	14'	14'				

Section 3. 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, end note #3 is amended by deleting the highlighted strikethrough text and inserting the text in bold italic lettering as follows. All other table end notes not included below remain as is.

3. ~~Reserved.~~ Reduced Setbacks:

- a. Reduced Setbacks may be designated on an individual parcel/lot within a subdivision if the lot meets all of the following criteria, without exception:**
 - i. Lot size ranges from a minimum of 5,000 sq. ft. to a maximum of 7,999 sq. ft. (up to a maximum of 11,000 sq. ft. for a corner lot).**
 - ii. Lot width is a maximum of 50 feet wide at the building setback line (75 feet for a corner lot).**
 - iii. Lot has a minimum of 40 feet of street frontage.**
- b. When a lot meets these parameters, the front yard setback may be reduced to no less than 25', the rear yard setback reduced to no less than 30' and the side yard reduced to no less than 6' with a minimum total of 12' combined side yards.**
- c. The provision of an average front yard setback as provided in note #1 shall not be applicable in determining reduced front yard setback on lots which provide a reduced setback.**

- d. Allowance for open porches to extend into the front yard setback as provided in note #2 shall not be allowed on lots which provide a reduced setback.*
- e. A Variance or Zoning Exception applicable to the principal building (dwelling) shall not be allowed for lots which provide a reduced setback; however, a variance or zoning exception may still be an option for detached accessory structures within a lot that has provided reduced setbacks.*
- f. The reduced setback dimensions and buildable area must be noted on the subdivision plat drawing(s).*

Section 3. Repealer. All ordinances of parts of ordinances in conflict with the provisions 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 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 AND APPROVED by the City Council on July 5, 2023

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 _____, 2023, and published in the Des Moines Register on _____, 2023.