

ORDINANCE NO. 720

AN ORDINANCE AMENDING CHAPTER 165 "ZONING REGULATIONS."

WHEREAS, the Zoning Board of Adjustment of the City of West Branch, Iowa, believes that a procedure for City Council review of variances would be beneficial to the Zoning Code; and

WHEREAS, the Zoning Board of Adjustment of the City of West Branch, Iowa, believes that the clarification of certain terms in the Zoning Code will lead to a clearer understanding of the Code's requirements; and

WHEREAS, the Zoning Board of Adjustment of the City of West Branch, Iowa, believes that retaining walls, that do not cause "safety or access" issues which meet certain limitations, should be allowed in at least a portion of the minimum area required for yards; and

WHEREAS, the Planning & Zoning Commission has reviewed these recommendations and concurs with the Zoning Board of Adjustment; and

WHEREAS, the Planning & Zoning Commission recommends to the City Council of the City of West Branch, adoption of these amendment recommendations in the Zoning Code; and

WHEREAS, the City Council of the City of West Branch, Iowa has reviewed these recommendations and concurs with the Zoning Board of Adjustment and Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by the City Council of West Branch, Iowa by incorporating the following language to Title, "ZONING AND SUBDIVISION", Chapter 165, "ZONING REGULATIONS":

a. Section 165.22 - POWERS OF THE BOARD is hereby amended to add paragraph 8, which reads as follows:

“8. The effective date of a variance is thirty days after granted by the Zoning Board of Adjustment. The City Council may remand a decision to grant a variance to the Zoning Board of Adjustment for further study. The effective date of the variance in this case is delayed for thirty days from the date of the remand. “

b. Section 165.04 - DEFINITIONS is hereby amended by deleting subsection 165.04(37) and incorporating the following definitions into said Section 165.04:

“Fence” means — “A self-supporting manmade structure extending above ground designed to define, restrict, or prevent movement across a boundary. ”

“Screen” means — “A class of fence intended to provide a visual buffer (e.g., hide utility boxes or trash containers)”

“Hedge” means — “A row of closely planted shrubs or low-growing trees that may serve as a fence.”

“Retaining Wall” means - “A wall not laterally supported at the top, that resists lateral soil load and other imposed loads”

c. Section 165.11(1) - PERMITTED OBSTRUCTION IN REQUIRED YARDS - In all yards, is hereby amended by adding paragraphs F. and G., which read:

F. Fences, hedges, and walls (see Section 165.44 for requirements)

G. Retaining walls (see Section 165.44 and requirements specific to Retaining Walls in 165.44 (9))

d. Section 165.11(3) and Section 165.11(4) are hereby amended by deleting references to fences.

e. Section 165.44 FENCES is hereby amended by incorporating the following language into said Section 165.44

“165.44 FENCES / HEDGES / WALLS / RETAINING WALLS

f. Section 165.44(1) is hereby amended and reads:

Fences, hedges, and walls shall be located so no part thereof is within two (2) feet of an alley, sidewalk, or a street right-of-way, except in situations where a retaining wall is necessary for the installation of a required public sidewalk in which case the retaining wall may extend up to the sidewalk edge.

g. Section 165.44 (9) is added and reads as follows:

Retaining Walls - are subject to the following additional requirements:

a. May not extend within 4 feet of the lot line, except in situations where a retaining wall is necessary for the installation of a required public sidewalk in which case the retaining wall may extend up to the sidewalk edge.

b. If they are greater than 48” in height must also include an approved fence clearly marking the top of the wall.

c. Will be subject to engineering review if they exceed 48” in height.

d. Will be subject to engineering review when a Surcharge Load is present.

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

Passed and approved this 5th day of May, 2014.

First Reading: April 7, 2014
Second Reading: April 21, 2014
Third Reading: May 5, 2014



Mark Worrell, Mayor

ATTEST:


Matt Muckler, City Administrator/Clerk