

City of West Branch

~A Heritage for Success~

110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358
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Revised PLANNING AND ZONING COMMISSION MEETING AGENDA

Thursday, August 13, 2015 • 6:30 p.m.

West Branch City Council Chambers, 110 N. Poplar St.

Council Quorum May Be Present

1. Call to Order
2. Roll Call
3. Introduction of New Commission Member – Liz Seiberling
4. Approve _____ as Chairperson of the Planning & Zoning Commission./Move to action.
5. Approve _____ as Vice Chairperson of the Planning & Zoning Commission./Move to action.
6. Public Hearing on Proposed Amendment to Sections 165.04(44) (47), 165.07(2), 165.12, 165.24, 165.26(1) (3), 165.27(1), 165.28(1), 165.30(1), 165.31(1) (2), 165.32(1) (2), 165.37, 165.44(4) (7) (8), and 165.49 of the West Branch Zoning Ordinance.
7. Approve recommendation to the City Council for the passage of Ordinance 734, amending Chapter 165 “Zoning Regulations.”/Move to action.
8. Old Business
9. New Business
10. Next Regularly Scheduled Commission Meeting – September 22, 2015 at 6:30 p.m.
11. Adjourn

Planning & Zoning Commission Members: Chair - vacant, Vice Chair John Fuller, LeeAnn Aspelmeier, Ryan Bowers, Clara Oleson, Sally Peck, Liz Seiberling, Gary Slach

Zoning Administrator: Paul Stagg • **Deputy City Clerk:** Leslie Brick

Mayor: Vacant • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson

City Administrator/Clerk: Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin

Parks & Rec Director: Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTIONS 165.04(44) (47), 165.07(2), 165.12, 165.24, 165.26(1) (3), 165.27(1) (3), 165.28(1) (3), 165.30(1), 165.31(1) (2), 165.32(1) (2), 165.37, 165.44(4) (7) (8), and 165.49 OF THE WEST BRANCH ZONING ORDINANCE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held to consider the above referenced matter by the Planning and Zoning Commission of the City of West Branch, Cedar County, in the Council Chambers at the City Hall at 110 N. Poplar Street, at 6:30 o'clock P.M., on Thursday, August 13th, 2015. The proposed amendments will add clarity and consistency to the language in the aforementioned sections of Chapter 165 "Zoning Regulations".

All interested persons are invited to attend the meeting and be heard on the aforementioned proposed amendment to the West Branch Code of Ordinances. Further information on this matter may be obtained by contacting the West Branch City Clerk.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTIONS 165.04(44) (47), 165.07(2), 165.12, 165.24, 165.26(1) (3), 165.27(1) (3), 165.28(1) (3), 165.30(1), 165.31(1) (2), 165.32(1) (2), 165.37, 165.44(4) (7) (8), and 165.49 OF THE WEST BRANCH ZONING ORDINANCE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held to consider the above referenced matter by the City Council of the City of West Branch, Cedar County, in the Council Chambers at the City Hall at 110 N. Poplar Street, at 7:00 o'clock P.M., on Monday, August 17th, 2015. The proposed amendments will add clarity and consistency to the language in the aforementioned sections of Chapter 165 "Zoning Regulations".

All interested persons are invited to attend the meeting and be heard on the aforementioned proposed amendment to the West Branch Code of Ordinances. Further information on this matter may be obtained by contacting the West Branch City Clerk.

165.07 ACCESSORY BUILDINGS.

1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

2. An accessory building may not be located nearer to any interior lot line than that permitted for the main building, when any part of the accessory building is on line with the main building, if extended. However, when an accessory building is located in the rear yard, it may then be located **not nearer than** (3) feet of the interior lot line, **and** not nearer than five (5) feet of the rear lot line.

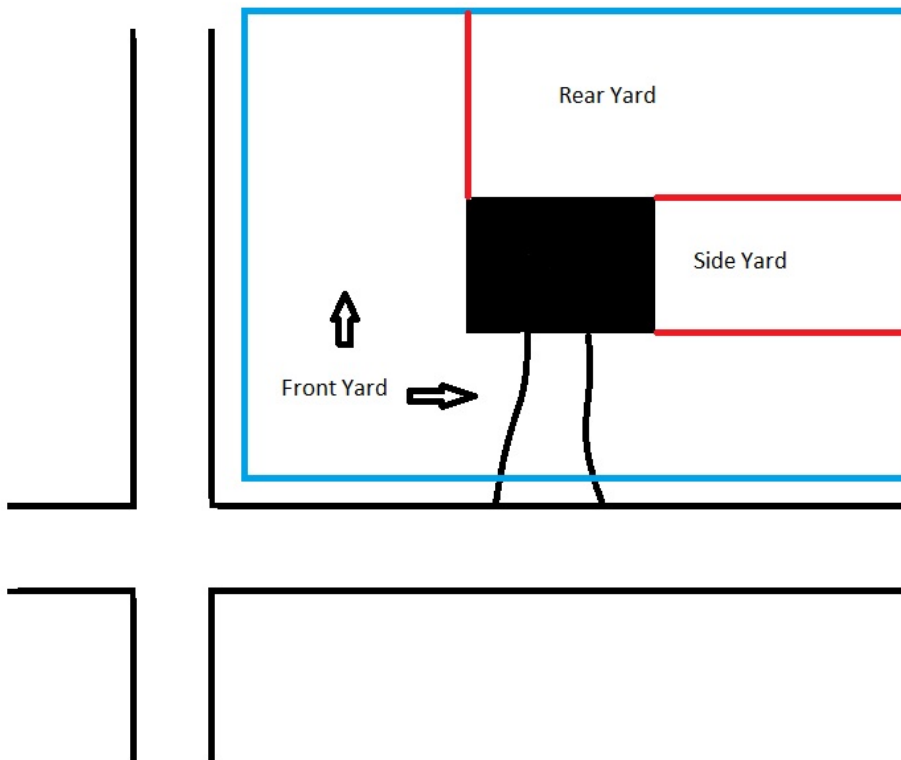
*Language indicated in blue to be removed

*Language indicated in red has been added and/or edited

165.12 CORNER LOTS.

1. Side yard requirements for corner lots shall be the same as the front yard requirements for those lots to the rear of said corner lot abutting on the intersecting street.
2. A lot fronting on two (2) intersecting streets which form an interior angle of one hundred-thirty-five degrees (135°) or less and which lot has a frontage of not less than twenty-five (25) feet on each of such streets.
3. A lot located at the angle in the street where the interior angle formed by the intersection of the street lines is one hundred thirty-five degrees (135°) or less and which lot has a frontage of not less than twenty-five (25) feet on each leg of such angle.

1. The “Front Yard” for a corner lot means the area situated between the lot lines that are nearest to the intersecting streets and their corresponding building lines.
2. The “Rear Yard” for a corner lot means a yard extending from the rear building line to the rear lot line and from the side lot line that is not adjacent to a street to the front yard.
3. The “Side Yard” for a corner lot means a yard situated between the building line and the side lot line that is not adjacent to a street and extending from the front yard to the rear yard.



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165.24 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES. For the purpose of this chapter, the City is hereby divided into the following districts:

Agricultural A-1 District
Residence R-1 Single Family District
Residence R-2 Two Family District
Residence R-3 Multiple Family District
Residence/Business RB-1 District

Business B-1 District
Business B-2 District
Industrial I-1 District
Industrial I-2 District
Flood Plain FP District (Eliminate)
Highway Commercial Industrial HCI District
Central Business CB-1 District
Central Business CB-2 District
Central Industrial CI-2 District (Eliminate)
Park P District (Change to Public Use)

Said districts are bounded and defined as shown on a map entitled "Zoning District Map, West Branch, Iowa," adopted April 1, 1991, which, with all explanatory matter therein, is hereby made a part of this chapter.

165.26 A-1 DISTRICT REQUIREMENTS.

1. Permitted Uses. **In Agricultural A-1 District, the provisions of this section shall apply and the following uses shall be permitted:**

3. Area Regulations. **The following regulations as to the area shall apply to the Agricultural A-1 District.**

A. Lot Area and Width. A lot area of not less than 20,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than one hundred and twenty (120) feet.

B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be not less than fifty (50) feet in depth.

C. Side Yard. There shall be two (2) side yards on each lot, **except for corner lots which have only one (1) side yard, none** of which shall be less than twenty (20) feet in depth.

D. Rear Yard. There shall be a rear yard on each lot, which yard shall not be less than seventy (70) feet.

*Language indicated in blue to be removed

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165.27 R-1 DISTRICT REQUIREMENTS.

1. Permitted Uses. In Residential R-1 District, the provisions of this section shall apply and the following uses permitted:

3. Area Regulations. The following regulations as to the area shall apply to the Residence R-1 District.

A. Lot Area and Width. A lot area of not less than seven thousand, seven hundred (7,700) square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than seventy (70) feet.

B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be not less than twenty-five (25) feet in depth.

C. Side Yard. There shall be two (2) side yards on each lot, **except for corner lots which have only one (1) side yard, none** of which shall be less than eight (8) feet in depth.

D. Rear Yard. There shall be a rear yard on each lot, which yard shall not be less than twenty-five (25) feet in depth.

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165.28 R-2 DISTRICT REQUIREMENTS.

1. Permitted Uses. **In Residential R-2 District, the provisions of this section shall apply and the following uses permitted:**

3. Area Regulations. **The following regulations as to area shall apply to the Residence R-2 District.**

A. Lot Area and Width.

(1) Single-family Structures. A lot area of not less than 6,000 square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a building line frontage of not less than sixty (60) feet. Any building hereafter so erected shall not be allowed to be converted to a multiple-family dwelling without meeting square footage requirements for multiple-family dwelling in that district.

(2) Two-family Dwellings. Two-family dwellings shall have frontage of not less than seventy (70) feet and lot area not less than eight thousand, four hundred (8,400) square feet.

B. Front Yard. There shall be a front yard on each street on which a lot abuts, which yard shall be no less than twenty-five (25) feet in depth.

C. Side Yard. There shall be two (2) side yards on each lot, **except for corner lots which have only one (1) side yard, none** of which shall be less than eight (8) feet in depth.

D. Rear Yard. There shall be a rear yard on each lot, which yard shall not be less than twenty-five (25) feet in depth.

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165.30 RB-1 DISTRICT REQUIREMENTS.

1. Permitted Uses. In Residence-Business RB-1 District, the provisions of this section shall apply and the following uses permitted:

*Language indicated in blue to be removed

*Language indicated in red has been added and/or edited

165.31 B-1 DISTRICT REQUIREMENTS.

1. Permitted Uses. ~~In the Business B-1 District, the provisions of this section shall apply and the following uses be permitted.~~

2. Area Regulations. ~~The following regulations as to area shall apply to the Business B-1 District.~~

*Language indicated in blue to be removed

*Language indicated in red has been added and/or edited

165.32 B-2 DISTRICT REQUIREMENTS.

1. Permitted Uses. In the Business B-2 District, the provisions of this section shall apply and the following uses shall be permitted.

2. Area-Regulations. The following regulations as to area shall apply to the Business B-2 District.

*Language indicated in blue to be removed

*Language indicated in red has been added and/or edited

165.37 CI-2 DISTRICT REQUIREMENTS.

1. Permitted Uses: Any use permitted in Industrial I-1 District.
2. Uses Allowed by Special Exception by the Board of Adjustment: Manufacturing, fabricating and processing, which has not previously been listed provided that the proposed use will not constitute a fire hazard or emit objectionable smoke, noise, vibration, odor or dust.
3. Prohibited Non-industrial Uses. In Industrial Districts, no building may hereafter be used in whole or in part for any of the following purposes.
 - A. Residential uses or any dwelling use including hotels and motels.
 - B. Restaurant, tavern, filling station, theater or other place of commercial recreation or amusement.
 - C. School, church, hospital, sanitarium, correctional institution or other institutional use.
 - D. Cemetery.
4. Prohibited Industrial Uses.
 - A. Acid manufacture, or storage except on limited scale as an accessory to a permitted industry and under conditions specified by the Zoning Board of Adjustment.
 - B. Slaughter house and stock yard.
 - C. Manufacture of fertilizers.
 - D. Garbage, waste materials, offal, dead animal, or refuse incineration or storage.
 - E. Manufacture or storage of gun powder, fireworks or other explosive.

(Move section **165.49 HCI DISTRICT REQUIREMENTS.** And all of its contents to this location)

*Language indicated in blue to be removed

*Language indicated in red has been added and/or edited

165.44 FENCES. Fences and hedges located within a front, side or rear yard or within five (5) feet of a lot line shall be subject to the following location, height, and building permit requirements.

1. Fences, hedges, and walls shall be located so no part thereof is within two (2) feet of any alley, sidewalk, or a street right-of-way line.
2. No portion of a fence, hedge, or wall located in a residential or agriculture district, or adjoining a residential use area shall be erected in excess of six (6) feet on side or rear yards.
3. Maximum heights for fences, hedges, and walls in all other districts not adjoining a residential use area shall not exceed twelve (12) feet.
4. Fences, hedges, and walls shall not exceed four (4) feet in height in any front yards in any zoning district within the City, **except that on corner lots the portion of fence located where the rear yard meets the front yard may be extended into the front yard up to the required front yard setback line but not beyond the front building line of the property to the rear of said corner lot abutting on the intersecting street with the height requirements of the rear yard.**
5. At street intersections, no fence, hedge, or wall more than three (3) feet in height above the street level shall be located within a triangular area composed of two of its sides twenty-five (25) feet in length and measured along the right-of way lines from the point of intersection of the above-referenced lines. No portions of the fence, hedge, or wall located within the designated twenty-five (25) foot triangular area shall be more than ten percent (10%) solid.
6. Fences, hedges, and walls shall be entirely located within the confines of the property.
7. **Front yards shall be determined by where the side yard and front building line meet or intersect.**
8. **On corner lots, the portion of a fence, hedge, or wall that is located in the designated backyard shall not be erected in excess of four (4) feet. No portion of said fence shall be more than ten percent (10%) solid.**

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ORDINANCE NO. 734

AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS.”

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that the clarification of certain sections in the Zoning Code will lead to a clearer understanding of the Code’s requirements; and

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that a more uniform and consistent wording in the language contained within certain sections in the Zoning Code will aide in making the Zoning Code more navigable and lead to more consistent interpretation of the requirements; 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 Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 “ZONING REGULATIONS” of the Code of West Branch, Iowa is hereby amended by revising the following subsections to Chapter 165:

165.04 DEFINITIONS.

165.04 – Insert the following:

165.04(44) D. For corner lot yard definitions refer to section 165.12

165.04(47) “Corner Lot” means a lot fronting on two (2) intersecting streets or at the angle in the street where the interior angle formed by the intersection of the street lines is one hundred thirty-five degrees (135°) or less and which lot has a frontage of not less than twenty-five (25) feet on each leg of such angle.

165.07 ACCESSORY BUILDINGS.

165.07 – Amend as follows:

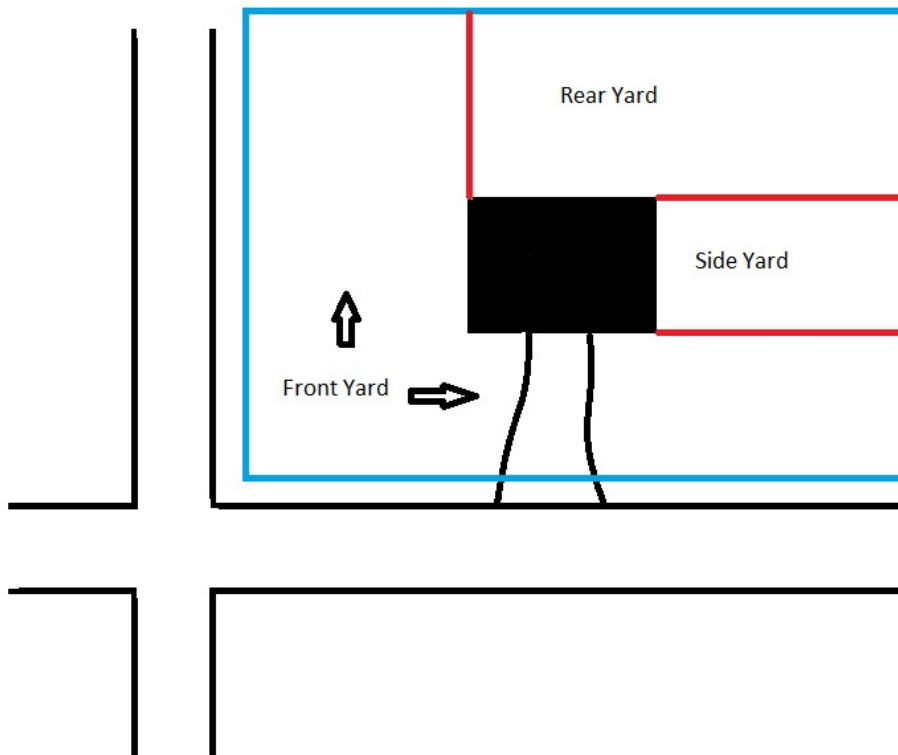
165.07(2) An accessory building may not be located nearer to any interior lot line than that permitted for the main building, if extended. However, when an accessory building is located in the rear yard, it may then be located not nearer

than three (3) feet of the interior lot line, and not nearer than five (5) feet of the rear lot line.

165.12 CORNER LOTS.

165.12 – Amend by deleting the contents of Section 165.12 in its entirety and inserting in lieu thereof:

1. The “Front Yard” for a corner lot means the area situated between the lot lines that are nearest to the intersecting streets and their corresponding building lines.
2. The “Rear Yard” for a corner lot means a yard extending from the rear building line to the rear lot line and from the side lot line that is not adjacent to a street to the front yard.
3. The “Side Yard” for a corner lot means a yard situated between the building line and the side lot line that is not adjacent to a street and extending from the front yard to the rear yard.



165.24 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

165.24 – Amend as follows:

Delete Flood Plain, FP District

Delete Central Industrial, CI-2 District

Delete Park, P District and insert Public Use, P District in lieu thereof

165.26 A-1 DISTRICT REQUIREMENTS.

165.26 – Amend as follows:

165.26(1) Permitted Uses.

165.26(3) Area Regulations.

165.26(3) (C) Side Yard. There shall be two (2) side yards on each lot, except for corner lots which have only one (1) side yard, none of which shall be less than twenty (20) feet in depth.

165.27 R-1 DISTRICT REQUIREMENTS.

165.26 – Amend as follows:

165.27(1) Permitted Uses.

165.27(3) Area Regulations.

165.27(3) (C) Side Yard. There shall be two (2) side yards on each lot, except for corner lots which have only one (1) side yard, none of which shall be less than eight (8) feet in depth.

165.28 R-2 DISTRICT REQUIREMENTS

165.28 – Amend as follows:

165.28(1) Permitted Uses.

165.28(3) Area Regulations.

165.28(3) (C) Side Yard. There shall be two (2) side yards on each lot, except for corner lots which have only one (1) side yard, none of which shall be less than eight (8) feet in depth.

165.30 RB-1 DISTRICT REQUIREMENTS.

165.30 – Amend as follows:

165.30(1) Permitted Uses.

165.31 B-1 DISTRICT REQUIREMENTS.

- 165.31 – Amend as follows:
 - 165.31(1) Permitted Uses.
 - 165.31(2) Area Regulations.

165.32 B-2 DISTRICT REQUIREMENTS.

- 165.32 – Amend as follows:
 - 165.32(1) Permitted Uses.
 - 165.32(2) Area Regulations.

165.37 CI-2 DISTRICT REQUIREMENTS.

Delete Section 165.37 in its entirety and insert in lieu thereof 165.49 HCI DISTRICT REQUIREMENTS and all of its contents.

165.44 FENCES.

- 165.44 – Amend as follows:
 - 165.44(4) Fences, hedges, and walls shall not exceed four (4) feet in height in any front yards in any zoning district within the City, except that on corner lots the portion of fence located where the rear yard meets the front yard may be extended into the front yard up to the required front yard setback line but not beyond the front building line of the property to the rear of said corner lot abutting on the intersecting street with the height requirements of the rear yard.

- Delete section 165.44(7) and insert in lieu thereof section 165.44(9)
- Delete section 165.44(8)
- Delete section 165.44(9)

165.49 HCI DISTRICT REQUIREMENTS.

Delete Section 165.49 in its entirety.

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.

3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. 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 this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 17th day of August, 2015.

First Reading: August 17, 2015

Second Reading:

Third Reading:

Mayor Roger Laughlin

Attest:

Matt Muckler, City Administrator/Clerk