



PLANNING AND ZONING COMMISSION MEETING
Tuesday, September 26, 2023 • 7:00 p.m.
West Branch City Council Chambers, 110 N. Poplar St.
Council Quorum May Be Present

<https://zoom.us/j/829677991> or
dial in phone number 1-312-626-6799 with Meeting ID 829 677 991

1. Call to Order
2. Roll Call
3. Approve Agenda/Move to action.
 - a. Approve minutes from the July 25, 2023 Planning & Zoning Commission meeting. **(not available at time of agenda publication).**
 - b. Accept the resignation of Commission member Sally Peck effective immediately.
 - c. Introduction of potential (new) commission applicants.
4. Public Hearing/Non-Consent Agenda. /Move to action.
 - a. Motion to approve Ordinance language amending Chapter 160 - Floodplain Regulations. / Move to action.
 - b. Motion to approve Ordinance language amending Chapter 165 – Zoning Regulations, 165.04(39) Parking space. / Move to action.
 - c. Motion to approve Ordinance language amending Chapter 165 – Zoning Regulations, 165.11 Permitted Obstructions in Required Yards. / Move action
 - d. Discuss building design standards and required landscaping and next steps for adoption.
 - e. Discuss parking reduction authority
 - f. Discuss accessory rental unit ordinance
 - g. Review Chapter 10 – Environmental Stewardship (West Branch Comprehensive Plan)
5. City Staff Reports
6. Comments from Chair and Commission Members.
7. Next regular Planning & Zoning Commission meeting Tuesday, November 22, 2023.
8. Adjourn

Planning & Zoning Commission Members: Chair John Fuller, Vice Chair Ryan Bowers, Brad Bower,
Matt Van Scoyoc, Madison Conley, Vacant, Vacant • **Zoning Administrator:** Terry Goerd
Mayor: Roger Laughlin • **Council Members:** Colton Miller, Nick Goodweiler, Jodee Stoolman, Jerry Sexton, Tom Dean
City Administrator: Adam Kofoed **City Clerk:** Leslie Brick • **Fire Chief:** Kevin Stoolman • **Police Chief:** John Hanna
• **Public Works Director:** Matt Goodale

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH,
IOWA, BY AMENDING PROVISIONS PERTAINING TO FLOODPLAIN MANAGEMENT**

BE IT ENACTED by the City Council of the City of West Branch, Iowa:

SECTION 1. The Code of Ordinances of the City of West Branch, Iowa, Chapter 160 Floodplain Regulations, Sections 160.01, 160.06, and 160.07 are amended by the following wording:

1. Amend CH 160.01 by incorporating the definition of a *Factory-built Home*:

FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

2. Amend CH 160.01 by incorporating the definition of a *Factory-built Home or Subdivision*:

FACTORY-BUILT HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

3. Amend CH 160.06 (2) (B) by deleting the first line in its entirety and replace with the following:

All development within the Floodway District shall:

4. Amend CH 160.06 (2) (C) by deleting it in its entirety and replace with the following:

No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

5. Amend CH 160.06 (2) (EC) by deleting it in its entirety and replace with the following:

Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Amend CH 160.07 (2) by incorporating the following provision:

Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

7. Amend CH 160.07 (2) (D) (3) by deleting it in its entirety and replace with the following provision:

New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

8. Amend CH 160.07 (2) (D) by incorporating the following provision:

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

SECTION 2. REPEALER. All ordinance or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

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

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

165.04 DEFINITIONS.

Unless otherwise stated, the following words shall have the meanings herein indicated.

1. "Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. Such a building shall not include dwelling units or living quarters.
2. "Accessory use" means a use subordinate to the main use of land or a building on a lot and customarily incidental thereto.
3. "Agriculture" means an area which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain, and their storage on the area, as well as for the raising, feeding, or breeding thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, "farming" does not include large scale commercial feeding of livestock.
4. "Alley" means minor ways which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
5. "Alterations, structural" means any change in the building load-bearing members of a building, such as bearing wall, partitions, columns, beams, or girders. The enlargement of the side or height of a building shall be construed to be a structural alteration.
6. "Apartment" means a room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, or any two or more people, located in a building containing two or more such rooms or suites, or located in a building devoted primarily to non-residential use.
7. "Auto laundry" means a building or portion thereof, where automobiles are washed commercially, or equipment is rented for the same purpose.
8. "Automobile sales room" means a building or portion thereof where automobiles and vehicles are sold by a franchised dealer either with or without storage, parts sales, and repair facilities, providing all such repair activities are enclosed within a structure.
9. "Basement" means a story partly or wholly underground. Where more than one-half its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purpose of height measurement.
10. "Boarding house" means a building or place, other than a fraternity or sorority house, where lodging or boarding is provided by pre-arrangement for definite periods of time for compensation, for no more than 10 persons and is not open to transient guests.
11. "Building" means any enclosed space for human use or activities, whether stationary, temporary or movable. When any portion of a building is completely separated from any other portion thereof by a division from any other openings or by a fire wall, then each such portion shall be deemed to be a separate building. "Principal building" means a building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot

on which it is situated. In any residence district the main dwelling shall be deemed to be the principal building on the lot on which the same is situated.

12. “Building, height of” means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

13. “Building line” means an imaginary line parallel to all lot lines over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the distance in which such lot is located.

14. “Carport” means a form of private garage providing space for housing or storage of one or more automobiles and enclosed on not more than two sides by walls. The dimensions determining the overall size of the carport shall be measured from the extreme edge or any part of the building.

15. “Centerline” means the true centerline of a street which has been fully dedicated to its required width. Where all of the required width of public right-of-way has not been dedicated or such public right-of-way has not been dedicated or such public right-of-way exists in an offset or angular manner, the City Engineer shall determine the alignment of the centerline.

16. “Clinic” means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by physicians or dentists practicing medicine together.

17. “Club” or “lodge” means an association of persons organized for the promotion of service to others, who are bona fide members paying annual dues, which owns, hires or leases a building, or portion thereof except a fraternity or sorority, the use of such premises being restricted to members and their guests. It is permissible to serve food and beverages to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with the State and local laws.

18. “Corner lot” means a lot fronting on two intersecting streets or at the angle in the street where the interior angle formed by the intersection of the street lines is 135° or less and which lot has a frontage of not less than 25 feet on each leg of such angle.

19. “Driveway” means a surface designed to provide access from the street to, across or onto private property.

20. “Dwelling” means a building used exclusively for permanent residential occupancy or portion thereof, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including a mobile home designed or used primarily for residential occupancy, or hotel, motel, apartments, boarding, lodging or rooming house, tents, cottage camps, or other structures designed or used primarily for transient residents.

A. “Dwelling, single-family” means a detached building, designed or used exclusively for occupancy by one family.

B. “Dwelling, two-family” means a building designed or used exclusively for occupancy by two families.

C. “Dwelling, multiple-family” means a building, or portion thereof, containing three dwelling units or more.

D. “Dwelling unit” means one or more rooms in a dwelling which are arranged, designed, used or intended for use as living quarters for one family. This includes permanent kitchen and bathroom facilities.

21. “Family” or “household” means one or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping entity; and as such may include no more than two persons not related by blood, marriage or adoption.

22. “Feedlot” means a commercial venture under corporate partnership or individual ownership involving the assemblage of livestock for the express purpose of preparation for market in the least time possible, purchasing over 75 percent of its feed, and characterized by rapid turnover of livestock; the absence of dwelling unit or structure for housing livestock and presence of other uses normally associated with a farm.

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

24. “Floor area” means the total number of square feet of floor space as determined by the outside dimensions of the building, not including space in basements; however, if the basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

25. “Garage, private” means an enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space therein for more than two vehicles is rented to non-residents of the premises.

26. “Garage, repair” means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, parts sales, and adjusting or equipping of automobiles or other motorized equipment.

27. “Grade” means:

A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining streets; or

C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

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

29. “Home occupation” means an occupation or a profession which:

A. Is customarily carried on in a dwelling unit or a building or other structure accessory to a dwelling unit or in a building or other structure accessory to a dwelling unit, and

B. Is carried on by a member of the family residing in the dwelling unit for residential purposes, and

C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and

D. Which conforms to the following additional conditions:

(1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto – and shall not occupy more than 50 percent of the floor area of one story.

(2) Not more than one person outside the family shall be employed in the home occupation;

(3) There shall be no display or indication visible from the exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building except as permitted by Section [165.37](#).

(4) No noise, vibration, smoke, dust, odors, heat or glare shall be produced which is detrimental to the residential character of the zoning district in which it is located.

30. “Hotel” means a building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than 10 sleeping rooms usually occupied independently.

31. “Inn” means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are fewer than 10 sleeping rooms.

32. “Junk yard” means an area of land with or without buildings used for or occupied by a deposit, collection, or the storage, outside of a completely enclosed building, of used or discarded materials, house furnishing, machinery, vehicles, or parts thereof with or without the dismantling, processing, salvage, sale, or other use of disposition of the same. Junk yards are prohibited within the City limits.

33. “Kennel” means any lot or premises on which four or more domestic animals or pets at least four months of age are harbored.

34. “Lot” means a parcel of land legally described as a district portion or piece of land of record.

A. “Lot area” means the area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

B. “Lot, corner” means a lot situated at the junction of and abutting on two or more intersecting streets or adjoining a curved street at the end of a block.

C. “Lot coverage” means the area of a zoning lot occupied by the principal building or buildings and accessory buildings.

D. “Lot depth” means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

E. “Lot frontage” means that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

F. “Lot line: means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

- G. "Lot, interior" means a lot other than a corner or reversed corner lot.
- H. "Lot line, front" means the front property line of a zoning lot.
- I. "Lot line, interior" means a side lot line common with another lot.
- J. "Lot line, rear" means the lot line or lot lines most nearly parallel to and most remote from the front lot line.
- K. "Lot of record" means a lot which is part of a subdivision the map of which has been recorded in the office of the County Recorder of Deeds of Cedar County or a parcel of land the deed of which was recorded in the office of the County Recorder of Cedar County prior to the adoption of the Zoning Ordinance.
- L. "Lot line, side" means a lot line other than front or rear lot lines.
- M. "Lot, reversed corner" means a corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
- N. "Lot, through" means a lot having frontage on two parallel streets, or approximately parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- O. "Lot width" means the mean horizontal distance between the side lot lines measured within the boundaries, or between the side lot lines within the buildable area.
35. "Mobile home or trailer" means a vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet the Building Code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" includes "camper" and "house car." A permanent foundation shall not change its character, nor shall the erecting of additions to said trailer, unless the trailer itself and any additions thereto conform to all City laws.
36. "Hotel, motor court, motor lodge or tourist court" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.
37. "Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of the Zoning Ordinance or amendment thereto which does not conform after the passage of such ordinance or amendment thereto, with the use regulation of the district in which it is situated.
38. "Nursing home" means a home for the aged or infirm, in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions.
39. "Parking space" means an off-street space accessible and available for the parking of one motor vehicle and having an area of not less than 180 square feet, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of an automobile. All parking and stacking spaces, drives and aisles must be constructed of asphaltic cement concrete, portland cement concrete or manufactured paving materials.

40. “Public right-of-way” means all streets, roadways, sidewalks, alleys, and other areas reserved for present or future use by the public, as a matter of right for the purpose of vehicular or pedestrian travel or utility installation.
41. “Retaining wall” means a wall not laterally supported at the top that resists lateral soil load and other imposed loads.
42. “Screen” means a class of fence intended to provide a visual buffer (e.g., hide utility boxes or trash containers).
43. “Service stations” means any area of land, including structures thereon, that is used or designed to be used primarily for the sale of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning, or servicing such motor vehicles.
44. “Sign” means any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used, as, or which is in the nature of an announcement, direction or advertisement. The word “sign” includes the word “billboard,” but does not include the flag, pennant or insignia or authentic reproduction thereof of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
45. “Story” means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement is considered a story if used for dwelling purposes.
46. “Street” means a traveled portion of the public right-of-way between curb faces, if curb exists, which affords the principal means of access to abutting property.
47. “Structure” means anything constructed or erected which requires location on the ground, but not including fences or walls used as fences less than six feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities.
48. “Use, principal” means the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
49. “Yard” means the space on a lot extending along a lot line between such “lot line” and a principal building or buildings, or non-building use occupying such lot. Yard measurements shall be taken from the building line to the lot line.
- A. “Front yard” means a yard extending the full width of the lot and situated between the front lot line and the building line. The depth of front yard shall be measured between the building line and the front lot line. Covered porches and garages, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
- B. “Rear yard” means a yard extending the full width of the lot and situated between the rear line of the principal building and the rear lot line.
- C. “Side yard” means a yard situated between the building line and the side lot line and extending from the front yard to the rear yard.

D. For corner lot yard definitions refer to section [165.12](#).

50. “Zero lot line units” means two single-family dwelling units joined together on either side of a common boundary line with a common wall between such units, and which have:

A. Separate or divided ownership of each single-family unit resulting from the division of the lot or parcel of land into two separate parcels done in such a manner as to result in a single-family unit being located on either side of the common wall.

B. A standard fire wall between the separate units that is built in such a manner as to allow no connection other than the wall itself between the units.

C. Restrictive and protective covenants providing that any owners of the two-unit family dwelling shall be jointly and severally liable for the maintenance and repair of the common wall, as well as all other common aspects. Separate water and sewer lines shall be furnished to each unit. The covenants, after approval by the City, shall be recorded in the Office of the County Recorder and shall be covenants running with the land.

2. In front yards:

A. Fuel pumps and air and water outlets in conjunction with automobile service stations, provided they shall be set back at least 15 feet from the front lot line;

B. One-story bay windows projecting three feet or less into the yard;

C. Open terraces not over four feet above the average level of the adjoining ground and not projecting over 10 feet into a yard, but not including permanently roofed-over terraces or porches;

D. Signs and nameplates, as regulated therein.

E. In all residential districts there shall be a minimum front yard required for that particular zoning district in this chapter; provided, however, that where lots comprising 30 percent or more of the frontage within 200 feet of either side lot line are developed with buildings at a greater or lesser setback than stated in said particular zoning district, the front yard requirement for an undeveloped lot shall be the average of these building setbacks. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. However, in no case shall the required front yard setback exceed 50 feet.

F. Front Setback Coverage:

1. Purpose: The front setback coverage standard ensures that a certain portion of the front setback area remains free of impervious surface, which helps to maintain a consistent and pleasant environment along neighborhood streets. These standards increase public safety by preventing excessive front yard paving and vehicular storage that may obscure the principal dwelling and the main entrance from view of the street. In addition, this standard helps to prevent neighborhood streets that are dominated by front yard pavement, particularly along frontages with narrow residential lots.

2. Standard: The maximum front setback coverage standard for the single-family residential zones is 50% of the required front yard. This is the maximum percentage of the required front setback that may be covered by impervious surface, including driveways, walkways, patios, decks, and other paved areas.

West Branch Ideas:

Landscaping Required: All new developments, shall provide the following minimum number and size of landscape plantings based on the minimum required open space for the development. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way subject to approval by the City shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City that are not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cottonbearing poplars, elm trees prone to Dutch Elm Disease, box elder, ash, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements.

A. Minimum requirements at the time of planting - Two trees minimum or one tree of the following size per 1,500 square feet of open space, whichever is greater: 40 Percent 1½" - 2" caliper diameter. Balance 1" - 1½" caliper diameter. (Evergreen trees shall not be less than three feet in height.)

B. Minimum requirements at the time of planting - six shrubs, or one shrub per 1,000 square feet of open space, whichever is greater.

C. To reduce erosion all disturbed open space areas shall have ground cover of grass or native vegetation which is installed as sod, or seeded, fertilized and mulched.

May Comments- Keep the same and have attorney and engineer review before adoption

Floor Plan and Exterior Diversity: All new development, shall provide a different floor and exterior plan every third building.

A. Minimum requirement exterior diversity: Every third home in a block must be of a different floor and exterior pattern. Must be greater than 10% different in height, size, awnings, porches, etc. floor plan, and other exterior features. The building pattern may be used again once the development intersects a perpendicular residential or collector street.

B. Minimum requirements floor plan diversity. Every third home in a block must be of a different floor and exterior pattern. Must be greater than 10% different in indoor building layout such as kitchen, bedroom, restrooms, and other room locations. The building pattern may be used again once the development intersects a perpendicular residential or collector street.

May Comments- Find a way to better define exterior pattern such as exterior style or geometrical. Kevin O. our attorney is researching language used in Coralville for new development.

Residential Livability Flexible Front Yard Allowances: It is the intent of the City's 2019-2020 Comprehensive Plan to encourage community interaction and preserve its small town feel through zoning design techniques.

- A. Living Pedestrian Space Minimum Requirements: The base of a living quarter such as a front door, porch, or other pedestrian friendly entrance is allowed a minimum fifteen (15) foot front setback. Garages, storage spaces, and other non-pedestrian friendly entrances must have a twenty-five (25) foot minimum front setback.

The board heavily encouraged adopting the above section as it encourages but doesn't force an action. Legal Approved

Would like developers to be at a meeting before these are adopted.

PARKING REDUCTION AUTHORITY

1. Minimum parking requirement
 - a. Planning and zoning commission has the right to recommend a 25% reduction in the minimum parking requirement to the city council.
 - b. City council has the right to waive minimum parking requirements of up to 25%. Anything more than 25% must be approved as a variance under the Board of Adjustment appeal process.
 - c. Subdividers must show what reductions would look like in their preliminary and final plats, plus their site plans.

Need comments from Commissioner Fuller on what he meant that offsite parking should be noted as an exception. Does that mean only offsite is the exception?

ACCESSORY RENTAL UNIT ORDINANCE

1. Purpose: Accessory rental units are allowed in certain situations to:
 - a. Create new housing units while respecting the look and scale of R1 and single family R2-dwelling development;
 - b. Support more efficient use of existing housing stock and infrastructure;
 - c. Add moderately priced rental units to the housing stock to meet the needs of smaller households, moderate income households, elderly, and persons with disabilities;
 - c. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
 - d. Provide accessible housing for seniors and persons with disabilities.
 - f. To best utilize the limit land available in West Branch.
Permit Required: Prior to the establishment of any accessory apartment, the owner of the principal dwelling unit must obtain a building permit from the City Office.
2. Definition. An accessory dwelling unit is a self-contained housing unit that is clearly a subordinate to the single-family dwelling and complies with each of the requirements a contained in this chapter and West Branch's Zoning Ordinance. An ADU shall include a kitchen, a separate bathroom, and a separate entrance/exit.
3. Ownership And Occupancy:
 - a. The owner of the property on which an accessory apartment is located must occupy at least one of the dwelling units on the premises as the permanent legal resident. Must live in the primary dwelling at a minimum of seven (7) months.
 - b. Prior to issuance of a permit, the owner(s) must provide an affidavit stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences. When a structure, which has received a permit for an ADU, is sold, the new owner(s), if they wish to continue to exercise the permit, must, within thirty (30) days of the sale, submit a notarized letter to the Administrator stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.

d. The accessory apartment and the principal dwelling must be under the same ownership.

e. The total number of individuals that reside in the accessory apartment may not exceed two (2).

4. Site Requirements:

a. Only one accessory apartment may be established per single- family lot.

b. In addition to the parking required for the principal dwelling unit, one off street parking space is required for the accessory apartment.

c. The minimum lot area per unit requirement of the underlying base zone does not apply to an accessory apartment, i.e., no additional lot area is required beyond that which is required for the principal dwelling unit.

5. Design Requirements:

a. The accessory apartment may be located within the principal dwelling or within an accessory building.

b. The accessory apartment must be a complete, separate dwelling unit that functions independently from the principal single- family dwelling unit. It must contain its own kitchen and bathroom facilities.

c. When located within the principal dwelling, the accessory apartment must be designed so that the appearance of the building remains that of a single-family residence. Any new entrances should face the side or rear yard of the building, and any addition for an accessory apartment may not increase the floor area of the original dwelling by more than ten percent (10%). Exterior finish materials, trim, windows, and eaves must visually match the principal dwelling unit.

6. Apartment Size: The accessory apartment must be clearly subordinate in area to the principal dwelling unit or to the accessory building in which it is located. Accordingly, it must comply with the following standards:

a. For an accessory apartment located within a principal dwelling unit, the floor area of the accessory unit may not exceed thirty percent (30%) of the total floor area of the principal dwelling, excluding the area of an attached garage, or six hundred fifty (650) square feet, whichever is less.

b. For an accessory apartment located within an accessory building, the floor area of the accessory apartment may not exceed fifty percent (50%) of the total floor area of the accessory building or six hundred fifty (650) square feet, whichever is less.

c. The accessory apartment may contain no more than one bedroom.

d. Exterior color and design must blend in with the primary dwelling unit or not be designed in a way that takes away focus from the primary building.

7. Penalties

An administrative permit for an ADU may be revoked or declined for renewal by the Administrator if the Administrator determines that the ADU or the permit holder is not in compliance with city code or condition(s) of approval. If a permit is revoked or declined for renewal, the property owner must restore the property and bring it into compliance with city/county ordinances, including any necessary removal of improvements, within thirty (30) days. The city/county may toll the thirty (30) days pending an appeal.

Municipal infractions may also be used for noncompliance of following the rules and regulations of accessory rental units.