

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:

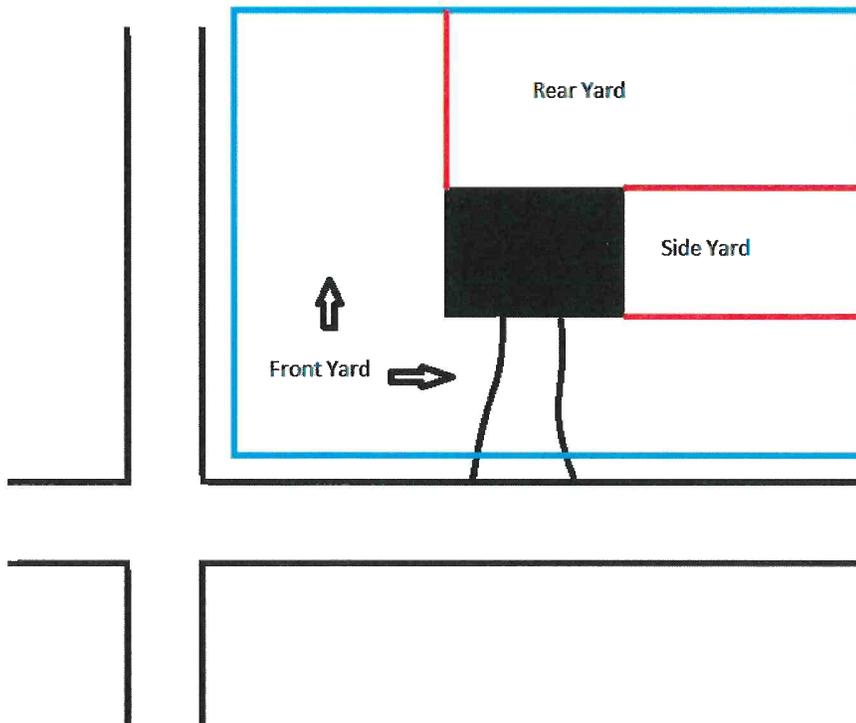
165.07(2) An accessory building may not be located nearer to any interior lot line than that permitted for the main building, if extended. However, when an accessory building is located in the rear yard, it may then be located not nearer

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 21st day of September, 2015.

First Reading: August 17, 2015

Second Reading: September 8, 2015

Third Reading: September 21, 2015

  
Roger Laughlin, Mayor

Attest:



Matt Muckler, City Administrator/Clerk