

Attachment A

RESOLUTION NO. PZC-17-

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 2 (BOARDS AND COMMISSIONS), CHAPTER 1 (PLANNING AND ZONING COMMISSION), SECTION 5 (POWERS AND DUTIES); AND TO AMEND TITLE 9 (ZONING), CHAPTER 1 (ENTITLEMENT – PROCESS AND PROCEDURES), SECTION 14 (AMENDMENT) TO MODIFY REFERRAL REQUIREMENTS FOR COMPREHENSIVE PLAN AND ZONING AMENDMENTS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq of the West Des Moines Municipal Code, staff requests an amendment to Title 2 (Boards and Commissions), Chapter 1 (Planning and Zoning Commission), Section 5 (Powers and Duties); and to Title 9 (Zoning), Chapter 1 (Entitlement – Process and Procedures), Section 14 (Amendments) to modify referral requirements for Compressive Plan and Zoning Amendments;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003630-2017) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on September 25, 2017.

Craig Erickson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on September 25, 2017, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Exhibit A

Prepared by: KMarren, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

TO AMEND TITLE 2 (BOARDS AND COMMISSIONS), CHAPTER 1 (PLANNING AND ZONING COMMISSION), SECTION 5 (POWERS AND DUTIES); AND TO AMEND TITLE 9 (ZONING), CHAPTER 1 (ENTITLEMENT – PROCESS AND PROCEDURES), SECTION 14 (AMENDMENT) TO MODIFY REFERRAL REQUIREMENTS FOR COMPREHENSIVE PLAN AND ZONING AMENDMENTS

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

Section 1. Amendment. Title 2: Zoning, Chapter 1, Section 5 (Powers and Duties), Subsection E4 is hereby amended by adding the text in bold italic lettering and deleting the highlighted strikethrough text:

E. Comprehensive Plan:

4. Amendments: When the comprehensive plan as hereinbefore provided has been adopted, no substantial amendment or modification thereof shall be made without ***the commission holding at least one public hearing, as referred to in the preceding paragraph, on*** such proposed change ***for its recommendation.*** ~~first being referred to the commission for its recommendations.~~ If the commission disapproves the proposed change, it may be adopted by the council only by the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of the said council.

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Section 2. Amendment. Title 2: Zoning, Chapter 1, Section 5 (Powers and Duties), Subsection I is hereby amended by adding the text in bold italic lettering and deleting the highlighted strikethrough text:

I. Zoning: The commission shall have and exercise all the powers and duties and privileges in preparing, administering and amending the city zoning code as provided by chapter 414 of the code of Iowa. When proposed changes in the zoning regulations or districts are referred to the commission ~~by the council by the~~ ***director of development services***, the commission shall, within thirty (30) days thereafter, file its recommendations approving, disapproving, or modifying such proposed changes with the council. (1985 Code §6-4.05; amd. 1993 Code)

Section 3. Amendment. Title 9 (Zoning), Chapter 1, Section 14 (Amendments), Subsection B is hereby amended by adding the text in bold italic lettering and deleting the highlighted strikethrough text:

B. Petition For Amendment: Whenever any person desires that any amendment or change be made in this title, including the text and/or zone plan, as to any property in the city, and there shall be presented to the ~~council~~ ***director of development services*** a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred fifty feet (250') of the boundaries thereof and intervening streets

and alleys not to be included in computing such two hundred fifty feet (250'), it shall be the duty of the council to vote upon such petition within ninety (90) days after the filing of the report from the planning and zoning commission.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 5. 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 6. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 7. Other Remedies. In addition to the provisions set out in the 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 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2017, and approved this _____ day of _____, 2017.

Steven K. Gaer, Mayor

ATTEST:

Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2017, and was published in the Des Moines Register on _____, 2017.

Ryan T. Jacobson
City Clerk