NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 4, 2019

ITEM: Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), to modify the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office zoning districts – City Initiated – AO-004191-2019

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Development Services staff of the City of West Des Moines requests an amendment to the following noted chapters and sections of Title 9 (Zoning) to amend regulations pertaining to the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office zoning districts.

- Title 9 (Zoning):
  - Chapter 6 (Commercial, Office and Industrial Zoning District) Section 6 (Commercial, Office, and Industrial Use Regulations)

Since it is the City's intent to no longer zone any properties in the City with the Professional Commerce Park (PCP) designation, staff looked at the land uses allowed in Professional Commerce Park to determine if those uses should be allowed in Office zoning districts as well. The matrix included with the amendment does not identify all uses allowed within the Professional Commerce Park and Office Districts, only those that are being amended from what is currently allowed.

Previous Council Action:
Vote: 5-0 approval
Date: February 19, 2019
Motion: Approval of the First Reading of the Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third and adopt the Ordinance in final form, subject to meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	February 1, 2019	
Letter sent to surrounding property owners		NA

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	February 4, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Proposed Ordinance

Prepared by: B. Portz, 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.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE, AND INDUSTRIAL ZONING DISTRICT) TO MODIFY THE PERMITTED USES AND PERMITTED CONDITIONAL USES ALLOWED IN THE PROFESSIONAL COMMERCE PARK AND OFFICE ZONING DISTRICTS

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

Section 1. Amendment. Title 9: *Zoning*; Chapter 6: *Commercial, Office and Industrial Zoning District*; Section 6, *Commercial, Office, and Industrial Use Regulations*; Subsection C: *Table 6.1 – Use Matrix; Division E and Division I* is hereby amended by deleting the highlighted strikethrough text and adding text in bold, italicized lettering.

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
DIVISION E – TRANSPORTATION, COMMUNICATION AND PUBLIC UTILITIES															
4226 Document and office records storage								P	P	P	P	P		~~Pc~~	
4522 Heliport/helistop ***(ancillary to a primary use)***	Pc	Pc						Pc	Pc	Pc	Pc	Pc	***Pc***	Pc	Pc
DIVISION I - SERVICES															
701 Hotels and motels ***(without an event venue)***	P				P	P		P					***P[1]***	P	
701 Hotels and motels (with an event venue)	***P***				***P***	***P***		***P***					***Pc[1]***	***Pc***	
726 Funeral Service (except: crematories)	Pc	Pc			Pc	Pc	Pc	Pc					***Pc***	Pc	Pc

79 Amusement and recreational services – Event venue 5,000 sq. ft. or less	Pc	Pc	Pc		Pc	Pc	Pc	Pc	Pc	Pc	Pc	Pc	***Pc***	Pc	
79 Amusement and recreational services – Event venue greater than 5,000 sq. ft.	Pc							Pc	Pc		Pc	Pc	***Pc***	Pc	
7997 Membership sports and recreation clubs	Pc	Pc			Pc	Pc	Pc	Pc			Pc	Pc	***Pc***	Pc	Pc
806 Hospitals	***Pc***	***Pc***						***Pc***					***Pc***	***Pc***	***Pc***
~~8062 General medical and surgical hospitals~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	
~~8063 Psychiatric hospitals~~	~~Pc~~	~~Pc~~	-	-	-	-	-	~~Pc~~	-	-	-	-	-	~~Pc~~	-
~~8069 Specialty hospitals~~															
~~Substance abuse hospitals~~	~~Pc~~	-	-	-	-	-	-	-	-	-	-	-	-	~~Pc~~	-
~~Chronic disease hospitals~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	-
~~Respiratory hospital~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	-
~~Children's hospital, eye, ear, nose and throat hospital, geriatric hospital, maternity hospital, orthopedic hospital~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	-

[1] ***Except when the property shares a property line with a single family or medium density zoned or utilized property, then the use is not permitted.***

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 3. 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 4. 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 5. 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 6. 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 _____, 2019, and approved this ___ day of _____, 2019.

_____
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 _____, 2019, and was published in the Des Moines Register on _____, 2019.

_____
Ryan T. Jacobson
City Clerk