

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION**

**Meeting Date:** November 11, 2019

**Item:** Amendment to City Code – Amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) and Chapter 14 (Accessory Structures) to update regulations for accessory structure of non-residential uses in residential zoning districts– City Initiated (AO004538-2019)

**Request Action:** Recommend Approval of an Amendment to the City Code

**Case Advisor:** Kara Tragesser, AICP

**Applicant's Request:** The City of West Des Moines requests an amendment to the following in Title 9 (Zoning) to add regulations pertaining to the maximum size of accessory structures for non-residential uses, such religious, institutional, and civic in residential zoning districts (See Attachment A, Exhibit A - Proposed Ordinance).

- Chapter 7 *Setback and Bulk Density Regulations*
  - Section 4 *Setbacks and Density Regulations*, Section C, Paragraph C-6 and C-9
- Chapter 14 *Accessory Structures*
  - Section 6 *Accessory Buildings*, Section D

**City Council Subcommittee:** This item was discussed at the November 4, 2019, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

**Staff Review and Comment:** There are no outstanding issues. Staff summarizes the following key point of interest:

- *Accessory structure size for non-residential uses in residential zones:* For non-residential uses such as civic buildings, institutional buildings (schools), and religious buildings, the code does not specifically address the maximum size of accessory buildings for these uses. Instead, the code is interpreted to follow the maximum size of 1,000 square feet of all detached accessory buildings as written for residential uses. Staff proposes to the attached ordinance amendment to allow the maximum square footage of all detached accessory buildings for these uses to be ten percent (10%) of the lot size, compatible with the maximum size of Residential Estate or Open Space zoned lots. The lot size for these uses tend to be larger than single family residential lots and the 1,000 square foot maximum is restrictive for the accessory buildings of these uses such as maintenance buildings, pavilions, and general on-site storage garages or buildings.

Staff is proposing to treat these uses similar to Residential Estate and Open Space zoned lots due to the generally larger lot size and the potential for more accessory uses associated with the principal use to be housed on the same lot.

**Noticing Information:** On November 1, 2019, notice of the November 11, 2019, Plan and Zoning Commission and November 18, 2019, City Council public hearings for this project was published in the *Des Moines Register*.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Plan and Zoning Commission Resolution  
Exhibit A – Proposed Ordinance

**RESOLUTION NO. PZC-19-072**

**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 9 (ZONING), CHAPTER 7 (SETBACK AND DENSITY REGULATIONS) AND CHAPTER 14 (ACCESSORY STRUCTURES) TO UPDATE REGULATIONS FOR ACCESSORY STRUCTURES OF NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) and 14 (Accessory Structures) to update regulations pertaining to accessory structures for non-residential uses in the residential zoned districts; and

**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; and

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

**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-004538-2019) 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 November 11, 2019.

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Erica Andersen, Chair  
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 November 11, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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Recording Secretary

Prepared by: KTragesser, 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 9 (ZONING), CHAPTER 5 SETBACK AND BULK DENSITY REGULATIONS AND CHAPTER 14 (ACCESSORY STRUCTURES) TO UPDATE REGULATIONS FOR ACCESSORY STRUCTURES OF NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS**

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

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setbacks and Density Regulations*), Section Paragraph C-6, Table 7.2, Note 3 is hereby amended by deleting the provisions of the specified note and replacing with the following:

3. Accessory buildings over one thousand (1,000) square feet, which are only permitted in Residential Estate, Agricultural/Open Space zoning and for religious, institutional, or civic uses within residential districts, shall meet the minimum front yard setback of their respective zoning district and be set back a minimum of twenty feet (20') from the side and rear property lines.

**Section 2. Amendment.** Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setbacks and Density Regulations*), Section Paragraph C-9-g is hereby amended by deleting the provisions of the specified paragraph and replacing with the following:

- g. Accessory buildings over one thousand (1,000) square feet, which are only permitted in Residential Estate, Agricultural/Open Space zoning and for religious, institutional, or civic uses within residential districts, shall meet the minimum front yard setback of their respective zoning district and be set back a minimum of twenty feet (20') from the side and rear property lines.

**Section 3. Amendment.** Title 9 (*Zoning*), Chapter 14 (*Accessory Structures*), Section 6 (*Accessory Buildings*) is hereby amended by deleting the provisions of Section D in their entirety and replacing the provisions in Section D with the following:

- D. Accessory buildings in residential zoning districts may occupy up to ten percent (10%) of the total lot area in which it is located. Except, in RS, R-1, SF-VJ, and SF-CR Zoning Districts and for religious, institutional, or civic uses within residential districts, the square footage for an accessory building, or the combined square footage of all detached accessory buildings on the property, shall not exceed one thousand (1,000) square feet.

**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 Title 1, Chapter 4, Sections 1 & 2 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 and approved by the City Council on the \_\_\_ day of December 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 the \_\_\_ day of December 2019, and was published in the Des Moines Register on \_\_\_\_\_, 2019.

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Ryan T. Jacobson  
City Clerk