NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: December 2, 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)

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: 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 as religious, institutional, and civic in residential zoning districts (See Exhibit II - 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

Previous Council Action:
Vote: 5-0 approval
Date: November 18, 2019
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 reading and adopt the Ordinance in final form, subject to the applicant meeting all City Code requirements

Lead Planner: Kara V. Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JDS
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	November 1, 2019	
Letter sent to surrounding property owners	N/A	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 4		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Ordinance

EXHIBIT I

Prepared by: KTragesser, Development Services, PO Box 65320, West Des Moines, IA 50265, f515-222-3620
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 7 (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.

_____
Ryan T. Jacobson
City Clerk