

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: August 22, 2022

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) pertaining to accessory structures for Recreation, Sports and Entertainment Facilities - City Initiated – AO-005647-2022

RESOLUTION: Approval of Ordinance Amendment

Background: City Staff is initiating an amendment to the chapters and sections identified below in Title 9 (Zoning) to clarify accessory structure regulations related to recreation, sports and sport-based entertainment facilities as currently regulated within City Code.

Specifically, the following changes are proposed with this request:

- Title 9: Zoning
 - Chapter 2: *Zoning Rules and Definitions*, Section 2: *Definitions* to clarify language for accessory uses, structures and buildings, add a definition for supporting structures, modify language to Recreational Facility to clarify uses included and modify Scoreboard language to designate as a 'supporting accessory structure'.
 - Chapter 10: *Performance Standards*, Section 4: *Specific Use Regulations* Subsection A.21 to designate allowances and regulations applicable to the development of Recreational Facilities.
 - Chapter 14: *Accessory Structures*, Section 2: *Purpose & Scope* to clarify application to both accessory buildings and accessory structures.
 - Chapter 14: *Accessory Structures*, Section 3: *Interpretations* to clarify application to both accessory buildings and accessory structures.
 - Chapter 14: *Accessory Structures*, Section 5: *General Provisions* to clarify application to accessory buildings, structures and supporting structures and provide guidance as to where to find related regulations.
 - Chapter 14: *Accessory Structures*, Section 6: *Accessory Buildings* to clarify application to corner lots and ability to classify as a 'street side yard' with a reduced side yard setback and clarify language as detached accessory structures.
 - Chapter 14: *Accessory Structures*, Section 11: *Fences*, Subsection A.2.d to update code section referenced.
 - Chapter 14: *Accessory Structures*, Section 11: *Fences*, Subsection A.3 to clarify setback applied to Residential Estate zoned parcels.
 - Chapter 14: *Accessory Structures*, Section 11: *Fences*, Subsection B.4.c to clarify inclusion of supporting elements for fences, purposes of fencing and use of netting as it relates to recreational facilities.

Staff Review & Comment:

- Ordinance Amendment Intent: During the application and review of the Suite Shots indoor-outdoor golf driving range facility, opponents to the project raised a different interpretation as to the application of current code provisions to (1) how the nets that enclose the driving range

are defined, and (2) more specifically what regulations should be applied for the poles that hold up the nets. These proposed changes to city code are intended to clarify the applicable regulations for the different types and/or purposes of accessory components that may be incorporated within a development, including fence regulations as they relate to recreation and sports related uses and facilities.

- Cause for Proposed Amendment: In April of 2021, the City Council adopted an overhaul to the Fences and Walls section of the Accessory Structures chapter in city code title 9, Zoning (9-14-11 and 9-14-12). The basis for the code amendment was complaints from residents regarding the appearance of what had been constructed, along with inquiries of what property owners wanted to install. As indicated in that staff report, the intent of the amendments was to 'clarify the types of fences and wall materials allowed and installation/construction quality expectations.' The fence and wall provisions included in that amendment and currently in code were intended to be primarily aimed at single-family lots for the purposes of encompassing a parcel to define ownership boundaries, create privacy and/or to contain children and pets.

Although no formal site plan application has been filed and there was no specific mention of the height or setback of the poles and netting within the Suite Shots PUD, there has been indication in the lawsuit filed by the opponents of the proposed Suite Shots project that staff is inaccurately interpreting the regulations by not applying 'accessory structure' height and setback requirements to the poles that will hold up the netting surrounding the driving range. Additionally, it has been suggested that if the netting attaches to the building, the netting and poles are therefore part of the building and are subject to the height and setback requirements for the building, or primary structure.

City Code 9-14-11: Fences, does included a section titled "Recreational Purposes" and provides the following language:

"In all zoning districts, fences associated with a sports or recreational facility or other similar area owned or associated with a municipality, school, park, or is otherwise generally available for use by the public, shall not be subject to height and setback restrictions specified elsewhere in this section or provided elsewhere within title 9, provided that such fence is constructed of materials that are at least seventy-five percent (75%) open for the full length of the fence (chain link is acceptable). This openness requirement shall not be interpreted to prohibit the use of windscreen or sunscreen materials in conjunction with the fence. Any such fence is subject to design review and approval as part of a site plan application."

In light of these claims, Staff finds it necessary to clarify what was originally intended to be included in this "Recreational Purposes" code provision as there appears to be some confusion as to its application, especially given its location within the city code under the fences section of the Accessory Structures chapter. The following key aspects of this proposed amendment aim to provide clarity and remove any confusion.

- Key Aspects of Proposed Amendment: Staff has attempted to answer all questions that may arise surrounding the elements of recreational facilities and the applicable regulations as outlined below:
 1. *What is the purpose of a fence for “Recreational Purposes”? What was anticipated for or is included in the fence ‘purpose’?* While fences serve a variety of purposes, the most common purposes include boundary definition, privacy, visual mitigation, concealment, containment, and safety barrier. The first sentence in the Fence section suggests the narrow scope of these code provisions as it states: “*The following standards shall apply to all fences and other similar structures built for landscaping or screening purposes ...*” With this in mind, it can be reasoned that the lack of a setback or height restriction in the Recreational Purposes provision (quoted above) was intended for fencing that is installed for the purpose of providing the necessary containment and safety typical of athletic fields, courts and ranges, which is different than for landscaping or screening.
 2. *Do the regulations include and apply to the poles to which the fencing material is attached?* The regulations include maximum fence heights as they apply to residential properties boundary fencing and non-residential uses for purposes of boundary definition or screening of outdoor storage and mechanical equipment. Boundary fences in most residential zones are limited to six feet maximum, eight feet in residential estate and twelve feet maximum in industrial; however, non-residential fences for screening of mechanical and other negative elements are allowed to be as tall as necessary to effectively screen the element. The only mention of structural components is that decorative elements may exceed the maximum height by one foot. Other than inferring such with the Recreational Purposes language, these regulations do not seem to consider situations in which taller ‘fencing’ is needed for containment or safety. It stands to reason that the support structure (i.e. poles) for fences for containment, barriers, or visual mitigation screening would need to match the height of the fence.
 3. *What fence materials are acceptable for recreational purposes?* The most often thought of fences implemented as part of sports or recreational facilities is chain-link which define the participant area from the spectator area, and backstops or enclosures for containment and safety purposes associated with ballfields and courts. While traditional chain link fences still have their place in recreational facilities, the use of woven netting for backstops and safety along foul lines is becoming increasingly popular. The use of woven nets has long been used at driving ranges to contain errant hits. The fence section in current code specifically mentions allowed and prohibited materials, however, as noted previously, the fence regulations are slanted towards fences within residential properties, primarily single-family parcels. While a fence of woven material (wire or fabric netting) may adequately define ownership boundaries and contain children and pets, it is not a typically used material due to the finished appearance desired in residential settings as the waviness of lower gauge wire materials or draping of netting materials is generally seen as unattractive and unprofessional. Current code does state in respect to fence materials, “...*customarily used materials such as, but not limited to... Any fence that does not conform to this section, but is considered by the Director of Development Services, or his/her designee, to satisfy the spirit and intent of the ordinance may be approved at their discretion*” which does allow the use of nets when deemed appropriate for the situation.

To address these first three questions, Staff is recommending rewording of the “Recreational Purposes” section to clarify purpose, height and setback regulations for the fence and support structures acceptable materials. Additionally, as noted in the following bullet #4, staff is recommending the addition of a definition for support structures as they relate to accessory structures.

4. *What constitutes an “accessory structure”? And, since it is included in the Accessory Structures chapter, does that automatically mean that it should be regulated as an accessory versus primary structure? As it relates to this matter, code includes definitions for Accessory Use, Accessory Structure, Accessory Structure Detached, Building, Principal Use and Principal Building. Although Chapter 14 includes a section on Accessory Buildings, there is not a clear line within the definitions when something is an accessory building (pool house) or an accessory structure (pool itself). Additionally, the location of the element could result in something otherwise thought of as an accessory component to be considered part of the primary structure (attached or within ten feet of the primary structure). As part of the locational aspect, there is no consideration whether the accessory component is structurally integral to the primary structure. Staff is recommending changes to existing definitions to define what ‘accessory’ means, provide clear delineation between ‘building’ and ‘structures’ and to add a definition for ‘support structures’.*
5. *Besides fences, how are other accessory components necessary for the use and function of a recreational facility such as field lighting, scoreboards, concession buildings, etc. regulated in respect to allowance and bulk regulations (setback and height)? Code includes a definition for Recreation Facility, but other than the Recreational Purposes under fences and operation regulations related to use of scoreboards, there are no provisions for other components that are integral to the functioning of the primary use itself. Lighting within code speaks to the use of wall packs, downlighting and allowable foot candle levels, but is silent on pole height limitations. Staff could find no indication of any regulations being applied to field lighting at Raccoon River or Holiday Park ball fields, RecPlex, Valley Stadium, or any athletic field of court at any of the schools. To formalize how it is already being applied, as noted previously Staff is recommending rewording the Recreational Purposes provision in the fence section and adding additional language related to Recreational Facilities into the Performance Standards chapter in zoning to capture allowances and regulations for all accessory components related to sports, recreation and sport-based entertainment facilities.*

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date: August 22, 2022

Vote:

Recommendation:

City Council First Reading:

Date:

Vote:

Recommendation: Approve the Ordinance Amendment to City Code.

Lead Staff Member: Jessica Grove, Assistant City Attorney

Approval Meeting Dates:

Plan & Zoning Commission	August 22, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator/Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

Publications

Published In	Des Moines Register Community Section
Date Published	8/17/2022

Subcommittee Review (if applicable)

Committee	Development & Planning		
Date Reviewed	6/6/2022 & 8/1/2022		
Recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Split

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION

NO. PZC-22-054

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, staff requests approval of an Ordinance Amendment to the following chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to clarify accessory structure regulations related to recreation, sports and sport-based entertainment facilities as currently regulated within City Code.

- Chapter 2: *Zoning Rules and Definitions, Section 2: Definitions*
- Chapter 10: *Performance Standards, Section 4: Specific Use Regulations, Subsection A.21*
- Chapter 14: *Accessory Structures, Section 2: Purpose & Scope*
- Chapter 14: *Accessory Structures, Section 3: Interpretations*
- Chapter 14: *Accessory Structures, Section 5: General Provisions*
- Chapter 14: *Accessory Structures, Section 6: Accessory Buildings*
- Chapter 14: *Accessory Structures, Section 11: Fences, Subsection A.2.d*
- Chapter 14: *Accessory Structures, Section 11: Fences, Subsection A.3*
- Chapter 14: *Accessory Structures, Section 11: Fences, Subsection B.4.c*

WHEREAS, the Ordinance Amendment request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends the City Council approve the Ordinance Amendment (AO-005647-2022).

PASSED AND ADOPTED on August 22, 2022.

Jennifer Drake, Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 22, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: J. Grove, City of West Des Moines, Legal Dept., P.O. Box 65320,
West Des Moines, IA 50265-3620, 515-222-3620

When Recorded Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 10 (PERFORMANCE STANDARDS) AND CHAPTER 14 (ACCESSORY STRUCTURES) PERTAINING TO ACCESSORY STRUCTURE REGULATIONS RELATED TO RECREATION, SPORTS AND SPORT-BASED ENTERTAINMENT FACILITIES

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

Section 1. Amendment. Title 9: Zoning, Chapter 2: Zoning Rules and Definitions, Section 2: Definitions is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics accordingly in alphabetical order. All other items in current adopted section but not reflected below shall remain as is.

ACCESSORY STRUCTURE: A structure, ~~equipment~~ or building containing a ~~subordinate~~ use or serving a purpose customarily incidental ***or subordinate to and facilitating the implementation of or operation of*** the primary use of the principal building ***or use*** on the lot. ~~Accessory structures must be a permanent structure, complying with all applicable Fire and Building Codes and do not include tents as defined herein.~~

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner ***to enclose, confine, conceal, give support or shelter, including but not limited to buildings, towers, poles, sheds and fences. Accessory structures or buildings must be a permanent structure, complying with all applicable Fire and Building Codes and do not include tents as defined herein.***

ACCESSORY BUILDING, DETACHED: ***A free-standing building that serves an accessory use or purpose to the principal building or use on a parcel, including but not limited to garages, sheds, and utility buildings. Detached buildings must be located more than ten feet (10') from the principal building.***

ACCESSORY BUILDING, ATTACHED: ***A building that serves an accessory use or purpose to the primary building or use on a parcel and which is constructed as part***

of the principal building, or connected to the principal building by a breezeway or similar structure, or is constructed within ten feet (10') or less of the principal building. Attached accessory buildings that include a roof (such as a covered porch, screen room, sunroom and garage) will be considered part of the primary building and, unless noted otherwise, must meet the primary building setbacks.

ACCESSORY STRUCTURE, DETACHED: *An independent free-standing structure or building that does not meet the definition of a building and which that is an independent structure and meets or exceeds the minimum separation distance from the principal building for the zoning district as noted in chapter 7 of this title. Detached accessory structures or buildings include but are not limited to garages, sheds, carports, equipment, and trash enclosures for mechanical equipment and trash receptacles, fences, pools, and gazebos.*

SUPPORTING STRUCTURE: *any pole, tower, or structure which serves the purpose of supporting components necessary to the operation of or conducting the primary use within a parcel such as cables, lighting, mechanical equipment, fencing or netting.*

BUILDING: A building is any structure *enclosed by walls and having a roof* used or intended for sheltering any use or occupancy.

RECREATIONAL FACILITY: A public or private, *commercial or non-commercial* building, structure, *place, venue*, field or defined area, *indoor or outdoor, enclosure*, used for a specific purpose or function usually related to a competitive or sporting activity, exercise, *or relaxation or athletic sport or recreation-based entertainment.*

SCOREBOARD: An on-site *accessory* structure used exclusively to transmit to patrons of a stadium or recreational facility information primarily related to the activity occurring in the facility through the use of moving or static letters, numbers, images, designs, graphic representations or other visual or audio depictions.

Section 2. Amendment. Title 9: Zoning, Chapter 10: Performance Standards, Section 4: Specific Use Regulations, Subsection A.21: Scoreboards is hereby amended by inserting the text in bold italics. All other items before and after Subsection A.21 in current adopted section but not reflected below shall remain as is.

21. Recreational Facilities: Characteristics of elements or structures intended to support recreational activities can be determined by their purpose. This section intends to clarify performance standards based on those activities or purposes as they relate to recreational uses.

- a. Activity Area Lighting: Illumination of sport fields, courts, non-residential pools and driving ranges may occur as necessary. Light poles shall not be subject to setback or height regulations; however, lighting mounted on the poles shall be located at the minimum height necessary to achieve typical industry standards for illumination levels for the specific sport or use. Light fixture design shall be such to direct the light to its intended target or shields shall be added to minimize views of the lightbulbs themselves from adjoining properties. Unless otherwise defined as part of the City Councils' approval of a site plan development permit, activity area lighting that is within 1000' of residentially zoned or used properties shall be turned off within thirty (30) minutes of the conclusion of the activity or closure of the facility, whichever**

occurs first. All other lighting within a site, including parking lot lighting shall abide by regulations provided elsewhere within this title.

- b. Activity Area Accessory Buildings: Support accessory buildings which contain uses or activities necessary for operation of the primary use or activity, such as but not limited to concessions, ticket sales, restrooms, equipment storage, and maintenance buildings shall be allowed in any number. With the exception of structures for ticket sales, such buildings shall not be located in a front yard and shall be a minimum of twenty-five feet (25') from the property boundary, unless adjacent to single-family residential zoned or used property, in which case the minimum setback from property boundary shall be increase to fifty feet (50'). The height of building(s) shall comply with chapter 7 of this title.**
- c. Activity Area Structures: Structures to facilitate the use or components of the use, including supporting structures, such as but not limited to goal posts, scoreboards, bleachers, etc., and fencing or fence poles which provide a defined boundary, physical barrier, containment of an activity or component of the activity, or are otherwise necessary for safety of spectators or participants shall be allowed as necessary.**
 - 1) For properties developed with single family and medium density residential dwelling units, said structures, may be allowed in a location and at a height which meets the applicable setback, height, and separation requirements for the applicable zoning district for that use. Fence materials shall comply with chapter 14 of this title.**
 - 2) For non-residentially used and properties developed with high density residential dwelling units, said structures, may be allowed in a location and at a height necessary to achieve the intent and shall not be subject to setback or height regulations, nor shall be subject to separation from the primary structure requirements. Acceptable fence materials include all industry standard fence materials, including chain link, woven netting and wind or visual screen materials.**
 - 3) Scoreboards: Scoreboards are accessory structures to the primary use of a stadium or recreational facility. The current technology available for scoreboards with video display capabilities creates concern for public safety due to the potential distraction to the motoring public viewing the scoreboard from adjacent roadways and the potential intrusion of light and sound into adjacent properties. Every effort should be made in the design and placement of the scoreboard to limit and screen the view of any video display component of the scoreboard from the general public. If the scoreboard cannot be screened to adequately limit its view to patrons of the stadium or recreational facility, and a continuously unobstructed view to the general public of more than five (5) seconds exists, the following performance standards shall apply:**

- i. ***Full use of all capabilities of the scoreboard shall be allowed only when an event is in progress within the stadium or recreational facility.***
- ii. ***Full use of all capabilities of the scoreboard during the day of an event shall be limited to pregame warmups, game duration and postgame postings.***
- iii. ***Use of the scoreboard during athletic practices and activities with limited spectator involvement shall be limited to score and timing functions and shall not utilize any video display that may be a part of the scoreboard's capabilities.***
- iv. ***Noise: With the exception of live sporting events and activities related to the live event itself, noise generated from the site shall abide by title 4, chapter 7: Noise Control. The activity itself, announcers and live intermission performances shall be exempted from application of amplified sound restrictions for one-hour before the start of and during the activity; however, all amplified sound shall cease no later than thirty (30) minutes from the conclusion of the sporting event.***

Section 3. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 2: Purpose and Scope is hereby amended by adding the text in bold italics:

9-14-2: PURPOSE AND SCOPE:

The purpose of this chapter is to provide standards for the placement and construction of accessory structures ***and buildings*** for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character; ***and to facilitate the implementation and operation of a use within a parcel.***

Section 4. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 3: Interpretations is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics. (*Note: this section reflects amendment per Ordinance #2527, approved July 5, 2022.*)

9-14-3: INTERPRETATIONS:

Where any accessory structure ***or building*** is not specifically identified in this chapter, the Director of ~~Community~~ Development ***Services*** shall review the accessory structure ***or building*** when requested to do so and based on the characteristics of the proposed accessory structure ***or building***, determine the appropriate standards to regulate said accessory structure ***or building***.

Should any aggrieved individual or firm wish to appeal the decision of the Director, a written request, along with the appropriate fee, shall be received and stamped filed by the Development Services Department within a period of ten (10) business days following the Director's decision. Within thirty (30) days of receiving such a request, the Director shall schedule a hearing before the Board of Adjustment to review and render a decision on said appeal. The decision of the Board of Adjustment is appealable to the District Court.

Section 5. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 5: General Provisions is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics.

9-14-5: GENERAL PROVISIONS:

The following provisions shall apply to all accessory structures **or buildings** located in any zoning district. Specific requirements related to a particular use **and accessory structures or buildings to support a use** may be outlined elsewhere in this title. ~~See chapters 5 and 6 of this title for allowed uses related to accessory structures and buildings.~~

- A. Permits: It shall be unlawful for any person to construct, alter, or relocate any accessory structure **or building** within the City without first obtaining the appropriate permits as required by this Code, ~~and making payment of all required permit fees.~~
- B. Types: Accessory structure and building types include, but are not limited to the structures **and buildings** as outlined in table 14.1 of this subsection. This table applies only when the ~~use supported by~~ **purpose of the** structure, equipment or building is considered accessory to the primary use permitted on the property.

TABLE 14.1 ACCESSORY STRUCTURE **OR BUILDING** TYPES

Agricultural or animal keeping	
Greenhouse Hoop House (Temporary)	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for accessory building regulations
Structures or Buildings for animal keeping.	See Section 9-10-4 for specific use regulations related to structures housing animals See Section 6 of this Chapter for accessory building regulations
Communication equipment and structures:	
All elements associated with communication towers are considered principal structures. See Section 9-10-4 for specific use and screening regulations related to communication towers. See Chapter 9-7 for setback and bulk density regulations for principal structures.	
Display:	
Flag poles	See Section 15 of this Chapter
Scoreboards	See Section 9-10-4 for specific use regulations related to scoreboards Recreational Facilities
Energy generating systems:	
Small Wind Energy Conversion Systems	See Section 13 of this Chapter

<p>Solar Energy Systems – ground and building mounted</p>	<p>See Section 14 of this Chapter</p> <p>See Section 9-10-4 for specific use regulations related to screening of ground mounted solar energy systems</p> <p>See Chapter 9-7 for setback and bulk density regulations for accessory structures related to ground mounted solar energy systems</p>
<p>Fences and walls:</p>	
<p>Fences or Walls</p>	<p>See Section 11 of this Chapter for fence and wall standards</p> <p>See Chapter 19 for fence and wall provisions related to landscaping and screening</p> <p>See Chapter 10 for fence provisions related to Recreational Facilities</p>
<p>Retaining walls</p>	<p>See Section 12 of this Chapter for retaining wall standards</p> <p>All retaining walls must meet the standards as outlined in the building code for structural design and fall protection</p>
<p>Operation and maintenance:</p>	
<p>Electrical or Mechanical Equipment and related Enclosure or Shed</p> <ul style="list-style-type: none"> - Does not include equipment related to communication towers or public utilities 	<p>See Section 9-10-4 for specific use regulations</p> <p>See Chapter 9-7 for setback and bulk density regulations for accessory structures</p> <p>See Section 6 of this Chapter for accessory building regulations</p>
<p>Maintenance Shed or Garage</p>	<p>See Chapter 9-7 for setback and bulk density regulations for accessory structures</p> <p>See Section 6 of this Chapter for accessory building regulations</p>
<p>Laundry (for resident use only as part of a multi-family use)</p>	<p>See Chapter 9-7 for setback and bulk density regulations for accessory structures</p>

	See Section 6 of this Chapter for accessory building regulations
Trash Enclosures	See Section 9-10-4 for specific use regulations related to screening of trash receptacles
Screen Fence or Wall	See Section 11, Subsection C-7 of this Chapter for provisions related to screening mechanical equipment See Chapter 19 for fence and wall provisions related to landscaping and screening
Outdoor Use Areas:	
Shelters (Bus stop, picnic)	See Section 7 of this Chapter for Bus Stop Shelter Requirements See Chapter 9-7 for setback and bulk density regulations for all other shelters See Section 6 of this Chapter for accessory building regulations
Decks	See Chapter 9-7 for setback and bulk density regulations for accessory structures
Porches	See Chapter 9-7 for setback and bulk density regulations for accessory structures
Screen rooms, Screen porches	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for accessory building regulations
Sunrooms	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for Accessory Buildings Requirements
Arbor, Trellis, Pergola or Canopy	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for accessory building regulations
Parking structures:	

<p>Parking structures, parking ramps and building integrated parking may be considered accessory to the primary use, however due to the large building mass of these structures they must meet the principal structure setbacks designated for the property. See Chapter 9-7 for setback and bulk density regulations for principal structures.</p>	
<p>Recreation <i>within parcels developed with single-family and medium-density dwellings:</i></p>	
Swimming pool, Spa	See Section 10 of this Chapter for swimming pool regulations
Pool house	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for accessory building regulations
Clubhouse or Recreation Building (for resident use only as part of a multi-family use)	Clubhouse or Recreation buildings may be considered accessory to the primary use, however due to the large building mass of these structures they must meet the principal building setbacks designated for the property. See Chapter 9-7 for setback and bulk density regulations for principal buildings.
Recreation courts with fence enclosures	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 11 of this Chapter for fence standards
<p>Recreation <i>within parcels developed with high density residential dwellings and non-residential parcels:</i></p>	
<i>Buildings for concessions, restrooms, ticket-booths, shelters, maintenance, storage, etc.</i>	<i>See Chapter 10 for setback and bulk density regulations for accessory structures</i>
<i>Fence enclosures for sport courts, fields, ranges, and swimming pools</i>	<i>See Chapter 10 for fence provisions related to Recreational Facilities</i>
<i>Lighting for sport courts, fields, & ranges</i>	<i>See Chapter 10 for provisions when related to Recreational Facilities</i>

Scoreboards	See Chapter 10 for provisions when related to Recreational Facilities
Swimming pool	See Section 10 of this Chapter for swimming pool regulations
Storage structures:	
Hoop Houses	Not Allowed for storage purposes
Motor Vehicle Storage (Garages and Carports)	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for accessory building regulations and specific requirements for Carports
Storage Buildings and Sheds	See Chapter 9-7 for setback and bulk density regulations for accessory structures See Section 6 of this Chapter for accessory building regulations See Chapter 10 for provisions when related to Recreational Facilities
Transactional:	
ATM's and related canopy	See Section 8 of this Chapter for ATM requirements
Fuel Pump, Vehicle Charging Station and related canopy	See Section 9 of this Chapter for fuel pump canopy requirements See Section 9-10-4 for specific use regulations for fuel supply systems
Fuel canister dispensing unit	See Section 9-10-4 for specific use regulations for fuel supply systems

Section 6. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 6: Accessory Buildings is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted portion of code not reflected below shall remain as is.

9-14-6: ACCESSORY BUILDINGS:

- A. Accessory buildings shall be allowed only in conjunction with the principal structure, and primary use to which it relates under the same terms and conditions as the principal structure, and primary use in any zoning district unless otherwise noted in this chapter.
- B. Setbacks for accessory buildings, in all zoning districts, which are not specifically spelled out below, shall meet the requirements set elsewhere in this title under setback and bulk density regulations.
 - 1. On corner lots unless noted otherwise, detached accessory buildings shall meet the front yard setback along each street frontage, as required for the principal structure, ***except in situations in which the secondary frontage meets the definition of a street side yard. However, in no instance shall the detached accessory building exceed the front plane of the principal building.***
 - 2. On detached accessory buildings, when the exterior wall parallel to the property line exceeds eight and one-half feet (8¹/₂') in height, including the foundation or retaining wall, or exceeds twenty-four feet (24') in length, that wall shall be set back from the property line a distance equal to the total exterior wall height. This setback minimum shall not preclude other yard setback or easement requirements.
 - 3. When the vehicle entrance for a garage faces a ~~street or~~ alley, the setback from the alley shall be a minimum of twenty feet (20').
 - 4. ***When the vehicle entrance for a garage faces a street, the setback shall be a minimum of twenty-five feet (25') from the street right-of-way line or curb of a private roadway or interior edge of a sidewalk or trail, whichever is closer to the garage entry.***
- C. Accessory buildings, constructed as part of the principal building, or connected to the principal building by a breezeway or similar structure or constructed within ten feet (10') or less of the principal structure, shall be considered an attached accessory building. Attached accessory buildings that include a roof (such as a covered porch, screen room, sunroom, garage and carport) will be considered part of the primary building and unless noted otherwise, must meet the primary building setbacks.
- D. ***Detached*** 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.
- E. In RS, R-1, SF-VJ, and SF-CR Zoning Districts, the maximum roof peak height of detached accessory buildings shall not exceed twenty feet (20'). The height of retaining walls or the foundation shall be included in the height measurement.

- F. In RS, R-1, SF-VJ, and SF-CR Zoning Districts, exterior walls of detached accessory buildings shall not exceed twelve feet (12') in height. The wall height shall be measured from existing grade, and the height of retaining walls or the foundation shall be included in the height measurement.
- G. Existing detached garages with a side or rear yard setback of at least three feet (3'), which meet all of the other provisions of this section, may be repaired or reconstructed with the same setback requirements. However, any additions must meet the current setback requirements.
- H. The design of accessory buildings shall be in keeping with the character of the zoning district they are located in, with comparable architectural design, materials and details to the principal structure, including roof slope, overhangs, etc. Any metal cladding shall be prefinished and have the appearance of the materials used on the primary building. Galvanized metal is prohibited as the exterior finish material in residential zoning districts.
- I. A carport cannot exceed one story in height and must be entirely open on two (2) or more sides except for structural supports. There can be no enclosed use above a carport. No other items other than a motor vehicle may be kept in the carport unless those items are kept in an enclosed section of the carport and are not visible. A carport is considered an accessory building and shall meet the requirements for accessory structures set elsewhere in this title. Carports are not considered enclosed garage space for residential uses. The design of a carport shall be in keeping with the character of the zoning district they are located in, with comparable architectural design, materials and details to the principal structure, including roof slope, overhangs, etc. Exposed metal structure is prohibited. Any metal cladding shall be prefinished and have the appearance of the materials used on the primary building. Galvanized metal is prohibited as the exterior finish material in residential zoning districts.
- J. All light fixtures mounted on, or in proximity to, accessory buildings ***or structures*** shall be downcast or shielded and located to eliminate glare and spillover lighting beyond the property line.
- K. Driveway and parking areas that lead to accessory buildings, which are utilized by motorized vehicles licensed for use on public roadways, shall be concrete, asphalt, or a similar paved surface. New gravel driveways and parking areas are prohibited.
- L. Dog runs, dog pens and housing, play sheds, play structures, swing sets, and similar, shall abide by the setback and height provisions for accessory buildings.

Section 7. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 11: Fences, Subsection A.2.d is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted portion of code not reflected below shall remain as is.

- d. Slats, strips or other materials intended to increase opacity attached to or weaved through openings within a fence material, with the exception of sun and/or wind screen material designed for and directly associated with a sports or recreation facility, subject to the provisions of ~~9-14-11B.4.c~~ ***9-10-4A.21***.

Section 8. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 11: Fences, Subsection A.3 is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted portion of code not reflected below shall remain as is.

3. Fences for the protection of gardens or penning of animals in single family zoning districts ~~except the Residential Estate district~~ may be allowed interior to the site when setback a minimum of five feet (5') from a side or rear property boundary. Fencing for gardens and penning of animals shall not be allowed within the front yard of a property.

Section 9. Amendment. Title 9: Zoning, Chapter 14: Accessory Structures, Section 11: Fences, Subsection B.4.c is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted portion of code not reflected below shall remain as is.

- c. Recreational Purposes: *Accessory structures, including fences associated with recreational uses or facilities to provide a defined boundary, physical barrier, containment of an activity or component of the activity, or otherwise necessary for safety of spectators or participants, may be allowed in a location and at a height necessary to achieve the intent. Acceptable fence materials include all industry standard fence materials, including chain link, with or without wind or fabric visual screening materials, and woven netting. Wind and sunscreen materials manufactured for the specific purpose may be placed on the fence. Support structures, including poles, for fencing shall be allowed at a height necessary to appropriately achieve the intent of the fence.*

Section 10. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. 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 12. 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, Section 1 of the City Code of the City of West Des Moines, Iowa.

Section 13. Other Remedies. In addition to the provisions set out in 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 14. 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 September 19, 2022.

Russ Trimble, Mayor

Attest:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2022, and published in the Des Moines Register on _____, 2022.