NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: January 2, 2024

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to Beauty and Barber Shops in the Office District – Mindy and Mike Schmitt and the City of West Des Moines – AO-006273-2023

ORDINANCE: Approval of Second Reading, Waive Third and Adopt Ordinance Amendment

Background: Mindy and Mike Schmitt request an amendment to the chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to Beauty Shops as currently regulated within City Code. The City requests an additional amendment to the same chapters and sections to similarly modify regulations for Barber Shops.

Specifically, the following changes are proposed with this request:

- Title 9: Zoning
  - Chapter 6: *Commercial, Office and Industrial Zoning District*, Section 6: *Commercial, Office and Industrial Use Regulations*, Subsection 6C: Table 6.1 – *Use Matrix, Division I – Services* to add SIC 723 Beauty Shops and SIC 724 Barbershops as a Permitted Use in the Office zoning district.

Staff Review & Comment:

- *Ordinance Amendment Intent*: The intent of the ordinance amendment is to allow Beauty Shops (SIC 723) and Barber Shops (SIC 724) as permitted uses in the office district.

  The applicants have found a property at 808 Ashworth that they would like to purchase for a beauty shop. The property is located within an Office district and is surrounded by the Office zoning district. Staff considered that in July 2022 the City Council adopted a code amendment to allow this use in the Professional Commerce Park zoning district. The office district functions similarly to the Professional Commerce Park district. The use of a beauty shop is also similar to other office uses where appointments are made for one on one activity between the stylist and the customer.

  Staff also requests that barber shops be allowed as a permitted use in the office district as they operate similarly to beauty shops.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date:	December 11, 2023
Vote:	7-0 for approval
Recommendation:	Approval of Ordinance Amendment

City Council First Reading:
Date: December 18, 2023
Vote: 4-0, with Council Member Hardman absent

Recommendation: Approve the Second Reading of the Ordinance, Waive the Third Reading, and Adopt in Final Form.

Lead Staff Member: Kara Tragesser

Approval Meeting Dates:

Planning & Zoning Commission	December 11, 2023
City Council: First Reading	December 18, 2023
City Council: Second Reading, Waive Third and Adopt	January 2, 2024

Staff Report Reviews

Planning & Zoning Commission	☒ Development Coordinator/Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☑ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	December 1, 2023
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	December 4, 2023			
Recommendation	Yes ☐	No ☐	Split ☐	No Discussion ☒

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-23-061

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, Mindy and Mike Schmitt, along with Development Services Staff requests approval of an Ordinance Amendment to the following chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to Beauty Shops (SIC 723 and Barber Shops (SIC 724) as currently regulated within City Code.

- Chapter 6: *Commercial, Office and Industrial Zoning District*, Section 6: *Commercial, Office and Industrial Use Regulations*, Subsection 6C: Table 6.1 – *Use Matrix, Division I – Services* to add SIC 723 Beauty Shops and SIC 724 Barbershops as a Permitted Use in the Office zoning district.

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-006273-2023).

PASSED AND ADOPTED on December 11, 2023.

Andrew Conlin, 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 December 11, 2023, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, Shaw

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: K. Tragesser, City of West Des Moines, Development Services 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.). 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 6 (COMMERCIAL OFFICE AND INDUSTRIAL ZONING DISTRICT) PERTAINING TO ALLOWED USES IN THE OFFICE DISTRICT

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 6C, Table 6.1, Use Matrix (Division I), is hereby amended by inserting the text in bold italics. All other items in current adopted table but not reflected below shall remain as currently adopted:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
723 Beauty Shops	P	P	P	P	P	P	P	P					***P***	P	
724 Barbershops	P	P	P	P	P	P	P	P					***P***	P	

Section 2. Repealer. All ordinances of parts of ordinances in conflict with the provisions 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 Title 1, Chapter 4, Section 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 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 AND APPROVED by the City Council on January 2, 2024.

_____
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 _____, 2024, and published in the Des Moines Register on _____, 2024.