



61B

Date November 21, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PROPOSED AMENDMENT TO DES MOINES MUNICIPAL CODE TABLE 135-2.22-1 RELATING TO ACCESSORY STRUCTURES IN AN "F" ZONING DISTRICT AND DESIGN ALTERNATIVES RELATING TO PERMITTED ACCESSORY STRUCTURES

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, at a public hearing held on November 3, 2022, the City Plan and Zoning Commission voted 11-0 in support of a motion to recommend **APPROVAL** of a determination that the proposed amendment to Des Moines Municipal Code Table 135-2.22-1 relating to accessory structures in an "F" zoning district and design alternatives relating to permitted accessory structures is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan for the reasons set forth in the attached communication.

Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Date 11/21/22

Agenda Item 61B

Roll Call # _____

November 15, 2022

Communication from the City Plan and Zoning Commission advising that at their November 3, 2022 meeting, the following action was taken regarding a consideration of proposed City initiated amendments to Des Moines Municipal Code Table 135-2.22-1 relating to Accessory Structures in a “F” zoning district and Design Alternatives relating to permitted Accessory Structures.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper				X
Todd Garner				X
Johnny Alcivar				X
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen				X
Emily Webb	X			
Katie Gillette	X			

APPROVAL of the proposed amendments to Des Moines Municipal Code Table 135-2.22-1 relating to Accessory Structures in a “F” zoning district and Design Alternatives relating to permitted Accessory Structures.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed amendments to Des Moines Municipal Code Table 135-2.22-1 relating to Accessory Structures in a “F” zoning district and Design Alternatives relating to permitted Accessory Structures.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

Chapter 135 of the Municipal Code does not currently allow for a Design Alternative to be issued to permit an accessory structure in a district where it is not allowed by right. In addition, the “F” District is not identified by the table. Therefore, no accessory structures are permitted in this district despite there being uses allowed in this district that may need an accessory structure, such as amenity structures in a park.

Currently, if an accessory structure is not permitted, an applicant must seek a rezoning or staff must review the accessory structure against principal building type standards. These two paths can lead to undesirable outcomes. Staff believes that it is reasonable to allow a Type 2 Design Alternative for cases where it makes sense to do so based on circumstance unique to the situation under consideration. The proposed amendment would alter the description of what the dash icon means in the table from identifying a “prohibited” accessory structure to “a permitted by Type 2 Design Alternative” accessory structure.

A copy of the existing and proposed Accessory Structure Table 135-2.22-1. have been included in the subsequent pages of the staff report.

Existing Table 135-2-22-1

135-2. BUILDING TYPES

Accessory Structures

TABLE 135-2.22-1. ACCESSORY STRUCTURE TABLE																						
CATEGORY	DISTRICTS																			Reference		
Structure	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	II	IQ	N1, N2, N3, N4	N5	NK1	NK2, NK2a	NK3	NM		P1	P2
ACCESSORY BUILDINGS																						
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Riosk	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	-	●*	●*	135-2.22.2
Outbuilding and Detached Garages	●*	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Parking Structure	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	●*	135-2.22.2
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Accessory Household Unit	●*	-	-	●*	-	-	-	●*	●*	-	-	-	-	●*	●*	●*	●*	●*	-	-	-	135-2.22.2
Seasonal Building	-	-	-	-	●*	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	●*	●*	135-2.22.2
ACCESSORY OUTDOOR PAVING & STRUCTURES																						
Ball Court	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Deck & Patio	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Dog Run	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	●*	●*	135-2.22.3
Drive-Through Facility	-	-	-	-	-	-	●*	-	-	●*	●*	●*	-	-	-	-	-	-	-	-	●*	135-2.22.3
Flag Pole	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Fuel Station	-	-	●*	●*	●*	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	135-2.22.3
Gazebo	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Landscape Feature	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Temporary Storage Container	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Scoreboard	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	●*	●*	135-2.22.3
Bus Shelter or Bench for Public Transit Agency	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Outdoor Automated Accessory Structures	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	-	135-2.22.3
ACCESSORY UTILITY STRUCTURES																						
Antenna & Satellite Dish	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
EV Charging Stations	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Mechanical Equipment	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Rainwater Collection/ Cisterns	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Building mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - freestanding	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Roof-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - freestanding	●*	-	-	-	-	-	-	-	-	●*	●*	●*	-	-	-	-	-	-	-	●*	●*	135-2.22.4

KEY: ●* =permitted with development standards) - =prohibited

Proposed Table 135-2-22-1

135-2. BUILDING TYPES

Accessory Structures

TABLE 135-2.22-1. ACCESSORY STRUCTURE TABLE																						
CATEGORY	DISTRICTS																			Reference		
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1		P2	F
ACCESSORY BUILDINGS																						
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Kiosk	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	●*	●*	●*	135-2.22.2
Outbuilding and Detached Garages	●*	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Parking Structure	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	●*	-	135-2.22.2
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Accessory Household Unit	●*	-	-	●*	-	-	-	●*	●*	-	-	-	-	●*	●*	●*	●*	-	-	-	-	135-2.22.2
Seasonal Building	-	-	-	-	●*	●*	●*	-	-	●*	●*	●*	-	-	-	-	-	-	●*	●*	●*	135-2.22.2
ACCESSORY OUTDOOR PAVING & STRUCTURES																						
Ball Court	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Deck & Patio	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Dog Run	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	●*	●*	●*	●*	●*	●*	135-2.22.3
Drive-Through Facility	-	-	-	-	-	-	●*	-	-	●*	●*	●*	-	-	-	-	-	-	-	●*	-	135-2.22.3
Flag Pole	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Fuel Station	-	-	●*	●*	-	●*	-	-	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	135-2.22.3
Gazebo	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Landscape Feature	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Temporary Storage Container	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Scoreboard	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	●*	●*	●*	135-2.22.3
Bus Shelter or Bench for Public Transit Agency	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Outdoor Automated Accessory Structures	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	-	135-2.22.3
ACCESSORY UTILITY STRUCTURES																						
Antenna & Satellite Dish	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
EV Charging Stations	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Mechanical Equipment	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Rainwater Collection/ Cisterns	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Building-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Freestanding	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Roof-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Freestanding	●*	-	-	-	-	-	-	-	-	●*	●*	●*	-	-	-	-	-	-	●*	●*	-	135-2.22.4

KEY: ●* - permitted with development standards | - - permitted by Type 2 Design Alternative

II. PLANDSM: CREATING OUR TOMORROW COMPREHENSIVE PLAN

PlanDSM: Creating Our Tomorrow is the City’s Comprehensive Plan. The proposed amendments to Chapter 135 (Planning and Design Ordinance) are consistent with the following goals of PlanDSM:

Land Use Goals

1. Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.
2. Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.
4. Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.
5. Continue to support the development of Downtown as the economic, cultural, and residential core of Des Moines.

Economic Development Goals

2. Focus economic development efforts in strategic locations for continued vitality and growth.

Community Character and Neighborhood Goals

3. Promote the redevelopment and revitalization of neighborhood nodes and corridors.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Carolyn Jension asked if this allows more flexibility for city staff and the applicants.

Jason Van Essen stated this will give us the ability to handle these requests in a more appropriate manner.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Dory Briles made amotion for approval of the proposed amendments to Des Moines Municipal Code Table 135-2.22-1 relating to Accessory Structures in a "F" zoning district and Design Alternatives relating to permitted Accessory Structures.

Motion passed: 11-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

135-2. BUILDING TYPES

Accessory Structures

TABLE 135-2.22-1. ACCESSORY STRUCTURE TABLE

CATEGORY	DISTRICTS																				Reference	
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1	P2		F
ACCESSORY BUILDINGS																						
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Kiosk	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	●*	●*	●*	135-2.22.2
Outbuilding and Detached Garages	●*	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Parking Structure	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	●*	-	135-2.22.2
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Accessory Household Unit	●*	-	-	●*	-	-	-	●*	●*	-	-	-	-	●*	●*	●*	●*	-	-	-	-	135-2.22.2
Seasonal Building	-	-	-	-	●*	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	●*	●*	●*	135-2.22.2
ACCESSORY OUTDOOR PAVING & STRUCTURES																						
Ball Court	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Deck & Patio	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Dog Run	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	●*	●*	●*	●*	●*	●*	135-2.22.3
Drive-Through Facility	-	-	-	-	-	-	●*	-	-	●*	●*	●*	-	-	-	-	-	-	-	●*	-	135-2.22.3
Flag Pole	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Fuel Station	-	-	●*	●*	-	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	135-2.22.3
Gazebo	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Landscape Feature	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Temporary Storage Container	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Scoreboard	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	●*	●*	●*	135-2.22.3
Bus Shelter or Bench for Public Transit Agency	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
Outdoor Automated Accessory Structures	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	-	-	-	135-2.22.3
ACCESSORY UTILITY STRUCTURES																						
Antenna & Satellite Dish	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
EV Charging Stations	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Mechanical Equipment	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Rainwater Collection/ Cisterns	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Building-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Solar - Freestanding	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Roof-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.4
Wind - Freestanding	●*	-	-	-	-	-	-	-	-	-	●*	●*	●*	-	-	-	-	-	●*	●*	-	135-2.22.4

KEY: ●*=permitted with development standards | - =permitted by Type 2 Design Alternative