

Date November 21, 2022

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Table 135-2.22-1 of the Zoning Ordinance, relating to accessory structures in an "F" zoning district and design alternatives relating to permitted accessory structures,

presented.

Moved by _____ and seconded by _____ that this ordinance be considered and given first vote for passage.

(First of three required readings)

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

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections Table 135-2.22-1 of the Zoning Ordinance, relating to accessory structures in an “F” zoning district and design alternatives relating to permitted accessory structures.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Table 135-2.22-1, relating to accessory structures in an “F” zoning district and design alternatives relating to permitted accessory structures as follows:

135-2.22 Accessory Structures

....

Table 135-2.22.1 ACCESSORY STRUCTURE TABLE

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) Change the meaning of “-“ in the table from “Prohibited” to “permitted by Type 2 Design Alternative”; and
- (ii) Add a column to the Table for “F” Flood District.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

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

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.

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	IF	IQ	N1, N2, N3, N4	N5	NX1	NX2, NX2a		NX3	MM	PT	P2	
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	●*	-	-	●*	-	-	-	●*	●*	-	-	-	-	●*	●*	●*	●*	●*	-	-	-	-	135-2.22.3	
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	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Fuel Station	-	-	●*	●*	-	-	●*	●*	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	-	135-2.22.2	
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
ACCESSORY BUILDINGS																					
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Kiosk	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	●*	●*	135-2.22.2
Outbuilding and Detached Garages	●*	-	-	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.2
Parking Structure	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	-	-	●*	135-2.22.3
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	135-2.22.3
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