

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION**

**Meeting Date:** July 5, 2016

**Item:** Ordinance Amendment – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Use Matrices Table 6.1 to allow SIC 0752-9901: Animal Specialty Services, Grooming Services as a Permitted Use in a General Industrial (GI) District and allow SIC 0742-9901: Veterinary services for animal specialties, with outside runs as a Permitted Use in an Open Space (OS) District; Delete Subsection G-7 from Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations); and Amend Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A, to add regulations and performance standards pertaining to veterinary and animal services land uses – City Initiated – AO-003103-2016

**Request Action:** Approval of an amendment to the ordinance

**Case Advisor:** Brian S. Portz, AICP *BP*

**Applicant's Request:** Amend Title 9 (Zoning), Chapter 6 Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Use Matrices Table 6.1 to allow SIC 0752-9901: Animal Specialty Services, Grooming Services as a Permitted Use in a General Industrial (GI) District and allow SIC 0742-9901: Veterinary services for animal specialties, with outside runs as a Permitted Use in an Open Space (OS) District; Delete Subsection G-7 from Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations); and Amend Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A, to add regulations and performance standards to City Code pertaining to veterinary and animal services land uses.

This request stems from a Permitted Conditional Use Permit for the Collar Club that was approved by the Board of Adjustment on June 1, 2016 to open a dog daycare, including overnight boarding within an existing building at 1832 Fuller Road. The applicant indicated a desire to also provide grooming services as a part of their business. Currently, per City Code, Grooming Services (SIC 0752-9901) is not permitted within the General Industrial zoning district, however, it is permitted within other commercial and industrial use districts within the City. Staff has identified no clear reason as to why grooming should be prohibited from the General Industrial district: it may simply be an error within the code. The Board of Adjustment approved the Collar Club with the condition that no grooming services be conducted at the 1832 Fuller Road location until the City Code is amended to make grooming services a Permitted (P) use within the General Industrial district.

**City Council Subcommittee:** This item was presented at the June 27, 2016 Development and Planning City Council Subcommittee meeting as an informational item only. There was no discussion had about the proposed amendment.

**Staff Review and Comment:** There are no outstanding issues. Staff would note the following:

- **Use Matrices Amendment:** This proposed Ordinance Amendment will amend the Use Matrices Table 6.1 to allow SIC 0752-9901, Grooming Services in a General Industrial District. In addition, SIC 0742-9901, Veterinary Services for animal specialties, with outside runs, is proposed to be changed from a Permitted Conditional Use (Pc) in an Open Space (OS) District to a Permitted use. Staff questioned why this was designated as a Pc in an OS district when in the same table, SIC 0752-9901, Boarding Services – kennels, with outside runs is a Permitted use in the Open Space district. Staff is proposing to change SIC 0742-9901 to a Permitted use in OS to be consistent with SIC 0752-9901 in an OS District.

- Deletion of Section 9-10-4-G7: This code section contains building requirements to diminish the noise and smell associated with a Veterinary Use within a multi-tenant commercial center. Noise and smell could be associated with pet grooming within a multi-tenant building or also from a standalone building and regardless of the zoning in which the building is located. Staff is proposing to delete this subsection 7 and move it to new #18 under section 9-10-4-A, which would require the associated regulations apply in any zoning district that pet grooming is permitted and regardless if part of a multi-tenant building or standalone building.
- Performance Standards: The regulations moved to subsection A18 are proposed to be amended to meet Sound Transmission Class (STC) ratings to reduce the impact of such a use on adjacent businesses regardless if located within the same building. This section requires that all walls, ceilings, floors, doors and windows meet certain STC rating thresholds. Switching to meeting a STC rating will allow existing buildings to be evaluated to determine whether they meet the rating with the current building materials instead of automatically dictating specific building materials and design. The regulations are split into regulations for tenant space within multi-tenant buildings as well as regulations for a standalone building.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Noticing Information:** On June 24, 2016, notice of the July 5, 2016 Plan and Zoning Commission and July 11, 2016 City Council public hearings for this project was published in the *Des Moines Register*. No mail notices are required of City Code amendments.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendments.

**Attachments:**

- Attachment A - Resolution
- Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-16-012

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO REGULATE SIC 0752-9901 - ANIMAL SPECIALTY SERVICES, GROOMING SERVICES AS A PERMITTED USE IN A GENERAL INDUSTRIAL (GI) DISTRICT AND TO REGULATE SIC 0742-9901: VETERINARY SERVICES FOR ANIMAL SPECIALTIES, WITH OUTSIDE RUNS AS A PERMITTED USE IN AN OPEN SPACE (OS) DISTRICT; DELETE SUBSECTION G-7 FROM TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS); AND AMEND TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS), SUBSECTION A, TO ADD A SUBSECTION DEFINING REGULATIONS AND PERFORMANCE STANDARDS PERTAINING TO VETERINARY AND ANIMAL SERVICES LAND USES**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Development Services staff requests an amendment to Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Use Matrices Table 6.1 to allow SIC 0752-9901: Animal Specialty Services, Grooming Services as a Permitted Use in a General Industrial (GI) District and allow SIC 0742-9901: Veterinary services for animal specialties, with outside runs as a Permitted Use in an Open Space (OS) District; and

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Development Services staff requests the deletion of Subsection G7 from Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations); and

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Development Services staff requests an amendment to Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A, to add regulations and performance standards to City Code pertaining to veterinary and animal services land uses;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings for approval in the staff report dated July 5, 2016, 2016 or as amended orally at the Plan and Zoning Commission public hearing are adopted.

**SECTION 2.** AMENDMENT TO ORDINANCE (AO-003103-2016) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on July 5, 2016.

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Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 5, 2016, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

Prepared by: B. Portz, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620  
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 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO REGULATE SIC 0752-9901 – ANIMAL SPECIALTY SERVICES, GROOMING SERVICES AS A PERMITTED USE IN A GENERAL INDUSTRIAL (GI) DISTRICT AND TO REGULATE SIC 0742-9901: VETERINARY SERVICES FOR ANIMAL SPECIALTIES, WITH OUTSIDE RUNS AS A PERMITTED USE IN AN OPEN SPACE (OS) DISTRICT; DELETE SUBSECTION G-7 FROM TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS); AND AMEND TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS), SUBSECTION A, TO ADD A SUBSECTION DEFINING REGULATIONS AND PERFORMANCE STANDARDS PERTAINING TO VETERINARY AND ANIMAL SERVICES LAND USES**

**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 Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) is hereby amended by deleting the highlighted strike-through text and adding the italicized and bolded text:**

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
0741 Veterinary services for livestock												P			P
0742 Veterinary services for animal specialties, no outdoor runs	Pc	Pc	Pc		Pc	Pc		Pc				P			P
-Veterinary services for animal specialties, with outside runs															P
0752 Animal specialty services, except veterinary, grooming and boarding services, kennels															P
-Boarding services with kennels, no outside runs	Pc	Pc	Pc		Pc	Pc		Pc		Pc	Pc	Pc			P
-Boarding services - kennels, with outside runs															P
-Grooming services	P	P	P		P	P		P	P	P	P	P			P

**Section 2. Amendment.** Title 9: *Zoning*, Chapter 10: *Performance Standards*, Section 4: *Specific Use Regulations*, Subsection 'G7' is hereby deleted in its entirety and subsequent numbering adjusted accordingly.

**Section 3. Amendment.** Title 9: *Zoning*, Chapter 10: *Performance Standards*, Section 4: *Specific Use Regulations*, Subsection 'A' is hereby amended by adding a #18 and the following italicized and bolded text:

18. ***Veterinary and Animal Services: The following regulations shall apply in multi-tenant buildings within all zoning districts in which the use is allowed and in all situations in which noise or odors of Veterinary and Animal Services are potentially noticeable to an adjacent or nearby business regardless if located within the same building:***
  - a. ***All Veterinary and Animal Service Uses***

- i. *All walls, ceiling or floor assemblies surrounding any area for animal holding, exam, or treatment areas shall be constructed to meet or exceed a sound transmission class rating (STC) of 55 and the walls shall extend all the way from the floor to the roof, sealed with a continuous bead of caulk along the top, bottom and side wall intersections of the wall and around any penetrations. Doors or windows within exterior walls for these wall assemblies must be constructed to meet or exceed a sound transmission class rating (STC) of 40. Doors or windows within these wall assemblies serving as an interior wall of the tenant space (not a tenant separation wall) must be constructed to meet or exceed a sound transmission class rating (STC) of 30.*
- ii. *The ceiling over any animal holding, exam, or treatment areas shall meet or exceed a Noise Reduction Coefficient (NRC) of 0.70.*
- iii. *The HVAC system of the tenant space shall be designed to ensure adequate ventilation for odor elimination.*
- iv. *Identify the outdoor open space that will be used for animal waste elimination and provide a proposed maintenance schedule for the cleaning and removal of animal waste.*
- b. ***Veterinary and Animal Service Uses in Multi-tenant Buildings***
  - i. *The wall, ceiling or floor assemblies between the entire tenant space conducting the activity and adjacent tenants shall be constructed to meet or exceed a sound transmission class rating (STC) of 50 and the walls shall extend all the way from the floor to the roof, sealed with a continuous bead of caulk along the top, bottom and side wall intersections of the wall and around any penetrations.*
  - ii. *The HVAC system for the tenant space shall be completely independent of any other tenant space to eliminate the transmission of sound or odors.*

**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 Section 1-4-1 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 by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
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 \_\_\_\_\_, 2016, and was published in the Des Moines Register on \_\_\_\_\_, 2016.

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Ryan T. Jacobson, City Clerk