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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared by: L. Twedt, 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. 1918

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2009 BY AMENDING CITY CODE, TITLE 9, ZONING; CHAPTER 1, ENTITLEMENTS – PROCESS AND PROCEDURES; SECTION 8, ENTITLEMENTS TO DEFINE WHEN SUBMITTAL AND APPROVAL OF A SITE PLAN DEVELOPMENT PERMIT SHALL BE REQUIRED.

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

Section 1. AMENDMENT. Amend Title 9, *Zoning*; Chapter 1, *Entitlements – Process and Procedures*; Section 8, *Entitlements*; Subsection 1b, *General Provisions*; by deleting the existing text and replacing with the following text in lieu thereof:

b. General Provisions:

- (1) Unless otherwise modified below, a site plan development permit shall be required prior to site development and construction for:
 - (A) New construction of any structure or site improvements associated with any use identified as either Permitted (P) or Permitted Conditionally (Pc) within the use matrix for a zoning district.
 - (B) Expansion of existing structures, site improvements, use, or operations associated with any use identified as either Permitted (P) or Permitted Conditionally (Pc) within the use matrix for a zoning district.
 - (C) Any use, based upon a determination of the Development, Planning and Inspection Manager that is a more intense use than the preceding approved use which would result in a potential for a significant impact upon its surroundings.
- (2) A site plan development permit shall not be required for:
 - (A) Single-family detached residential dwelling uses and structures located within a zoning district in which said use and structure is Permitted (P) per the use matrix or is otherwise governed by and in compliance with the provisions stated within Title 9, Zoning; Chapter 3, General Zoning Provisions.
 - (B) On properties considered being primarily agricultural in nature and operating as such, agricultural structures which are associated with Agricultural Production – Crops (SIC 01) except greenhouses (SIC 018) and which is a Permitted (P) within the use matrix for the zoning district.
- (3) For projects requiring a site plan development permit, no building or grading permit of any kind, unless otherwise provided for in this code, shall be issued for any such development until the development has been approved as herein provided. Structures not required to obtain a site plan development permit shall be required to obtain the appropriate building permit prior to construction of the structure.

CITY OF WEST DES MOINES, IOWA
CERTIFIED COPY
 May 3 2011
 Lisa E. Stewart
 Deputy CITY CLERK

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

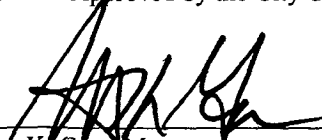
Section 3. Savings Clause. If any section, provision, sentences, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentences, clause, phrase or part 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 Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 5. Other Remedies. In addition to the provisions set out in 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.

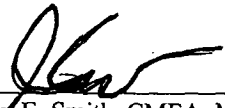
Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved by the City Council on the 2nd day of May, 2011.



Steven K. Gaer, Mayor

ATTEST:



Jody E. Smith, CMFA, MMC
City Clerk



Published in the Des Moines Register on the 6th day of May, 2011.