



**Date** August 23, 2021

**RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENT TO ZONING ORDINANCE**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

**WHEREAS**, on October 16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City’s Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and certain ordinances amending the City’s Zoning Ordinance have been approved by City Council thereafter; and

**WHEREAS**, the Neighborhood Services Department and staff have prepared a further amendment to Sections 134-3.5.16 and 134-3.9.6 of the Zoning Ordinance, which amendment is intended to allow self-service storage uses located in I Industrial zoning districts to permit clients’ outdoor storage of recreational vehicles and boats in connection with the principal self-service storage use; and

**WHEREAS**, on August 5, 2021, the City Plan and Zoning Commission voted 10-0 to **APPROVE** the proposed amendment to the Zoning Ordinance; and

**WHEREAS**, the proposed amendment to the Zoning Ordinance is on file and available to the public for viewing in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed amendment to the Zoning Ordinance at a public hearing to be held at 5:00 p.m. on September 13, 2021, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposed amendment.
3. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

 **Roll Call Number**

Agenda Item Number

24

Date August 23, 2021

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

/s/ Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

**CERTIFICATE**

I, P. KAY CMELIK, 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.

MOTION CARRIED APPROVED

\_\_\_\_\_ 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 134-3.5.16 and 134-3.9.6 of the Zoning Ordinance, relating to self-service storage and accessory outdoor storage.

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 Sections 134-3.5.16 and 134-3.9.6, relating to self-service storage and accessory outdoor storage, as follows:

**134-3.5.16 SELF-SERVICE STORAGE**

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses, including, if any, caretaker's or supervisor's quarters as an accessory use. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles. Self-service storage does not allow storage of junk, explosive or flammable materials, and other noxious or dangerous materials.

**A. Supplemental Use Regulations.**

Self-service storage uses that are located in an MX2 or MX3 districts are subject to the following ~~in MX2 and MX3 districts~~:

....

**134-3.9.6 OUTDOOR STORAGE**

Permanent outdoor storage of goods, materials and equipment not typically housed or sold indoors, such as large-scale materials, recreational vehicles and boats when in connection with self-service storage, and building and landscape supplies, but excluding junk and salvage yards.

- A. Outdoor storage is permitted in any I or EX district when associated with an industrial use, in any I district when associated with a self-service storage use, and in any CX district when associated with large format retail use.

....

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/ Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

## 134-3. USES

### Commercial Use Category

- C. Large-Format Retail Sales.** Retail sales establishments occupying more than 40,000 square feet of floor area.
- D. Liquor Store.** Limited retail sales establishment primarily engaged in the sale of off-premise consumption of alcoholic liquor, wine and beer, where more than 40% of gross receipts is derived from the sale of alcoholic liquor, wine, beer and tobacco. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.
- E. Tobacco Store.** Limited retail sales establishment primarily engaged in the retail sale of tobacco and tobacco-related products, provided however that no more than 25% of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine or beer, and all sales of alcoholic liquor, wine or beer are for off-premises consumption only. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.

#### 3.5.16 SELF-SERVICE STORAGE

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses, including, if any, caretaker's or supervisor's quarters as an accessory use. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles. Self-service storage does not allow storage of junk, explosive or flammable materials, and other noxious or dangerous materials.

##### A. Supplemental Use Regulations.

Self-service storage uses that are located in an MX2 or MX3 districts are subject to the following:

1. The self-storage use shall be permitted only within the interior of converted pre-existing buildings or the interior of building types allowed in the applicable zoning district, in accordance with chapter 135 of this code.
2. No external storage or additional buildings shall be permitted as part of the self-storage use.
3. The landscape regulations of chapter 135 of this code shall be required of any self-storage use of property, whether associated with a pre-existing building or an allowed building type.

#### 3.5.17 SIGN, GENERAL ADVERTISING

A large outdoor advertising structure, with a minimum sign face of 300 square feet in area and a maximum sign face of 672 square feet in area, located along

major commercial corridors identified in Article 5 of this chapter to provide information to the general public in exchange for compensation. General advertising signs are subject to sections 134-5.7, 134-5.8, and 134-7.3 of this chapter.

#### 3.5.18 SPORTS AND RECREATION, PRIVATE/PARTICIPANT

A commercial facility for provision of sports or recreation primarily by and for participants. Spectators are incidental. Examples include bowling alleys, health clubs, skating rinks, bingo halls, casinos, billiard parlors, driving ranges and miniature golf courses, archery ranges, batting cages, go-cart tracks, private golf courses and recreational fields, and private open spaces.

**A. Indoor.** Participant sports and recreation uses conducted entirely within buildings.

**B. Outdoor.** Participant sports and recreation uses conducted wholly or partially outside of buildings.

#### 3.5.19 VEHICLE SALES AND SERVICE

##### A. Fuel Station

1. A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses and which may include retail sales of convenience items.
2. Fuel stations are subject to the applicable building type regulations in Article 2 of chapter 135 of this code and accessory structure regulations in section 135-2.22.3 of this code.

**B. Vehicle Sales.** Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals pursuant to section 134-3.6.3 of this article. Vehicle sales are also subject to sections 134-6.3.12 of this chapter and 135-2.1.4.D of this code.

**C. Vehicle Rentals.** Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals pursuant to section 134-3.6.3 of this article. Vehicle

## 134-3. USES

### Accessory Uses

- d. Parking lots are allowed in rear yards with a frontage buffer per section 135-7.7 of this code and semi-pervious paving for all drive lanes and spaces. Parking lots are limited to no more than six spaces.

#### 3.9.5 OUTDOOR DINING AND DISPLAY

**A. Outdoor Dining.** Tables and chairs for patrons of eating and drinking places located outdoors and directly adjacent to the structure containing the associated use.

1. Outdoor dining may be located anywhere on the lot.
2. Outdoor dining may be located on the sidewalk of an adjacent right-of-way of a non-primary street if all of the following requirements are met:
  - a. A sidewalk permit per chapter 102 of this code is approved.
  - b. At least five feet of continuous sidewalk is maintained clear and unobstructed for passing pedestrians.
  - c. No permanent construction is permitted within the right-of-way and all appurtenances shall be removed during the off-season.
  - d. A Type 1 exception may be approved for outdoor dining on a primary street, where no non-primary street is available adjacent to the business and the sidewalk is wide enough to accommodate the above requirements.
3. The maximum size of any outdoor dining shall not exceed the gross floor area of the restaurant interior.

**B. Outdoor Display.** The outdoor display of merchandise associated with a retail sales use.

1. Outdoor sales displays are permitted anywhere on the lot, but shall not be closer to the right-of-way line than the front building facade.
2. Outdoor sales displays on the same lot as a Fuel Station are limited to within five feet of the building or under the fuel canopy, and the height is limited to no more than five feet.
3. Outdoor sales are restricted to those items or merchandise which are permitted in the district.

4. If associated with a principal use on a corner lot, only a single frontage shall be utilized for accessory outdoor display purposes.
5. Merchandise, displays, and other structures in the front or street-side yards shall be removed and stored indoors during non-business hours.
6. Outdoor sales in the interior side or rear yard shall be fenced or walled. Any outdoor sales yard abutting a street right-of-way shall include a frontage buffer per section 135-7.7 of this code.
7. The gross square footage of an outdoor sales display area shall not exceed the gross square footage of the interior space of the building containing the associated principal retail sales use on the property.

#### 3.9.6 OUTDOOR STORAGE

Permanent outdoor storage of goods, materials and equipment not typically housed or sold indoors, such as large-scale materials, recreational vehicles and boats when in connection with self-service storage, and building and landscape supplies, but excluding junk and salvage yards.

- A.** Outdoor storage is permitted in any I or EX district when associated with an industrial use, in any I district when associated with a self-service storage use, and in any CX district when associated with large format retail use.
- B.** Outdoor storage shall be located in the rear or side yard of the lot.
- C.** Loose materials shall not be stacked higher than six feet and shall, at a minimum, be stored in a three-sided covered shelter.
- D.** Goods, materials and equipment shall not be stacked higher than the height of the perimeter screening.
- E.** Materials shall be set back from each lot line a minimum distance as established in, and subject to review pursuant to, chapter 135 of this code.
- F.** All outdoor storage areas shall be screened from view of adjacent lots and streets in accordance with, and subject to review pursuant to, chapter 135 of this code.
- G.** No person shall park, place, keep or store, or permit the parking or storage of, a stock car, racing car, inoperable or unsafe vehicle, vehicular component parts, or miscellaneous junk and debris on any public or private property unless it shall be in a completely enclosed building. This subsection shall

Date August 13, 2021

Agenda Item 24

Roll Call # \_\_\_\_\_

August 17, 2021

Communication from the City Plan and Zoning Commission advising that at their August 5, 2021 meeting, the following action was taken regarding a request a City initiated Zoning Text Amendment to Chapter 134 of the Municipal Code, to provide for the allowance of Outdoor Storage as accessory the principal use of Self-Service Storage within the "I1" and "I2" Industrial Districts.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar				X
Lisa Howard				X
Carolyn Jenison				X
William Page	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of the proposed amendments to Chapter 134 of the Municipal Code.  
(ZONG-2021-000007)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed amendments to Chapter 134 of the Municipal Code.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

The proposed amendments would allow Self-Service Storage businesses to offer clients the ability to store large personal items, such as boats and recreational vehicles, outdoors in the "I1" and "I2" Districts. A copy of the proposed text change is included in the Commission's packet.

### II. CONSISTENCY WITH PLANDSM

PlanDSM is the City's Comprehensive Plan. Preparation of the proposed amendments to Chapter 134 (Zoning) and amendments to Chapter 135 (Planning and Design) are based upon and consistent with the following Goals and Policies of PlanDSM:

#### Land Use Goal 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.**

LU1: Develop a new Zoning Ordinance and other land development regulations consistent with the goals and policies of PlanDSM.

LU5: Develop regulations to reduce blight and visual clutter including, but not limited to, signage, overhead power lines, telecommunications equipment, and other utilities. Regulations will be consistent with federal and state code and case law.

#### Land Use Goal 7

**Maintain the existing industrial designated areas to provide appropriate locations for industrial use.**

LU36: Develop land use regulations for industrial uses that address potential impacts with adjoining non-industrial land uses, particularly residential areas.

#### Economic Development Goal 4

**Foster a sustainable economy.**

ED17: Encourage businesses that diversify the economy; use locally produced materials and market their products locally; practice energy efficiency, provide a living wage; utilize green building practices; employ exemplary storm water management practices; and/or utilize sustainable transportation and distribution systems.



## **SUMMARY OF DISCUSSION**

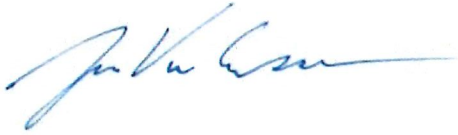
Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION:**

Jann Freed made a motion for approval of the proposed amendments to Chapter 134 of the Municipal Code.

Motion passed: 10-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

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