



**Roll Call Number**

**Agenda Item Number**

64

**Date** March 6, 2023

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 Sections 134-3.6.3, 134-3.9.6 and Section 135-8.2.2, relating to outdoor storage",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

/s/ Lisa A. Wieland  
Lisa A. Wieland  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
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 134-3.6.3, 134-3.9.6 and Section 135-8.2.2, relating to 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, by amending Sections 134-3.6.3, 134-3.9.6 and Section 135-8.2.2 relating to outdoor storage, as follows:

**134-3.6 Industrial Use Category**

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**3.6.3 STORAGE, DISTRIBUTION AND WHOLESALING**

Principal uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

**A. Equipment and Materials Storage, Outdoor.** Uses, excluding junk and salvage yards, that constitute outdoor storage of equipment, products or materials, whether or not stored in containers. All such uses shall comply with the requirements of subsections BA, C, D, and E, and F of section 134-3.9.6 of this article.

**B. Trucking and Transportation Terminals.** Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of large trucks, buses, construction equipment, agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

**C. Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of “self-service storage” use or a “trucking and transportation terminal.”

**D. Wholesale Sales and Distribution.** Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.

**E. Supplemental Use Regulations.**

Storage, distribution, and wholesaling uses are subject to the following:

1. Outdoor storage of inoperable or unsafe vehicles in quantities constituting a junk or salvage yard is prohibited.
2. No part of the use may be a residential use.



3. No odors, gases, noise, vibration, pollution of air, water or soil, or lighting is emitted onto any adjoining property so as to create a nuisance.
4. The owner or occupant has provided the neighborhood services department with a written statement upon a form acceptable to the neighborhood services director describing the use to occur upon the property and the nature of any odors, gases, noise, vibration, and other environmental impacts that may be generated by such use, and certifying that the use upon the property will be operated in a manner that does not permit any odors, gases, noise, vibration, pollution of air, water or soil, or lighting to be emitted onto any adjoining property so as to create a nuisance.
5. The use shall be operated in strict conformance with the statement provided pursuant to paragraph 4, above.

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### 134-3.9 Accessory Uses

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#### 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.** ~~Accessory~~ outdoor storage is permitted in any I ~~or EX~~ district when associated with an industrial use ~~or self-service storage use, in any I district; in any EX district~~ when associated with a warehouse, wholesale sales and distribution, or artisan or limited fabrication and production use; self-service storage use, and in any CX, EX or I1 district when associated with large-format retail use.

**B.** The location and stacking height of outdoor storage materials shall be subject to the requirements of chapter 135 of this code. 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.~~

**EC.** 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.

**FD.** 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.

**GE.** 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 not apply to legitimate businesses operating in a lawful place and manner; provided, however, that such outside areas are screened from public view.

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### 135-8.2 Site Planning Standards

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#### 8.2.2 OUTDOOR STORAGE ~~ASSOCIATED WITH INDUSTRIAL USES~~

- A. All outdoor storage areas shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks.
- B. All outdoor storage areas shall be maintained with both a dustless surface, including asphaltic or Portland cement binder pavement or other surface approved by the city engineer, graded to drain properly and a drainage system approved by the city engineer.
- C. All outdoor storage areas shall be set back a minimum of 25 feet from any street frontage and a minimum of 10 feet from all other lot lines.
- D. All outdoor storage areas shall be screened from view of adjacent lots and streets using the medium side and rear buffer per section 135-7.8.3 of this chapter, unless adjacent to an N district or visible from a public corridor as determined by the development services director which requires the use of the heavy buffer per section 135-7.8.4 of this chapter.
- E. All outdoor storage shall be located in the rear or interior side yard of the lot.
- F. Loose materials shall not be stacked higher than six feet and shall, at a minimum, be stored in a three-sided covered shelter.
- G. Goods, materials and equipment shall not be stacked higher than the height of the perimeter screening.

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

FORM APPROVED:

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Lisa A. Wieland  
Assistant City Attorney



Date March 6, 2023

Agenda Item 64

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

February 28, 2023

Communication from the City Plan and Zoning Commission advising that at their February 16, 2023 meeting, the following action was taken regarding a consideration of City-initiated Zoning Ordinance Text Amendments to Municipal Code Sections 134-3.6.3, 134-3.9.6, and 135.8.2.2, pertaining to Outdoor Storage.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows.

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Carol Maher	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 Sections 134-3.6.3, 134-3.9.6, and 135.8.2.2, pertaining to Outdoor Storage.

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

Staff recommends approval of the proposed amendments to Des Moines Municipal Code Sections 134-3.6.3, 134-3.9.6, and 135.8.2.2, pertaining to Outdoor Storage.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**



The proposed amendments would revise sections of the Municipal Code that relate to Outdoor Storage requirements. These amendments to the Municipal Code are intended to clarify Outdoor Storage allowances and requirements within the allowed zoning districts. The proposed amendments are contained in a summary document provided with this staff report.

Outdoor Storage is currently allowed in “CX”, “EX”, and “I” zoning districts with limited uses. The proposed amendments would clarify Outdoor Storage must be Accessory to uses within an “I” District, associated with a warehouse wholesales sales and distribution, artisan or limited fabrication and production use within an “EX” District, or associated with a large-format retail use within any “CX”, “EX”, or “I1” District.

The existing Zoning and Planning and Design Ordinances texts are mildly ambiguous. The proposed amendments would increase clarity for all users of the Ordinances and allow a more efficient development review process. Staff believes that the proposed amendments comply with the goals of the PlanDSM: Creating Our Tomorrow comprehensive plan. See section II of this report for additional information on PlanDSM.

A copy of the proposed text changes is included in the Commission’s packet. The following are summaries of the changes to each section of the code.

Section 134-3.6.3 Storage, Distribution and Wholesaling:

- A – Text Correction: Revisions include agreement in subsection list with correct subsection numbers.

Section 134-3.9.6 Outdoor Storage:

- A – Revisions include types of outdoor storage allowed in different zoning districts.
- B – new E – Revisions include requirements of locations, stacking height, materials, screening, and parking of vehicles allowed with outdoor storage.

Section 135-8.2.2 Outdoor Storage:

- D – new F – Revisions include requirements of locations, stacking height, materials, screening, and parking of vehicles allowed with outdoor storage.

## **II. PLANDSM: CREATING OUR TOMORROW COMPREHENSIVE PLAN**

PlanDSM: Creating Our Tomorrow is the City’s Comprehensive Plan. The proposed amendments to Chapter 134 (Planning and Design Ordinance) are 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.

LU2: Develop regulations sensitive to adjoining development and potential development to promote unique land use objectives including neighborhood centers and transit-oriented development (TOD).

LU3: Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses.

LU4: Integrate development with the natural environment through green building and site planning practices.

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 stormwater management practices; and/or utilize sustainable transportation and distribution systems.

### **SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Chris Draper asked if the amendment stems from the Home Depot request that was discussed during the February 2, 2023 Plan and Zoning Commission meeting.

Jason Van Essen stated staff became aware of the need to make this amendment as we were reviewing the transload project.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present or requested to speak.

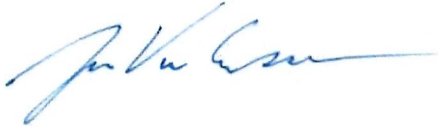
### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Chris Draper made a motion for approval of the proposed amendments to Des Moines Municipal Code Sections 134-3.6.3, 134-3.9.6, and 135.8.2.2, pertaining to Outdoor Storage.

Motion passed: 12-0

Respectfully submitted,

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

Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



### 134-3.6.3

#### 3.6.3 STORAGE, DISTRIBUTION AND WHOLESALING

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**A. Equipment and Materials Storage, Outdoor.** Uses, excluding junk and salvage yards, that constitute outdoor storage of equipment, products or materials, whether or not stored in containers. All such uses shall comply with the requirements of subsections A, B, C, D, and E of section 134-3.9.6 of this article.

**B. Trucking and Transportation Terminals.** Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of large trucks, buses, construction equipment, agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

**C. Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of "self-service storage" use or a "trucking and transportation terminal."

**D. Wholesale Sales and Distribution.** Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.

#### **E. Supplemental Use Regulations.**

Storage, distribution, and wholesaling uses are subject to the following:

1. Outdoor storage of inoperable or unsafe vehicles in quantities constituting a junk or salvage yard is prohibited.
2. No part of the use may be a residential use.
3. No odors, gases, noise, vibration, pollution of air, water or soil, or lighting is emitted onto any adjoining property so as to create a nuisance.
4. The owner or occupant has provided the neighborhood services department with a written statement upon a form acceptable to the neighborhood services director describing the use to occur upon the property and the nature of any odors, gases, noise, vibration, and other environmental impacts that may be generated by such use, and certifying that the use upon the property will be operated in a manner that does not permit any odors, gases, noise, vibration, pollution of air, water or soil, or lighting to be emitted onto any adjoining property so as to create a nuisance.
5. The use shall be operated in strict conformance with the statement provided pursuant to paragraph 4, above.

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### 134-3.9.6

#### 3.9.6 OUTDOOR STORAGE

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~~A. Accessory Outdoor storage is permitted in any I or EX district when associated with an industrial use or self-service storage use, in any I district; in any EX district when associated with a warehouse, wholesale sales and distribution, or artisan or limited fabrication and production use; self-service storage use, and in any CX, EX, or I1 CX district when associated with large-format retail use.~~

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~~B. The location and stacking height of outdoor storage materials shall be subject to the requirements of chapter 135 of this code. Outdoor storage shall be located in the rear or side yard of the lot.~~

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~~C. Loose materials shall not be stacked higher than six feet and shall, at a minimum, be stored in a three-sided covered shelter.~~

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~~D. Goods, materials and equipment shall not be stacked higher than the height of the perimeter screening.~~

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~~EC. 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.~~

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~~DF. 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.~~

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~~EG. 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 not apply to legitimate businesses operating in a lawful place and manner; provided, however, that such outside areas are screened from public view.~~

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### 135.8.2.2

#### 8.2.2 OUTDOOR STORAGE ASSOCIATED WITH INDUSTRIAL USES

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B. All outdoor storage areas shall be maintained with both a dustless surface, including asphaltic or Portland cement binder pavement or other surface approved by the city engineer, graded to drain properly and a drainage system approved by the city engineer.

C. All outdoor storage areas shall be set back a minimum of 25 feet from any street frontage and a minimum of 10 feet from all other lot lines.

D. All outdoor storage areas shall be screened from view of adjacent lots and streets using the medium side and rear buffer per section 135-7.8.3 of this chapter, unless adjacent to an N district or visible from a public corridor as determined by the development services director, which requires the use of the heavy buffer per section 135-7.8.4 of this chapter.

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~~E. All outdoor storage shall be located in the rear or interior side yard of the lot.~~

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### **134-3.6.3**

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### **134-3.9.6**

#### **3.9.6 OUTDOOR STORAGE**

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**B.** The location and stacking height of outdoor storage materials shall be subject to the requirements of chapter 135 of this code.

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### **135.8.2.2**

#### **8.2.2 OUTDOOR STORAGE**

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