



**Roll Call Number**

21-1437

**Agenda Item Number**

46

**Date** September 13, 2021

**RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENT TO ZONING ORDINANCE AND APPROVING SAME**

**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16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City’s Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and certain ordinances amending the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**, on August 23, 2021, by Roll Call No. 21-1331, it was duly resolved by the City Council that the proposed amendments to the Zoning Ordinance be set down for public hearing on February 22, 2021 at 5:00 p.m. in the City Council Chambers at City Hall; 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; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendment to Sections 134-6.5.2, 134-6.6.2, and 134-7.2.3 of the Zoning Ordinance, be and the same are hereby overruled, and the hearing is closed.



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2. The City Council hereby makes the following findings in support of the proposed amendment to Sections 134-3.5.16 and 134-3.9.6 of the Zoning Ordinance:
  - a. Said amendment is necessary to protect and preserve the rights, privileges, and property of the City and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, for the reasons stated herein.
  - b. The amendment is further necessary to promote the health, safety, morals, and general welfare of the community.
  - c. Said amendment is consistent with PlanDSM: Creating Our Tomorrow Plan, the comprehensive plan for the City of Des Moines, and meets the multiple goals thereof including but not limited to the following:
    - i. Land Use (LU) 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.
    - ii. Land Use (LU) 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.
    - iii. Economic Development (ED) 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.
3. The proposed amendment to Sections 134-3.5.16 and 134-3.9.6 of the Zoning Ordinance, in form on file in the office of the City Clerk, is hereby approved, subject to final passage of the enacting ordinance.



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MOVED by Gatto to adopt.

FORM APPROVED:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk