

**CITY COUNCIL  
COMMUNICATION:**

**03-209**

**AGENDA:**

MAY 5, 2003

**SUBJECT:**

REDUCED AREAWAY  
LICENSE FEES FOR  
AWNINGS, CANOPIES,  
MARQUEES, AND  
PLANTERS

**TYPE:**

RESOLUTION  
**ORDINANCE**  
RECEIVE/FILE

**SUBMITTED BY:**

JEB E. BREWER, P.E.  
CITY ENGINEER

**ITEM** \_\_\_\_\_

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

Approval of proposed amendments to the City Code and Schedule of Fees regarding encroachments that would decrease the fee for areaway permits for awnings, canopies, marquees, and planters. These amendments will: 1) exempt small portable flower pots and planters from the requirement to be licensed; 2) establish that the minimum license fee of \$25 for the initial license fee for awnings, canopies, and marquees apply per building, and for planters attached to the sidewalk apply per property, and not per individual item; and 3) waive the annual renewal fee for awnings, canopies, marquees, and planters. The change will encourage private improvements to existing streetscape amenities.

**FISCAL IMPACT —**

An increased areaway permit fee went into effect on December 18, 2002; this fee increase was expected to generate an additional \$44,000 over previous years. With this proposed modification to the fee, it is expected that this revenue will decrease, generating only an additional \$20,000 over previous years.

**RECOMMENDATION —**

**Approval.**

**BACKGROUND —**

Section 102-618 of the City Code requires that any person constructing, maintaining, or using any area, vault room, or other encroachment under, upon, or in any part of any public property shall obtain a license and pay a fee for such encroachment. Section 102-621 establishes a similar requirement to obtain a lease and pay a fee for any sign, banner, canopy, marquee, awning, or other encroachment over public property.

Fees for these and other areaway licenses have been increased significantly, effective December 18, 2002. The minimum license fee increased from \$10 to \$25, while the fee increased from \$0.50 per square foot to \$0.75 for larger areaways over public property and to \$1 per square foot for areaways on or under public property. Prior to that change, fees had not been increased since 1975.

Several recent City-initiated and private property owner efforts to beautify

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the City, and especially the downtown area, have been impacted by these license requirements and fee increases. In general, the categories of encroachments identified above are not used for private gain or profit, do not significantly impair the public's use of the public property, and actually improve or enhance the public property or the public's use of the property.

Small, portable flowerpots or other planters have been used in the downtown for a number of years, adding to the color and appeal of the downtown streets and sidewalks. These pots have not been required to obtain a license or pay a fee. The proposed ordinance change will specifically exempt them from this requirement.

Another category of planters has recently been added downtown, which are somewhat larger and attached to the sidewalk. These planters have been required to obtain a license and pay the fees. However, these planters have been required to be placed near the curb, in line with street light poles, parking meters, etc. where they create very little disruption in pedestrian use of the sidewalk. They also clearly add much to the aesthetic appeal of the sidewalk. In a similar manner, awnings, canopies, and marquees located over the public property can add color and aesthetic appeal to the buildings, and also provide shade and protection from rain and other elements.

Based on the above factors, it is proposed to significantly reduce the fees for the license or lease for these encroachments. A license or lease will still be required, which will allow the City to regulate and manage them, hold the City harmless from liability associated with their placement on or over City property, and provide a means for the City to order their removal if they are not properly maintained. An initial fee of \$25 per building for awnings, canopies, or marquees, or per property for planters, will be charged to help offset the staff costs associated with the review and licensing process. Annual renewal fees will be waived.

On the Council agenda is a roll call for first reading of the ordinance changes, including the schedule of fees. The effective date for the fees is January 3, 2003 so that the reduced costs will apply to license renewals that begin April 1, 2003.

