

COUNCIL COMMUNICATION

	Number:	20-184	Meeting:	April 20, 2020
	Agenda Item:	34	Roll Call:	20-0651
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Amending Chapter 102 of the Municipal Code regarding the issuance of areaway permits and licenses for encroachments in City right-of-way.

SYNOPSIS:

Recommend approval of the amended ordinance, which is needed to update the requirements for issuance of areaway permits and licenses for encroachments in City right-of-way.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Changes to Chapter 102 of the Municipal Code are needed to update the types of right-of-way encroachments that qualify for annual areaway permits or short-term licenses, which may be issued by the City Engineer, or his or her designee.
- Areaway permits are a simple annual permit with renewal on April 1st of each year, and are issued for temporary and removeable encroachments within the City right-of-way, which include building-mounted signage, non-structural awnings or canopies, trash receptacles, bike racks, or other similar temporary and removable obstructions.
- Licenses Agreements are issued for a period of up to three (3) years and are used for more substantial encroachments within the City right-of-way, such as retaining walls, fences, private underground utilities, landscape improvements, or other similar types of encroachments. Any license granted for a period of more than three (3) years must be approved by the City Council, after notice and a public hearing is held as required by law.
- All references to leases have been removed from Chapter 102, as any right-of-way proposed for lease must first be vacated.

- All references to the issuance of permits, licenses, or leases for permanent building encroachments in the City right-of-way, such as steps, stairways, building footings, architectural projections, and structural balcony overhangs, have been removed from Chapter 102, as these types of permanent encroachments require vacation of the right-of-way and approval of a permanent easement by the City Council, after notice and a public hearing is held as required by law.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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