

ORDINANCE NO. 16,227

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 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 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 district when associated with an industrial use or self-service storage use; in any EX district when associated with a warehouse, wholesale sales and distribution, or artisan or limited fabrication and production 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.

**C.** 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.

**D.** 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.

**E.** 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**

**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: Lisa A. Wieland, Assistant City Attorney

Connie Boesen, Mayor Pro Tem

Attest: I, Laura Baumgartner, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an Ordinance (Roll Call No. 23-0354), passed by the City Council of said City at the meeting held on March 6, 2023 and signed by the Mayor Pro Tem on March 6, 2023 and published and provided by law in the Business Record on March 24, 2023. Authorized by Publication Order No. 12227.

Laura Baumgartner, City Clerk