

★ **Roll Call Number**

**Agenda Item Number**  
43A

Date May 5, 2008


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, and amended by Ordinance No. 14,154 passed October 21, 2002, and Ordinance No. 14,450 passed May 23, 2005 by adding a new paragraph (j) to Section 134-1296, to provide standards for public franchise utility cabinets and communication systems located within a front yard",

presented.

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

FORM APPROVED:

(First of three required readings)

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_ City Clerk



Date \_\_\_\_\_

Agenda Item 43A

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

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, and amended by Ordinance No. 14,154 passed October 21, 2002, and Ordinance No. 14,450 passed May 23, 2005 by adding a new paragraph (j) to Section 134-1296, to provide standards for public franchise utility cabinets and communication systems located within a front yard.

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, and amended by Ordinance No. 14,154 passed October 21, 2002, and Ordinance No. 14,450 passed May 23, 2005 is hereby amended by adding a new paragraph (j) to Section 134-1296, to provide standards for public franchise utility cabinets and communication systems located within a front yard, as follows:

**Sec. 134-1296. Permitted.**

(a) *Scope.* The regulations specified in this chapter shall be subject to the exceptions and interpretations of this section.

(j) Height restrictions for public franchise utilities and communication systems in front yards.

(1) In any R residential district and C commercial district, or portion of the PUD district of PBP district designated for residential or support commercial uses, but excluding property within the R-HD district or any designated local historic district, the following shall apply:

(a) All public franchise utility and communication system cabinets and boxes, including but not limited to DSL cabinets, cross connect cabinets and power transfer cabinets, if placed in the front yard must be setback a minimum of five feet (5') from any public sidewalk or right-of-way boundary or lot line; and must comply with all district vision clearance requirements.


(b) The outer dimension of any area or pad containing a grouping of utility cabinets on a single property shall not exceed a dimension of 4-feet wide

(parallel to the front lot line) or 8-feet deep  
(perpendicular to the front lot line).

- (c) In any R residential district no utility cabinet or box or grouping of utility cabinets and boxes in a front yard may be installed within three hundred feet (300') of another utility cabinet or box or grouping of utility cabinets installed in the front yard along the same side of the same street.
- (d) In any C commercial district no utility cabinet or box or grouping of utility cabinets installed in the front yard may be installed within one hundred feet (100') of another utility cabinet or box or grouping installed in the front yard along the same side of the same street.
- (e) No utility cabinet or box installed in the front yard shall exceed fifty-five (55) inches in any dimension (excluding any required electric meter). An increase above this maximum height shall be allowed only by variance approved by the board of adjustment pursuant to section 134-64(2). The board of adjustment shall have no authority to grant an exception to this height requirement.
- (f) Any grouping of utility cabinets and boxes on a single property shall be placed in an orderly and sequential manner as approved by the Zoning Enforcement Officer.
- (g) All utility cabinets and boxes on a single property shall be of the same color as approved by the Zoning Enforcement Officer.
- (h) Any utility meter on a utility cabinet or box shall be screened from public view as approved by the Zoning Enforcement Officer.

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

FORM APPROVED:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney