

Date July 27, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2009, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a Zoning Text Amendment to revise standards of refuse collection containers; and

WHEREAS, the proposed text amendment is on file in the office of the City Clerk.

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

1. That the meeting of the City Council at which the proposed text amendment is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on August 10, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(10-2009-5.02)

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 July 27, 2009

Agenda Item 21

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

July 27, 2009

Honorable Mayor and City Council  
City of Des Moines, Iowa

**Members:**

Communication from the City Plan and Zoning Commission advising that at their meeting held July 16, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of the proposed amendments to the City Code to revise standards for screening of refuse collection containers. (10-2009-5.02)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed amendments to the City Code.

**STAFF REPORT**

**I. BACKGROUND INFORMATION**

Attached are proposed revisions to City Code Section 134-1276(t), as recommended by the Regulations and Ordinances (R&O) Subcommittee, to modify the zoning regulations regarding the screening of refuse collection containers. This subsection does not apply to one-family and two-family dwellings.

The proposed text amendment would require all refuse collection containers and dumpsters that are readily visible from adjoining street right-of-way or an "R", "PUD" or "PBP" District to be enclosed on all sides by a completely opaque, permanent fence or wall. The enclosure, including any gates for pedestrian and/or disposal truck access, would be required to be constructed from brick, masonry or other durable materials approved by the planning director and be situated on a concrete pad.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

This amendment would improve the durability of new dumpster enclosures but would alter the zoning regulation to only require an enclosure structure when a dumpster would be readily visible from public right-of-way or from an "R", "PUD" or "PBP" District. The amendment would also allow the planning director the flexibility to administratively approve a dumpster enclosure that is constructed of durable materials other than brick or masonry. The placement of new dumpsters and any required dumpster enclosure would continue to be reviewed during site plan review to ensure minimal impacts on surrounding properties.

## **SUMMARY OF DISCUSSION**

Greg Jones asked if anyone needed any clarification to this item.

Leisha Barcus asked what types of building materials the Community Development Director would consider for dumpster enclosures in place of brick or masonry.

Bert Drost stated that each proposal would be looked at on a case-by-case basis but if brick or masonry is not used the enclosure should have both a steel frame and a steel gate. Chain link fencing with plastic or vinyl slats would likely not be acceptable.

Brian Millard asked whether the enclosures that are grandfathered in would be required to conform to the new standard when they deteriorate.

Bert Drost stated it would depend whether there is an approved site plan and what building materials were required at that time.

Larry Hulse stated that the issue becomes whether we could hold them to this higher standard.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

There was no one in the audience to speak in opposition.

## **COMMISSION ACTION**

Leisha Barcus moved staff recommendation to approve the proposed amendments to the City Code to revise standards for screening of refuse collection containers.

Motion passed 12-0.

Respectfully submitted,



Bert Drost, AICP  
Senior City Planner

BAD:clw

cc: File

**Proposed Amendment to Sec. 134-1276(t):  
Screening of Refuse Collection Containers**

**Sec. 134-1276. General regulations.**

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(t) *Screening of refuse collection containers and mechanical equipment, including air conditioning compressor-condenser units.* This subsection does not apply to one-family and two-family dwellings. No such device shall be located in any required front yard setback or R district protection buffer yard setback. Screening shall comply with the following:

(1) If any air conditioning compressor-condenser would be visible from any street, R, PUD, or PBP district, the device shall be hidden from view by an opaque screen as follows:

a. An opaque screen shall consist of one or any combination of the following:

- 1. Wood or masonry walls or fences when constructed of materials which provide openings of less than 25 percent in area of the vertical surface of the wall or fence.
- 2. Berms constructed of earthen materials and landscaped.
- 3. Plant materials when used as a screen shall consist of a compact arrangement of plants. They shall be of a kind or used in such a manner as to provide their opaque screening function within 18 months after planting.

b. The bottom edge of the required screening shall be no more than six inches above the ground, and the upper edge shall extend not less than 12 inches above the top of any such device.

(2) All rooftop mechanical units shall be screened from streets, R, PUD, and PBP districts by the use of an opaque screening material compatible with the architecture of the building or architecturally designed screening, such as a parapet wall. The screening of the rooftop elements shall be designed to blend with the building and roof materials. Additional screening may be required due to topographic differences in adjoining properties.

(3) All refuse collection containers and dumpsters that are readily visible from adjoining streets, R, PUD or PBP districts shall be enclosed on all sides by the

use of a completely opaque, permanent fence or wall.  
 The ~~enclosure~~enclosure, including any gates for pedestrian and/or disposal truck access, shall be constructed ~~to provide an opaque~~from brick, masonry or other durable materials approved by the planning director and shall be situated on a concrete pad. The enclosure shall completely screen ~~of~~ the receptacle from any street, R, PUD or PBP district.

(O.7226, 7573, 7830, 7904, 7975, 8019, 8143, 8207, 8247, 8388, 8489, 9283, 9655, 10,010, 10,082, 10,258, 10,553, 10,940, 11,122, 11,197, 11,207, 11,756, 11,812, 11,925, 12,062, 12,077, 13,003, d, 0.13,020, 13,068, 13,124, 13,164, 13,447, 13,485, 13,542; C91, § 2A-7; O.13,590, 13,627; C00, §134-1276; O.13,839, 13,863, 13,889, 14,118, 14,125, 14,362, 14,406, 14,453, 14,668, 14,680, 14,---)