

★ Roll Call Number

Agenda Item Number

34

Date April 22, 2013

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, as heretofore amended, is hereby amended by amending Sections 134-3 and 134-1377, relating to paving requirements for parking and outdoor storage uses",

which was considered and voted upon for the first time under Roll Call No. 13- 0490 of March 25, 2013, and considered and voted upon for the second time under Roll Call No. 13- 0577 of April 8, 2013, again presented.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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

March 8, 2013

34 Date \_\_\_\_\_  
Agenda Item ~~11-37~~  
Call # ~~13-0489~~  
13-0577

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 March 7, 2013 the following action was taken regarding a City Council Initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the amendment to Chapter 134 with regard to paving requirements for parking and outdoor storage uses. (10-2013-5.02)

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

Staff recommends approval of the proposed text amendment.

**STAFF REPORT**

The terms "parking area", "parking lot" and "off-street parking and loading area" are utilized throughout City's Zoning Ordinance. City staff uses these terms interchangeably in the administration of the Zoning Ordinance. To avoid future confusion, City staff proposes the attached zoning text to unify the definitions in Section 134-3 for "parking area", "parking lot" and "off-street



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

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parking and loading area" and to re-write ambiguous language in Section 134-1377(f)(5) regarding paving for a parking area, parking lot or off-street parking and loading area.

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On February 13, 2013 the Regulation and Ordinance (R&O) subcommittee of the Plan and Zoning Commission recommended that the attached zoning text be prepared for public hearing by Plan and Zoning Commission.

### **SUMMARY OF DISCUSSION**

*There was no discussion*

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Will Page moved staff recommendation to approve the amendment to Chapter 134 with regard to paving requirements for parking and outdoor storage uses.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

cc: File

~~13-0577~~ 13-0489  
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134-3

Parking area or parking lot means any portion of a property used for parking of employee, customer, or resident vehicles; storage, parking or display of any commercial vehicles, commercial equipment or contractor's equipment; and/or storage or placement of any merchandise.

Off-street parking and loading area means any portion of a property used for parking of employee, customer or resident vehicles; storage, parking and display of any commercial vehicles, commercial equipment or contractor's equipment; and/or storage or placement of any merchandise.

134-1377 (f)

(5) Paving. Any parking area, parking lot or off-street parking and loading area, shall be surfaced and maintained with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer, so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, storage and display of vehicles, equipment or merchandise.

a. One and two family dwellings are exempt from this code section, but are subject to the requirements of Section 134-1377(m) of this Chapter.

b. Contractor's storage and equipment yards located in an M-1 or M-2 zoning district are exempt from this code section, but are subject to the requirements of Section 134-1087(4) of the Zoning Code.

~~13-0577~~ ~~13-0490~~  
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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, as heretofore amended, is hereby amended by amending Sections 134-3 and 134-1377, relating to paving requirements for parking and outdoor storage uses.

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, is hereby amended by amending Section 134-3 to add definitions for "off-street parking and loading area" and "parking area or parking lot", and amending paragraph (5) of subsection (f) of Section 134-1377, relating to parking and outdoor storage uses, as follows:

**Sec. 134-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Off-street parking and loading area means any portion of a property used for parking of employee, customer or resident vehicles; storage, parking and display of any commercial vehicles, commercial equipment or contractor's equipment; and/or storage or placement of any merchandise.

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Parking area or parking lot means any portion of a property used for parking of employee, customer, or resident vehicles; storage, parking or display of any commercial vehicles, commercial equipment or contractor's equipment; and/or storage or placement of any merchandise.

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Sec. 134-1377. Off-street parking area required.

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(f) *District parking lot requirements.* Every parcel of land used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following:  
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(5) *Paving.* Any ~~off-street parking area, parking lot or off-street parking and loading area,~~ including any commercial parking lot, for more than four vehicles shall be surfaced and maintained with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer, so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, or unloading, and parking, and storage and display of vehicles, equipment or merchandise of self-propelled vehicles.

a. One and two family dwellings are exempt from this code section, but are subject to the requirements of section 134-1377(m) of this chapter.

b. Contractor's storage and equipment yards located in an M-1 or M-2 zoning district are exempt from this code section, but are subject to the requirements of section 134-1087(4) of the zoning code.

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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:

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