



Date January 12, 2015

**RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING OFF-STREET PARKING AND LOADING REGULATIONS, AND REQUIREMENTS FOR PAVING AND PAVED ACCESS DRIVES**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 18, 2014, its members voted 10-0 in support of a motion to recommend **APPROVAL** of proposed amendments to Sections 134-1352, 134-1376 and 134-1377 of the Zoning Ordinance of the Des Moines Municipal Code to clarify paving requirements and non-conforming use provisions for parking areas, off-street parking and loading areas, and access drives to required and permitted parking in all zoning districts, as proposed by the City’s Zoning Enforcement Officer and City staff; and

**WHEREAS**, said proposed amendments are summarized as follows:

1. On or after February 1, 2015, the addition of gravel or similar material in an amount deemed substantial by the Zoning Enforcement Officer for purposes of surfacing or maintaining an unpaved parking area, parking lot, off-street parking or loading area, or access drive, shall constitute enlargement of a nonconforming use which is prohibited by the Zoning Ordinance (Section 134-1352);
2. Any off-street parking area, parking lot, loading space, loading area, or expansion thereof, in all districts and for all uses except non-required but permitted parking areas in rear yards serving one- and two-family dwellings, shall be paved (Section 134-1376; 134-1377);
3. A paved access drive leading to any required or permitted off-street parking area, loading space, loading area, or expansion thereof shall be required in all districts and for all uses (Section 134-1376; Section 134-1377(f));
4. All required parking in any “R” (residential) district and for any one- or two-family dwelling in any district must be paved (Section 134-1377(m));
5. No parking for any permitted use in any “R” district, other than non-required parking on paved surfaces serving a one- or two-family dwelling, may be located in the required front yard (Section 134-1377(m)); and
6. No lot used for one- or two-family dwelling in any district shall have more than 25 percent of the front yard used for driveway and off-street parking purposes, except as otherwise allowed by the Zoning Ordinance (Section 134-1377(m)); and

**WHEREAS**, the proposed text amendments are attached hereto and 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:



Date January 12, 2015

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed amendments to Sections 134-1352, 134-1376, and 134-1377 of the Zoning Ordinance of the Des Moines Municipal Code at a public hearing to be held in the Council Chambers at City Hall at 5:00 p.m. on January 26, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said hearing 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:

*Glenna K. Frank*

Glenna K. Frank Assistant City Attorney

10-2014-5.04

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

**Sec. 134-1352. Use of land, use of structures and structures in any R district.**

...

- (a) *Nonconforming uses of land.* The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of the ordinance from which this chapter derives or as this chapter may be amended may be continued so long as it remains otherwise lawful, subject to the following:
- (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the ordinance adopting or amending this chapter. For purposes of this section, the addition of gravel or similar material on or after February 1, 2015, in an amount deemed substantial by the zoning enforcement officer, for purposes of surfacing or maintaining an unpaved parking area, parking lot, off-street parking or loading area, or access drive, shall constitute enlargement of a nonconforming use whether or not such surfaced or maintained area occupies a greater area of land than was occupied as of February 1, 2015.
  - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel, which was not occupied by such use at the effective date of the ordinance adopting or amending this chapter.
  - (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

**Sec. 134-1376. Off-street loading spaces required.**

...

- (c) In all districts, and for all uses except non-required but permitted parking areas in rear yards serving one- and two-family dwellings, any off-street loading space or loading area or expansion thereof 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, and parking of vehicles.
- (d) In all districts, there shall be provided a paved access drive which leads to any required or permitted off-street loading space or loading area or expansion thereof, which drive 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 not be less than 8 feet wide for a single, semidetached, two-family dwelling and for townhouses, where each individual unit directly fronts on a public street, nor less than 20 feet wide for two-way circulation or ten-feet wide for one-way circulation for all other uses.

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

...

(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:

(1) *Access drive.* ~~When a parking lot does not immediately abut on a public street or alley, †~~There shall be provided a paved access drive which leads to any the loading or spaces and parking or storage areas required or permitted parking area or expansion thereof, which drive shall be designed in such a manner as to secure the most appropriate development of a property. ~~This paved access drive to serve the required parking can be located in a residential district only when serving a permitted use in the residential district.~~ The access drive shall not be less than the following:

- a. Eight feet for a single, semidetached, two-family dwelling and for townhouses, where each individual unit directly fronts on a public street.
- b. In all other cases 20 feet wide for two-way circulation and ten feet wide for one-way circulation.

...

(5) *Paving of off-street parking areas.* Any ~~off-street parking area, or 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. Non-required but permitted parking areas in the rear yard serving ~~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.

...

(m) *Front yardSupplemental parking regulations.* ~~Parking areas, parking lots and off-street parking and loading areas in front yards~~ shall further be subject to the following:

- (1) All required parking in any R district, and all required parking for any single-family or two-family dwelling in any district, must be outside the required front yard and paved in accordance with subsection (f)(5) of this section.
- (2) No parking for any permitted use in any R district, other than non-required parking on surfaces paved in accordance with subsection (f)(5) of this section and serving a single-family or two-family dwellings, units, may be located in the required front yard.

- (3) ~~In any R district, a~~ No lot used for single-family or two-family dwellings lot shall have more than 25 percent of the front yard used for driveway and off-street parking purposes. However, this restriction shall not prohibit the construction of a 20-foot-wide driveway, or a driveway expansion immediately in front of and the minimum width reasonably necessary to provide access to a three- or four-car garage.
- (4) ~~In any R district, expansions of off street parking areas in front yards shall be of a hard surface, i.e., paved concrete, asphalt, brick pavers or equal.~~ Not Used.
- (5) Temporary parking in residential yards for the state fair overflow parking, for Drake Relays, and for other events officially designated by the city council to allow for temporary parking in the yard shall be permitted.
- (6) Overflow temporary parking for school athletic events shall be allowed in the required front yard provided such parking is restricted to the school grounds.
- (7) No vehicle shall be displayed for sale, rental or hire in the required front yard in any commercial district, except upon an improved parking lot.
- (8) The requirements of this subsection may also be enforced as a violation of subsection 114-361.02(b) of this Code.

(O.7226, O.7457, 7573, 7839, 7975, 8790, 9186, 9213, 9783, 9856, 10,157, 10,194, 10,258, 10,279, 10,377, 10,553, 10,843, 11,083, 11,129, 11,207, 11,314, 12,012, 13,015, 13,031, 13,033, 13,106, 13,150, 13,151, 13,178, 13,183, 13,255, 13,318, 13,438; C91, § 2A-25; O.13,620, C00, § 134-1377; O. 13,878, 13,881, 14,018, 14,195, 15,182)



January 6, 2015

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 December 18, 2014 the following action was taken regarding the proposed Zoning text amendment to Sections 134-1352, 134-1376, and 134-1377 to address off-street parking and loading regulations with regard to paving and paved access drives.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
William Page	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill				X
Greg Wattier	X			

**APPROVAL** of the proposed zoning text amendments. (10-2014-5.04)

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

Staff recommends approval of the proposed zoning text amendments.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

The proposed text amendments to Sections 134-1352, 134-1376, and 134-1377 of the City Code are attached. The changes provide clarification to paving requirements and non-conforming use provisions for parking areas, parking lots, off-street parking and loading areas, and access drives to required and permitted parking.

On November 5, 2014 the Regulation and Ordinance (R&O) Subcommittee of the City Plan and Zoning Commission recommended that the proposed zoning text amendment to Section 134-1377 could be presented to the full commission for review and approval. This item was continued from the November 20, 2014 P&Z hearing so that minor text amendments to Sections 134-1352 and 134-1376 could be added and a new public notice could be published..

### **SUMMARY OF DISCUSSION**

Glenna Frank noted that a minor revision to the text amendment for Item 1 had been distributed to the Commission.

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

### **COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation for approval of the proposed zoning text amendment.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

cc: File

**Sec. 134-1352. Use of land, use of structures and structures in any R district.**

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**Sec. 134-1376. Off-street loading spaces required.**

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(O.7226, O.7457, 7573, 7839, 7975, 8790, 9186, 9213, 9783, 9856, 10,157, 10,194, 10,258, 10,279, 10,377, 10,553, 10,843, 11,083, 11,129, 11,207, 11,314, 12,012, 13,015, 13,031, 13,033, 13,106, 13,150, 13,151, 13,178, 13,183, 13,255, 13,318, 13,438; C91, § 2A-25; O.13,620, C00, § 134-1377; O. 13,878, 13,881, 14,018, 14,195, 15,182)