



Roll Call Number

15-0034

Agenda Item Number

21

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:

(continued)

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Date January 12, 2015

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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 Moore to adopt; refer to the City Manager for review and recommendation regarding FORM APPROVED: an ordinance change that would allow parking of vehicles in front yards during snow removal operations.

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	7			

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.

T. M. Franklin Cownie Mayor

Diane Rauh City Clerk