



Roll Call Number

15-0132

Agenda Item Number

45

Date January 26, 2015

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

**WHEREAS**, on January 12, 2015, by Roll Call No. 15-0034, the City Council received and filed a communication from the City Plan and Zoning Commission stating that 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; and

**WHEREAS**, on January 12, 2015, by Roll Call No. 15-0034, it was duly resolved by the City Council that the proposed amendments to Sections 134-1352, 134-1376, and 134-1377 be set down for public hearing on January 26, 2015, at 5:00 p.m. in the City Council Chambers at City Hall; and

( continued )



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WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance; and

WHEREAS, in accordance with the notice, those interested in the proposed amendments, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendments to the Zoning Ordinance be and the same are hereby overruled, and the hearing is closed.

MOVED by Gatto to adopt and approve the proposed amendments to Sections 134-1352, 134-1376 and 134-1377 of the Zoning Ordinance of the Des Moines Municipal Code, subject to final passage of the enacting ordinance.

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	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh

City Clerk