



Roll Call Number

19-1318

Agenda Item Number

22

Date August 19, 2019

RESOLUTION SCHEDULING HEARING ON PROPOSED ZONING ORDINANCE, PLANNING AND DESIGN ORDINANCE, CITYWIDE ZONING MAP AMENDMENT, AND REVISIONS TO DES MOINES MUNICIPAL CODE REFLECTING ADOPTION THEREOF

WHEREAS, the City's existing zoning ordinance, set forth in Chapter 134 of the Des Moines Municipal Code, was comprehensively written in 1965 and has been amended over 300 times thereafter; and

WHEREAS, in 2014, the City Council approved funding for creation of a new comprehensive plan and zoning ordinance for the City of Des Moines; and

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

WHEREAS, on March 21, 2016, by Roll Call No. 16-478, the City Council accepted the proposal of Duncan Associates, CodaMetrics, and the Lakota Group to prepare a comprehensive rewrite of the existing zoning ordinance and authorized the City Manager to negotiate and execute contracts to implement said proposal, and City Council thereafter approved the First Amendment to said contract on April 3, 2017 by Roll Call No. 17-0592; and

WHEREAS, the zoning ordinance revision process undertaken by City staff and the City's consultant included two public review drafts, multiple Steering Committee meetings and stakeholder meetings, review of over 300 public comments and 350 staff comments, and Plan and Zoning Commission and City Council workshops; and

WHEREAS, on July 25, 2019, the members present of the Steering Committee unanimously agreed to recommend approval to the City's Plan and Zoning Commission of the proposed Zoning Ordinance, which would repeal and replace existing Chapter 134 of the Des Moines Municipal Code and Article 5 of which would repeal and replace the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; the proposed Planning and Design Ordinance, which would repeal and replace portions of existing Chapter 82 and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004 with a new Chapter 135 of the Des Moines Municipal Code; and to adopt the updated Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as defined in the proposed Zoning Ordinance; and

WHEREAS, said recommendation of the Steering Committee was subject to inclusion and modification of the substantive and minor revisions to the proposed Zoning Ordinance and Planning and Design Ordinance as presented to the Committee by City staff, which City staff revisions and Committee-requested modifications were provided to the Plan and Zoning Commission; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 1, 2019, its members voted 14-0 in support of a motion to recommend **APPROVAL** of the proposed Zoning Ordinance, the proposed Planning and Design Ordinance, the updated Citywide Zoning Map, and necessary revisions to Chapter 82 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance, subject to deletion of minimum house size requirements for House Types A, B, C and D as presented in the recommendation by City staff and by the Steering Committee; and



Roll Call Number

19-1318

Agenda Item Number

22

Date August 19, 2019

WHEREAS, the proposed Zoning Ordinance, Planning and Design Ordinance and ordinance updating the Citywide Zoning Map, in forms consistent with the recommendation of City staff and the Steering Committee, and the proposed ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance, all are on file and available to the public for viewing in the office of the City Clerk, along with written communications received by the City's Planning Administrator via the City's PlanDSM website.

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

- 1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed Zoning Ordinance, Planning and Design Ordinance, ordinance updating the Citywide Zoning Map, and ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance at a public hearing to be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on September 9, 2019, at which time the City Council will hear both those who oppose and those who favor the proposals.
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 Gatto to adopt.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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.

J. M. Frankish, Mayor

Diane Rauh, City Clerk