



Roll Call Number

20-0143

Agenda Item Number

18

Date January 27, 2020

**RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO  
ZONING ORDINANCE AND CITYWIDE ZONING MAP**

**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 October 16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance effective December 15, 2019, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and approved Ordinance No. 15,818 adopting 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**, on December 16, 2019, by Roll Call No. 19-2044, the City Council approved Ordinance No. 15,844 amending the Zoning Ordinance, including amendments to the short-term commercial rental provisions set forth therein, and approved Ordinance No. 15,846 amending the Citywide Zoning Map; and

**WHEREAS**, the City Manager and City staff have received comments at a public meeting and have drafted a further amendment to Sections 134-3.5.12 and 134-6.4.10, which amendment is intended to permit additional flexibility in assembly use and in reporting and residency requirements relating to short-term rental uses while addressing the needs of residential neighborhoods where short-term rental uses may occur, including the health, safety, morals, and general welfare of the community, the preservation of historically significant areas in the City, and the preservation and improvement of the peace, safety, health, welfare, comfort, and convenience of Des Moines residents; and

**WHEREAS**, City staff have further identified necessary amendments to Sections 134-7.1.4 and 134-7.2.5, relating to repairs and maintenance and damage or destruction of nonconforming one-household and two-household uses, and to Table 134-3.1-2, to incorporate a separation distance requirement between bar uses and church, school, public park, or licensed child care facility uses in applicable zoning districts, as well as amendments to the Citywide Zoning Map to reflect Legacy Planned Unit Development (PUD) districts that had been erroneously converted to an incorrect zoning district through scrivener's error; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 16, 2020, its members voted 12-1 in support of a motion to recommend **APPROVAL** of the above-described proposed amendments to the Zoning Ordinance and Citywide Zoning Map; and

**WHEREAS**, the proposed amendments to the Zoning Ordinance and the Citywide Zoning Map are on file and available to the public for viewing in the office of the City Clerk.



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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 amendments to the Zoning Ordinance and ordinance updating the Citywide Zoning Map 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 February 10, 2020, 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 Mandelbaum to schedule the hearing on sections 134-7.1.4, 134-7.2.5, Table 134-3.1-2 and amendments to the City-wide Zoning Map on 2-10-20 and schedule the hearing on Sections 134-3.5.12 and 134-6.4.10 relating to short term rental uses on 2-24-20.

FORM APPROVED:

(10-2019-5.03)

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

CERTIFICATE

I, P. KAY CMELIK, 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS		✓		
WESTERGAARD		✓		
TOTAL	5	2		

MOTION CARRIED

APPROVED

P. Kay Cmelik  
City Clerk

P. Kay Cmelik City Clerk