



Roll Call Number

25-0694

Agenda Item Number

55

Date May 5, 2025

**RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENTS TO ZONING ORDINANCE AND APPROVING SAME**

**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16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and certain ordinances amending the City's Zoning Ordinance have been approved by City Council thereafter; and

**WHEREAS**, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-3.3.2.F, 134-9.7, 134-9.9, 134-9.21, 134-9.22, and Table 134-3.1-1 of the Zoning Ordinance, which such amendments are intended to clarify group living use language to assist with code administration; and

**WHEREAS**, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-5.1.4, 134-5.2.A.O, 134-5.2.A.R, 134-5.3.5, 134-5.4.7, 134-5.6.7.A, 134-5.6.7.C and 134-6.6.2.1 of the Zoning Ordinance, which such amendments are intended to clarify coordination with additional chapters of the Des Moines Municipal Code, clarify zoning relief, and allow fuel canopy signage to be illuminated; and

**WHEREAS**, the Neighborhood Services Department and the Development Services Department and staff have prepared a further amendment to Section 134-3.6.2 of the Zoning Ordinance, which that amendment is intended to notate general contractors in the Industrial Services use category to assist with code administration; and

**WHEREAS**, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-3.6.3 and 134-3.1-1 of the Zoning Ordinance, which such amendments are intended to clarify use categories to assist with code administration and eliminate overlap between sub-categories; and

**WHEREAS**, the Neighborhood Services Department and the Development Services Department and staff have prepared a further amendment to Section 134-9.4 of the Zoning Ordinance, which that amendment is intended to clarify the definition of accessory buildings, by specifying that storage containers are not an accessory building, which will assist with code administration; and

**WHEREAS**, the Neighborhood Services Department and the Development Services Department and staff have prepared a further amendment to Section 134-3.9.6 of the Zoning Ordinance, which that amendment is intended to clarify when storage containers can be utilized for outdoor storage; and



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**WHEREAS**, on April 3, 2025, the City Plan and Zoning Commission voted 10-0 to **APPROVE** the above proposed amendments to the Zoning Ordinance; and

**WHEREAS**, on April 21, 2025, by Roll Call No. 25-0854, it was duly resolved by the City Council that the proposed amendments to the Zoning Ordinance be set down for public hearing on May 5, 2025 at 5:00 p.m. in the City Council Chambers at City Hall; and

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

**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 amendment to the Zoning Ordinance; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment, 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, as follows:

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendments to Sections 3.3.2, 3.6.2, 3.6.3, 3.9.6, 5.1.4, 5.2, 5.3.5, 5.4.7, 5.6.7, 6.6.2, 9.4, 9.7, 9.9, 9.21, 9.22 and Table 134-3.1.1 of the Zoning Ordinance, be and the same are hereby overruled, and the hearing is closed.
2. The City Council hereby makes the following findings in support of the proposed amendments to Sections 3.3.2, 3.6.2, 3.6.3, 3.9.6, 5.1.4, 5.2, 5.3.5, 5.4.7, 5.6.7, 6.6.2, 9.4, 9.7, 9.9, 9.21, 9.22 and Table 134-3.1.1 of the Zoning Ordinance:
  - a. Said amendment is necessary to protect and preserve the rights, privileges, and property of the City and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, for the reasons stated herein.
  - b. The amendment is further necessary to promote the health, safety, morals, and general welfare of the community.
  - c. Said amendment is consistent with PlanDSM: Creating Our Tomorrow Plan, the comprehensive plan for the City of Des Moines, and meets the multiple goals thereof including but not limited to the following:
    - *Land Use Goal 1* - Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.
    - *Land Use Goal 2* – Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

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- *Land Use Goal 4* – Continue to embrace the district character of Des Moines’ neighborhoods while allowing for new development and redevelopment.
  - *Land Use Goal 7* – Maintain the existing industrial designated areas to provide appropriate locations for industrial uses.
3. The proposed amendment to Sections 3.3.2, 3.6.2, 3.6.3, 3.9.6, 5.1.4, 5.2, 5.3.5, 5.4.7, 5.6.7, 6.6.2, 9.4, 9.7, 9.9, 9.21, 9.22 and Table 134-3.1.1 of the Zoning Ordinance, in form on file in the office of the City Clerk, is hereby approved, subject to final passage of the enacting ordinance.

Moved by Coleman to adopt. Second by Gatto

APPROVED AS TO FORM:

/s/ Chas M. Cahill  
 Chas M. Cahill  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

**CERTIFICATE**

I, Laura Baumgartner, 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

Connie Boesen  
 Mayor

Laura Baumgartner  
 City Clerk