



Roll Call Number

25-1438

Agenda Item Number

49

Date October 20, 2025

**RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENT 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16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and certain ordinances amending the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 amendment to Section 134-3.9.2 of the Zoning Ordinance, which such amendment is intended to clarify and align accessory dwelling units with recent state code changes; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-3.5.16, 134-3.9.9, 134-9.15, 134-9.19, 134-9.23, Table 134-3.1-1 and Table 134-3.9-1 of the Zoning Ordinance, which such amendments are intended to clarify the liquor store and tobacco store language; to clarify tobacco product to align with state code; and clarify tobacco store requirements; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-6.7.6 and 134-6.7.7 of the Zoning Ordinance, which such amendments are intended to clarify and align variance test for numerical standards with recent state code changes; and

WHEREAS, the Neighborhood Services Department and the Development Services Department and staff have prepared further amendments to Sections 134-7.3.3 and 134-7.3.6 of the Zoning Ordinance, which such amendments are intended to define legal non-conforming pole sign components that are allowed to be replaced or rehabilitated; and

WHEREAS, on September 4, 2025, the City Plan and Zoning Commission voted 10-0 to APPROVE the proposed amendment to the Zoning Ordinance; and

WHEREAS, on September 29, 2025, by Roll Call No. 25-1290, it was duly resolved by the City Council that the proposed amendments to the Zoning Ordinance be set down for public hearing on October 20, 2025 at 5:00 p.m. in the City Council Chambers at City Hall; and



Date October 20, 2025

WHEREAS, the proposed amendment to the Zoning Ordinance is 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 amendment to Sections 134-3.5.16, 134-3.9.9, 134-6.7.6, 134-6.7.7, 134-3.9.2, 134-7.3.3, 134-7.3.6, 134-9.15, 134-9.19, 134-9.23 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 amendment to Sections 134-3.5.16, 134-3.9.9, 134-6.7.6, 134-6.7.7, 134-3.9.2, 134-7.3.3, 134-7.3.6, 134-9.15, 134-9.19, 134-9.23 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.
 - *Land Use Goal 4* – Continue to embrace the district character of Des Moines' neighborhoods while allowing for new development and redevelopment.
 - *Housing Goal 1* – provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.



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- *Housing Goal 3* – Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.
 - *Community Character and Neighborhood Goal 2* – Further Des Moines' revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.
3. The proposed amendment to Sections 134-3.5.16, 134-3.9.9, 134-6.7.6, 134-6.7.7, 134-3.9.2, 134-7.3.3, 134-7.3.6, 134-9.15, 134-9.19, 134-9.23 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			

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

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.

Laura Baumgartner

City Clerk