NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: October 31, 2016

ITEM: Snow Maintenance Facility – Amend Title 9, (Zoning), Chapter 2, (Zoning Rules And Definitions), Section 2 (Definitions) And Title 9, (Zoning), Chapter 10, (Performance Standards), Section 4 (Specific Use Regulations) to amend regulation pertaining to snow maintenance facilities – City Initiated – AO-002903-2015

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff is requesting an amendment to the following sections of City Code:

- Title 9: *Zoning*, Chapter 2: *Zoning Rules and Definitions*, Section 2: *Definitions* to establish a definition for the term Snow Maintenance Facility.
- Title 9: *Zoning*, Chapter 10: *Performance Standards*, Section 4: *Specific Use Regulations* to establish regulations for the location and operation of snow maintenance facilities.

Previous Council Action:
Vote: 5-0 approval
Date: October 17, 2016
Motion: Approval of the First Reading of the ordinance

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to amend definitions and regulation pertaining to short term residential rentals, subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	November 27, 2015
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	September 19, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:
Exhibit I - Proposed Ordinance

EXHIBIT I

Prepared by: J.B. Munford, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9, "ZONING", CHAPTER 2, "ZONING RULES AND DEFINITIONS", SECTION 2 "DEFINITIONS" AND TITLE 9, "ZONING", CHAPTER 10, "PERFORMANCE STANDARDS", SECTION 4 "SPECIFIC USE REGULATIONS".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Amendment. Title 9, Zoning, Chapter 2, Zoning Rules and Definitions, Section 2, Definitions is hereby amended by inserting the underlined, italicized and bolded text accordingly in alphabetical order:

SNOW MAINTENANCE FACILITY: A temporary facility to address the removal of snow.

SECTION 2: Amendment. Title 9, Zoning, Chapter 10, Performance Standards, Section 4, Specific Use Regulations is hereby amended by adding the following underlined, italicized and bolded text in numerical order:

A. The following standards shall apply to all zoning districts unless noted otherwise in this Title:
21. Snow Maintenance Facilities: The intent of this section is to allow for the removal of snow and conducting of winter maintenance activities on non-single family developed property on a seasonal basis and according to the following performance standards:

a. Maximum Duration: The Snow Maintenance Facility may not be located on a site prior to October 1st and must be removed from the site no later than May 31st unless specific permission is granted by the City.

b. Location within the site: To the greatest extent practicable, the maintenance facility shall be located in an unobtrusive location and minimally visible from any public thoroughfares. Consideration should be given to the placement of the facility within the site to minimize impact to adjacent residential properties.

c. Maximum area dedicated to the facility: The maximum number of permanent parking spaces allowed to be used for a Snow Maintenance Facility including material stockpiles, snow removal equipment, storage containers, temporary sheds etc. shall not exceed twenty percent (20%) of the parking on site or twenty percent (20%) of the site area, whichever is more restrictive.

d. Location on paved surfaces: All elements of the maintenance facility shall be located on paved surface areas. No material, structures or equipment shall be placed within any perimeter parking lot setback.

e. ***Temporary structures, semi van trailers, shipping containers and portable on-demand storage containers shall be allowed for the storage of material and equipment during the period of time allowed under this section.***

f. ***No signage advertising for any business, other than typical company signage on vehicles, shall be allowed to be displayed.***

g. ***Removal: On or before May 31st, unless an extension is specifically granted by the City, all structures, equipment, unused materials, bulk material piles, etc. associated with the snow maintenance facility shall be removed from the site. All sites shall be completely cleaned of debris and maintenance elements. Site elements shall be properly restored to their pre-storage facility condition.***

h. ***Other Applicable Laws, Rules and Regulations: Any maintenance operation and the use and/or storage of fuel for equipment and/or chemicals and materials to aid in the removal of snow and ice shall be conducted in accordance with all applicable city, county, state and federal laws, rules and regulations (i.e., air quality, chemical or material runoff, erosion prevention, Fire Code, etc.).***

i. ***Other than immediate repair in the event of a vehicle or equipment breakdown, maintenance or repair of vehicles and equipment within the property is prohibited.***

SECTION 3. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 4. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2016.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk