



Document 2010 592

Book 2010 Page 592 Type 06 024 Pages 5

Date 3/25/2010 Time 10:55 AM

Rec Amt \$29.00

INDX ✓
ANNO
SCAN
CHEK

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared by: L. Twedt 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. 1860

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2009
BY AMENDING TITLE 9, ZONING

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

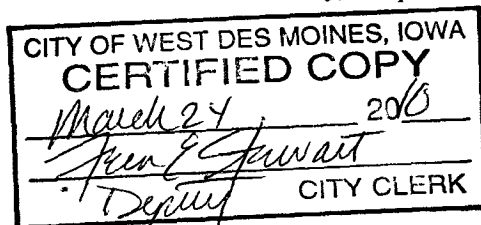
Section 1. Amendment. Title 9, Zoning, Chapter 2, Zoning Rules and Definitions, Section 2, Definitions, is hereby amended by inserting the italicized bolded language as follows:

Off-Street Parking: A land surface or facility located off of a street or alley constructed to provide vehicle parking and loading area for day-to-day use by owners, tenants, patrons and employees of office, commercial or industrial establishments; and residents, owners, and visitors of residential developments and apartment complexes; and driveways or private garages associated with individual homes. Said 'off-street parking' area shall include parking spaces, vehicle and pedestrian aisles, access drives and any required landscape islands and pods.

Outdoor Storage Yard: That portion of a site used or intended for the storage, stockpiling, safekeeping and loading and unloading of materials, operable vehicles or equipment necessary to achieve the purpose of the primary use and which are not being specifically displayed as merchandise or for the purpose of outdoor display and marketing of goods associated with retail establishments (see 'outdoor display areas').

Outside Display Areas: A defined area generally outside of a primary enclosed structure but located upon the same lot which is used for the placement of equipment for sale or lease or the advertising of merchandise or goods vended within the contiguous business or organization. Bulk storage of retail merchandise being sold within an establishment such as, but not limited to, bagged mulch and soil products through a garden center associated with a home improvement store, shall be interpreted to be an allowable component of outside display areas.

Self-Service Storage Facility: A building, group of buildings or outdoor storage yard divided into separate compartments or defined areas leased to individuals on a seasonal or long-term basis for the self-storing of household and personal property, including operable vehicles, recreational vehicles, including, but not limited to RV's, boats, snowmobiles, etc., and enclosed and open-air trailers. No commercial activity, except the leasing of storage units/area is allowed.



Section 2. Amendment. Title 9, Zoning, Chapter 4, Zoning Districts and Map, Section 3, Definition of Districts, Subsection A22, is hereby amended by inserting the italicized bolded language as follows and deleting the strikethrough highlighted language:

22. General industrial areas shall be designated to provide areas for light and heavy industrial uses, and warehouse and distribution facilities. In particular, general industrial areas are intended to provide areas where outside storage and fabrication yards are allowed if properly *mitigated, including dust control and visual screening when deemed necessary* ~~screened in accordance with the zoning ordinance~~. Appropriate buffering as prescribed by the zoning ordinance shall be established between general industrial areas and other uses, in particular, residential uses. Every effort should also be made to encourage redevelopment of existing industrial areas. Access to general industrial areas shall not be through residential areas. Access to general industrial areas should be off of arterial and/or collector streets.

Section 3. Amendment. Title 9, Zoning, Chapter 6, Commercial, Office and Industrial Zoning District, Section 4, Specific Use Regulations, Subsection A2, is hereby amended by deleting the following strikethrough highlighted language:

- ~~2. Outside display areas, outside storage areas, etc., shall not occupy any portion of required yard areas, open space, parking areas, etc., and shall be screened from public thoroughfares and adjacent property view.~~

Section 4. Amendment. Title 9, Zoning, Chapter 6, Commercial, Office and Industrial Zoning District, Section 6, Commercial, Office and Industrial Use Regulations, Subsection C, Table 6.1 – Use Matrix Division C (Construction), is hereby amended by inserting the italicized bolded language as follows and deleting the strikethrough highlighted language:

SIC Codes	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
15, 16, & 17 Building construction, contractor and operative builders (offices only)	P	P	P			P	P	P	P	P	P	P	P	P	P
15, 16, & 17 Building construction, contractor and operative builders storage yards – with no outdoor storage <i>yard</i>						Pc	Pc	P		P	P	P			P
15, 16, & 17 Building construction, contractor and operative builders - <i>with paved outdoor storage yard</i>								Pc		Pc	Pc	Pe P			
15, 16, & 17 Building construction, contractor and operative builders - with <i>gravel</i> outdoor storage <i>yard</i> (* <i>see also 9-10-4-A7</i>)												P*			

Section 5. Amendment. Title 9, Zoning, Chapter 6, *Commercial, Office and Industrial Zoning District*, Section 6, *Commercial, Office and Industrial Use Regulations*, Subsection C, Table 6.1 – *Use Matrix Division E (Transportation, Communication and Public utilities)*, is hereby amended by inserting the italicized bolded language as follows and deleting the strikethrough highlighted language:

SIC Codes	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LJ	GI	OF	PCP	OS
4225 General warehousing and storage (except mini-warehouse/self storage) – <i>with no outside storage yard</i>								Pc	P	Pc	P	P			
4225 <i>General warehousing and storage (except mini-warehouse/self storage) with paved outdoor storage yard</i>											Pc	Pe P			
4225 <i>General warehousing and storage (except mini-warehouse/self storage) with gravel outdoor storage yard (see also 9-10-4-A7)</i>												P			
4225 Mini-warehousing and self storage including caretaker's facilities – <i>with no outside storage yard</i>								Pe P		Pc	Pe P	Pe P			
4225 <i>Mini-warehousing and self storage including caretaker's facilities - with paved outdoor storage yard</i>								Pc			Pc	P			
4225 <i>Mini-warehousing and self storage including caretaker's facilities - with gravel outdoor storage yard (*see also 9-10-4-A7)</i>												P*			

Section 6. Amendment. Title 9, Zoning, Chapter 10, *Performance Standards*, Section 4, *Specific Use Regulations*, Subsection A-7, is hereby amended by deleting the existing paragraph and replacing with the following italicized bolded text:

- 7. Outdoor Storage Yards:** *Outdoor storage yards associated with service-oriented businesses such as, but not limited to construction contractors, plumbing companies, wholesale material suppliers, etc. and self-storage facilities shall only be allowed in rear and side yard areas within the Warehouse Retail (WR), Valley Junction Light Industrial (VJLI), Light Industrial (LI) and General Industrial (GI) zoning districts unless noted otherwise elsewhere within this Title. Areas of outside storage shall not occupy any portion of required yard areas, open space, required off-street parking areas, etc., and shall be screened from views from the public streets, adjoining properties, especially those of a different zoning classification and any residential property through the use of opaque screening reviewed as part of the*

site plan or permitted conditional use permit submittal. The need for limited visibility for security reasons should be considered when determining appropriate screening levels. With the exception of business associated vehicles, equipment and trailers and recreational vehicles, no material being stored shall exceed the height of the screening structure. Appropriate security lighting shall be so arranged as to divert the light away from adjoining traveled roadway of public streets and adjoining properties.

That portion of a site indicated and identified as an outdoor storage yard on a city approved site plan associated with a business and self-storage facilities shall be exempt from off-street parking regulations stated in Chapter 15 of this title for striping, dimensions, surfacing and curbing. Gravel shall be a prohibited surfacing material for storage yards unless all of the following conditions are met:

- a. The property is located within a General Industrial (GI) zoned district; and*
- b. The parcel upon which the storage yard is located does not share a common property line with any residentially used or zoned property; and*
- c. The storage yard is located within the rear yard of the parcel;*
- d. A defined permanent edge or curbing is installed to confine the granular material; and*
- e. Appropriate dust mitigation measures are implemented to control dust.*

Section 7. Amendment. Title 9, Zoning, Chapter 10, Performance Standards, Section 4, Specific Use Regulations, Subsection A, is hereby amended by inserting the following italicized bolded language as #8 and re-numbering existing #8 through #11 accordingly:

- 8. *Outside display areas shall not occupy any portion of required yard areas, open space, required off-street parking areas, etc., unless approved as part of a site plan, conditional use permit or temporary use permit. Bulk storage of merchandise (such as that typical of garden centers associated with home improvement stores), shall be appropriately screened from views from public thoroughfares and adjacent properties. No merchandise being stored shall exceed the height of the screening structure. All display and storage shall occur on asphaltic or Portland cement concrete pavement consistent with the surfacing and curbing requirements of off-street parking areas.***

Section 8. Amendment. Title 9, Zoning, Chapter 15, Off-Street Parking and Loading, Section 6, Design Standards, Subsection G1, is hereby amended by inserting the italicized bolded language as follows:

- 1. Paving:** All off-street parking and loading areas and access roadways shall be paved with asphaltic or Portland cement concrete pavement in accordance with the specifications as herein set forth. ***The off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment and any other mobile vehicle equipped for street and highway travel which is not otherwise located within an approved storage yard in accordance with 10-4-A7 of this Title, shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein. No parking or storage of vehicles within the landscaped open space area of the front yard between the building and public street right of way, shall be allowed unless otherwise approved by the City Council during review of a development request.***

Section 9. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

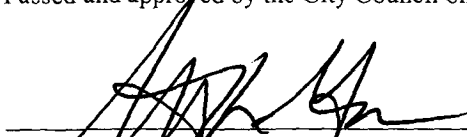
Section 10. Savings Clause. If any section, provision, sentences, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 11. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 12. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.


Section 13. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the 22nd day of March, 2010.



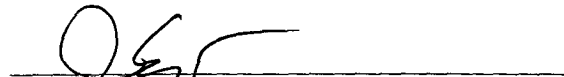
Steven K. Gaef, Mayor

ATTEST:



Jody E. Smith, CMFA, MMC
City Clerk

The foregoing Ordinance No. 1860 was adopted by the Council for the City of West Des Moines, Iowa, on March 22, 2010, and was published in the Des Moines Register on March 26, 2010.



Jody E. Smith, CMFA, MMC
City Clerk