

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION**

Meeting Date: October 10, 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

Request Action: Approval of Amendments to City Code

Case Advisor: J. Bradley Munford 

Applicant's Request: 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.

History: Many snow removal contractors for larger office and commercial establishments have been staging equipment and materials on properties to allow for efficient and timely removal of snow and ice. Although there has been concern expressed from a few residents, in general, the storage and operation of these facilities have not been problematic. However, no recourse exists if we do have a problem site. Staff is recommending adoption of performance standards for these facilities, but at this point in time not requiring a review or permitting process.

City Council Subcommittee: This item was discussed at the September 19, 2016, Development and Planning City Council Subcommittee meetings. The subcommittee expressed support of the amendment to the City Code.

Staff Review and Comment: There are no outstanding issues. Staff notes the following:

Citizen Concern: Over the past years some residents that are adjacent to properties that have parking or paved areas have voiced concern about the noise, appearance and location of snow removal facilities. These areas often house salt and sand stockpiles, snow removal vehicles and equipment, temporary storage buildings or shipping containers that stay on-site throughout the winter months.

Snow removal activities will occur whether or not a site has a snow removal facility and can be noisy and disruptive when they occur in the evening or early morning hours. However, snow removal is a necessary activity and noise related to these operations is addressed in the noise control ordinance.

The Need for Prompt Snow Removal: Owners of properties that have sidewalk and parking area that are open to the public have and need to promptly remove snow from the area in order to maintain safety. If the equipment and materials are kept off site, there can be logistical issues getting the equipment to the property to clear the site within a timeframe that would not affect the normal operations of the business. Driving the equipment and materials in and out after every snow can become costly.

Performance Standards: While looking into this issue, staff understood that we needed to find a balance between protecting the quality of life of adjacent neighbors and the need of parking lot property owners to quickly remove snow from the area and maintain safety. Staff concluded that with the right performance standards that address the location, duration and activities that occur in these areas, the balance can be created.

Noticing Information: On September 30, 2016 notice of the October 10, 2016, Plan and Zoning Commission public hearing for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment to amend regulation pertaining to snow maintenance facilities.

Attachments:

Attachment A – Proposed Resolution

Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO 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 DEFINITIONS AND REGULATION PERTAINING TO SNOW MAINTENANCE FACILITY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9, Zoning, Chapter 2, Zoning Rules and Definitions, Section 2, Definitions to add a definition pertaining to snow maintenance facilities. Amend Title 9, Zoning, Chapter 10, Performance Standards, Section 4, Specific Use Regulations to add performance standards pertaining to snow maintenance facilities.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the request for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-002908-2015) to amend definitions and regulation pertaining to snow maintenance facilities as stated in the staff report or as amended in the attached Exhibit A is recommended to the City Council for approval.

PASSED AND ADOPTED on October 10, 2016.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on October 10, 2016, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

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:
- 20. 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 5. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 6. 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 7. 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