



**CITY COUNCIL  
COMMUNICATION:**

**ITEM \_\_\_\_\_**

**02-250**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**AGENDA:**

**SYNOPSIS -**

MAY 6, 2002

Citizen interest has been expressed for Council to reconsider the application of areaway permit fees for features, namely awnings and canopies, that are identified and encouraged in City-adopted plans.

**SUBJECT:**

The City's ordinance currently requires a modest annual payment by property owners for encroachments into the public right-of-way, including awnings and canopies. In order to respond to property owners' concerns of being penalized for doing something the City encourages, several additional exemptions are proposed but will be limited to designated areas and/or conditions.

AREAWAY  
ORDINANCE  
AMENDMENT

**TYPE:**

**FISCAL IMPACT -**

RESOLUTION  
**ORDINANCE**  
RECEIVE/FILE

Anticipate a slight reduction in fees collected by the City. The City's Traffic and Transportation Division has estimated this financial impact to be approximately \$7,000 - \$10,000 per year in less fees collected for fee-exempt items.

**SUBMITTED BY:**

**RECOMMENDATION -**

JIM GRANT  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

- 1. Receive and file and ask staff to prepare an amendment to the current City ordinance on areaways to return to the City Council at the May 20, 2002 Council meeting for adoption.**
- 2. Direct staff to hold in abeyance any pending fees for awnings and canopies that meet the stated criteria for fee-exempt status until Council has received the proposed ordinance amendment and has acted on it.**

**BACKGROUND -**

The City of Des Moines has adopted several plans in the past few years which promote the use of awnings and canopies in areas that

encourage pedestrian activity. These plans include: "Court Avenue Neighborhood Urban Design Plan" (Roll Call No. 99-106, January 4, 1999); Eastern Gateway Urban Design Plan (Roll Call No. 98-185, May 4, 1998); and the 2020 Community Character Land Use Plan (Roll Call No. 00-3381, August 7, 2000).

Features such as awnings and/or canopies often extend into the public right-of-way in pedestrian-oriented commercial areas in downtown and traditional neighborhoods where the buildings are set at a zero setback from the property line. These features are typically considered complimentary to a more appealing pedestrian environment, streetscape, and building façade.

The following items will be considered eligible for fee exemption when in the designated areas listed below.

Fee-exempt items include:

- Removable awnings, such as canvas
- Permanent canopies and marquees
- Decorative wall mounted light fixtures
- Clock and temperature features

These features must be original to the building, or integral in their application to the building, and in all cases complimentary to the original integrity of the building design and an asset to the pedestrian quality of the streetscape. The primary purpose of the features is to offer an enhancement to the visual character of the building and surrounding area, provide shade and modest shelter, and add color and interest to the building features.

Business identification is allowed, but should not overwhelm the design of the feature(s). Advertising of products or services is not allowed on fee-exempt features. When a feature is to be used for advertising products or services, the Sign Ordinance will be followed and appropriate fees applied.

Designated conditions and areas where items listed above will be considered for fee-exempt status:

- Areas with plans adopted for City-sponsored streetscape projects, including East Locust, Court Avenue, Walnut Street, and Highland Park neighborhood.
- Buildings listed on the National Register of Historic Places or identified as eligible for the National Register of Historic Places;

buildings identified by the City as having Local Landmark Status; and buildings in a district designated by the City as having historic character.

- NPC (neighborhood pedestrian commercial) zoned areas.

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