

ORDINANCE NO. 13,541

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, as heretofore amended, by repealing subsection (a) of Section 2-205.17, Section 2-205.19.01, subsection (a) of Section 2-205.20, subsection (a) of Section 2-205.55, subsections (C), (D) and (E) of Section 2A-16.02, and the first paragraph of subsection (A) of Section 2A-24; and enacting a new subsection (a) of Section 2-205.17, Section 2-205.19.01, subsection (a) of Section 2-205.20, subsection (a) of Section 2-205.55, subsections (C), (D) and (E) of Section 2A-16.02, and the first paragraph of subsection (A) of Section 2A-24, all relating to the regulation of development within the "NPC" Neighborhood Pedestrian Commercial District.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and further amended by Ordinance No. 11,777 passed February 3, 1992, by

Ordinance No. 11,813 passed June 1, 1992, by Ordinance No. 13,010 passed March 28, 1994, by Ordinance No. 13,165 passed March 27, 1995, by Ordinance No. 13,438 passed March 17, 1997, by Ordinance No. 13,439 passed March 17, 1997, and by Ordinance No. 13,490 passed June 2, 1997, be and is hereby amended by repealing subsection (a) of Section 2-205.17, Section 2-205.19.01, subsection (a) of Section 2-205.20, subsection (a) of Section 2-205.55, subsections (C), (D) and (E) of Section 2A-16.02, and the first paragraph of subsection (A) of Section 2A-24; and enacting a new subsection (a) of Section 2-205.17, Section 2-205.19.01, subsection (a) of Section 2-205.20, and subsection (a) of Section 2-205.55, subsections (C), (D) and (E) of Section 2A-16.02, and the first paragraph of subsection (A) of Section 2A-24, all relating to the regulation of development within the "NPC" Neighborhood Pedestrian Commercial District, as follows:

2-205.17. APPLICATION.

(a) **Pre-application conference.** Whenever any person proposes to develop any tract or parcel of land within any zoning district classification, except "R-5" Mobile Home Residence District, "R-6" Planned Residential Development District, "PUD" Planned Unit Development District or "C-4" Shopping Center Commercial District, for any use except:

- (1) one to four family attached and detached dwellings not within an "NPC" Neighborhood Pedestrian Commercial District;
- (2) non-residential building or paving projects not within an "NPC" Neighborhood Pedestrian Commercial District with a total site area of 10,000 square feet or less;
- (3) fire stations owned and operated by the city of Des Moines;
- (4) publicly owned parks, playgrounds, golf courses, recreation areas;

(5) agriculture uses, including nurseries and truck gardens, provided that no retail sale shall be permitted on the premises;

(6) uses of land or structures not within an "NPC" Neighborhood Pedestrian Commercial District customarily incidental to and subordinate to those uses set forth above;

(7) development within the "NPC" Neighborhood Pedestrian Commercial District with a total site area of 2,500 square feet or less and which is determined by the Planning Director to not increase the non-conformance of such development with the design guidelines in section 2-205.19.01

he or she shall submit to the community development department a request for a pre-application conference. The conference shall include the applicant or his or her representative, community development department staff and other city staff. The purpose of the conference shall be to acquaint the city staff with the proposed development and to acquaint the applicant or his or her representative with the procedures and with any special problems that might relate to the development. The applicant shall furnish a legal description of the property to be developed at the time of requesting a pre-application conference, and the conference shall be held within 15 days of such request.

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2-205.19.01. DESIGN GUIDELINES WITHIN THE "NPC" DISTRICTS.

(a) In acting upon any site plan application for property located within an "NPC" Neighborhood Pedestrian Commercial District, the City Plan and Zoning Commission shall apply the design standards in Section 2-205.19 and the following design guidelines developed for the purpose of preserving the community character of the commercial corridor within the District. The design guidelines express the predominant character giving features along the commercial corridor. The Commission may approve a site plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to:

- (1) An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size.
- (2) A need to facilitate a smooth transition between existing developments in the vicinity;
- (3) A need to accommodate existing development;
- (4) A need to preserve an existing building; or,
- (5) A use with unique design requirements.

(b) The additional design guidelines applicable to any development within an

"NPC" District are as follows:

- (1) Buildings should frame the street and maintain a minimal setback from the street.
- (2) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40% window and window display area to total street facade.
- (3) The front entrance should be oriented to the street. On a corner lot, the building should have a well defined entrance on the primary commercial street.
- (4) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of 6". Two story buildings are encouraged.
- (5) Commercial buildings with over fifty feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
- (6) Building frontage should occupy at least 50% of the primary street frontage.
- (7) Off street loading and parking spaces should be provided in compliance with the regulations contained in section 2A-24 and 2A-25 of the Zoning Ordinance, subject to the following modifications:
 - a) The minimum number of off-street parking spaces is 60% of the number of spaces otherwise required by section 2A-25(A).
 - c) Parking should not exceed the amount otherwise required by section 2A-25.
 - d) Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - e) Shared parking among businesses or between business and residential projects will be allowed provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - f) On street-parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - g) Tandem parking spaces shall count toward the minimum off street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.

h) An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.

(8) The following bulk regulations should be observed:

(a) Minimum lot area:

Single family detached dwelling - 5,000 square feet.

Single family semi-detached - 3,000 square feet.

Two-family - 6,000 square feet.

Multiple dwelling - 10,000 square feet.

Mixed Use project - 10,000 square feet.

Shelter for the Homeless - 8,000 square feet.

No minimum requirement for permitted nonresidential uses.

(b) Minimum lot area per dwelling unit:

Row and multiple dwellings - 2,000 square feet.

Shelter for the Homeless - 300 square feet of lot size for each resident.

(c) Front yard: Minimum 0 feet.

(d) Side yards: Minimum 0 feet.

(e) Rear yard: None required, except when adjoining any "R" or "C-O" district or portion of a "PUD" designated for residential use, in which case 10 feet

(f) Height: Minimum of 15 feet, Maximum of 45 feet

(g) Number of stories:

Residential uses - Maximum of 4

All other permitted uses - Maximum 2 stories

(9) (not used)

(10) Signs which are attached or projecting from the building and designed for the character of the building are preferred. Monument signs are allowed.

(11) Any extension of parking into an adjoining residential district shall support the intent of the "NPC" Neighborhood Pedestrian Commercial District and conform with the guidelines herein.

2-205.20. APPLICATION AND EFFECTUATION.

(a) No building permit shall be issued for any development within any zoning district classification except "R-5" Mobile Home Residence District, "R-6" Planned Residential Development District, "PUD" Planned Unit Development District or "C-4" Shopping Center Commercial District, involving any use except:

- (1) one to four family attached and detached dwellings not within an "NPC" Neighborhood Pedestrian Commercial District;
- (2) non-residential building or paving projects not within an "NPC" Neighborhood Pedestrian Commercial District with a total site area of 10,000 square feet or less;
- (3) fire stations owned and operated by the city of Des Moines;
- (4) publicly owned parks, playgrounds, golf courses, recreation areas;
- (5) agriculture uses, including nurseries and truck gardens, provided that no retail sale shall be permitted on the premises;
- (6) uses of land or structures not within an "NPC" Neighborhood Pedestrian Commercial District customarily incidental to and subordinate to those uses set forth above;
- (7) development within the "NPC" Neighborhood Pedestrian Commercial District with a total site area of 2,500 square feet or less and which is determined by the Planning Director to not increase the non-conformance of such development with the design guidelines in section 2-205.19.01

until a site plan has been submitted and approved for such development in accordance with this article, and no certification of occupancy shall be issued for such development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for.

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2-205.55. FEES - COMMUNITY DEVELOPMENT DEPARTMENT.

(a) The required fees for site plan approval under section 2-205.17 shall be according to the following schedule.

Application fee - project area of 10,000 square feet or less - \$100.00.

Application fee - project area greater than 10,000 square feet but no more than 1 acre - \$200.00.

Application fee - project area of more than 1 acre - \$300.00 plus \$10.00 for each acre or part thereof

Resubmission fee (after second resubmission) - \$100.00

Amendment to approved site plan - \$100.00

2A-16.02. "NPC" DISTRICT REGULATIONS. (NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICTS).

Statement of Intent. The Neighborhood Pedestrian Commercial District is intended for early twentieth century streetcar and automobile corridors with a variety of retail shopping, office use, and apartments. The district is characterized by multi-story brick apartments and one and two story commercial buildings with multiple tenants and minimal setback from the primary commercial street. These districts include specialty retail and office uses that serve the adjacent residential areas as well as the entire city.

It is the intention of this section that the classification as Neighborhood Pedestrian Commercial will aid in the preservation and stabilization of the commercial corridor along the primary commercial street by improving the pedestrian access, promoting retail density, protecting the adjacent residential districts, and protecting the character of the district. It is the intention that new buildings and exterior alterations of existing buildings be compatible with the predominant front yard setback, street entrance, fenestration and materials along the corridor. To this end the classification incorporates permissive bulk standards for new construction and remodeling and lowers the usual parking standards. To ensure compatibility of development with the neighborhood and the maximum flexibility for the property owner, development within an "NPC" district is tied to a review of the site plan by the Plan and Zoning Commission and City Council.

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(C) Bulk Regulations. In lieu of specific bulk regulations, new construction and remodeling within the "NPC" District are subject to the design guidelines within the site plan regulations.

(D) (not used)

(E) Off-Street Parking and Loading. In lieu of specific off-street parking and loading regulations, new construction and remodeling within the "NPC" District are subject to the design guidelines within the site plan regulations.

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2A-24. OFF-STREET LOADING SPACES REQUIRED.

(A) In any district, except the "PUD", "NPC" and "C-3" Districts, in connection with every building or part thereof hereafter erected or structurally altered, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building off-street loading spaces in accordance with the following requirements:

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Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Robert D Ray, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 97-3635), passed by the City Council of said City at a meeting held November 3, 1997, signed by the Mayor on November 3, 1997, and published as provided by law in the Business Record on November 17, 1997. Authorized by Publication Order No. 5584.

Donna Boetel-Baker, CMC/AAE, City Clerk