

ORDINANCE NO. 13,626

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 subparagraph (s) of paragraph (2) of subsection (A) of Section 2A-16, paragraph 1 of subsection (A) of Section 2A-17, and subparagraphs (a) and (b) of paragraph (2) of subsection (F) of Section 2A-26 thereof; and enacting a new subparagraph (s) of paragraph (2) of subsection (A) of Section 2A-16, paragraph 1 of subsection (A) of Section 2A-17, and subparagraphs (a) and (b) of paragraph (2) of subsection (F) of Section 2A-26; and by adding and enacting a new subparagraph (q) to paragraph (2) of subsection (A) of Section 2A-16.02, all relating to the allowed size of canopies and number of car service areas for convenience stores and gas stations in "C-1" and "NPC" zoning districts.

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, as restated by the Ninth Supplement thereto adopted June 16, 1997, by Resolution and Roll Call No. 97-2094, and further amended by Ordinance No. 13,505 passed July 7, 1997, and Ordinance No. 13,541 passed November 3, 1997, be and is hereby amended by repealing subparagraph (s) of paragraph (2) of subsection (A) of Section 2A-16, paragraph 1 of subsection (A) of Section 2A-17, and subparagraphs (a) and (b) of paragraph (2) of subsection (F) of Section 2A-26 thereof; and enacting a new subparagraph (s) of paragraph (2) of subsection (A) of Section 2A-16, paragraph 1 of subsection (A) of Section 2A-17, and subparagraphs (a) and (b) of paragraph (2) of subsection (F) of Section 2A-26; and by adding and enacting a new subparagraph (q) to paragraph (2) of subsection (A) of Section 2A-16.02, all relating to the allowed size of canopies and number of car service areas for convenience stores and gas stations in "C-1" and "NPC" zoning districts, as follows:

2A-16. "C-1" DISTRICT REGULATIONS. (NEIGHBORHOOD RETAIL COMMERCIAL DISTRICTS).

Statement of Intent. The "C-1" District is intended to provide for the convenience shopping of persons living in neighborhood residential areas and for general uses and activities of a retail and personal service character. Only those uses are permitted which are necessary to satisfy the local needs which occur so frequently as to require commercial facilities in proximity to residential areas. In addition, low-intensity business and professional offices are permitted.

(A) Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "C-1" District.

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(2) Retail business or service establishments such as the following:

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(s) Gas stations, including minor automobile repairs as accessory but not principal use, provided the design of the site permits no more than six (6) vehicles to be fueled at a time. Gas stations on the following streets only may be designed to permit up to eight (8) vehicles to be fueled at a time:

Douglas Avenue from west City boundary to Martin Luther King Jr. Parkway.

Euclid Avenue from Martin Luther King Jr. Parkway to Hubbell Avenue.

Hickman Road from west City boundary to 56th Street.

Hubbell Avenue from Euclid Avenue northeast to City boundary.

Martin Luther King Jr. Parkway from Ingersoll Avenue to Euclid Avenue.

Merle Hay Road from Hickman Road to north City boundary.

East University Avenue from E. 14th Street to east City boundary.

2nd Avenue from Euclid Avenue to north City boundary.

Southeast and East 14th Streets.

63rd Street from south City limits to Hickman Road.

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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.

(A) Principal Permitted Uses. Only the uses of structures or land listed below shall be permitted in the "NPC" District.

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(2) Any use permitted in the "C-2" District except:

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(q) Gas stations designed to permit more than six (6) vehicles to be fueled at a time.

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2A-17. "C-2" DISTRICT REGULATIONS. (GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICTS).

Statement of Intent. The "C-2" District is intended to provide for major retail shopping areas (other than shopping centers in "C-4" Districts) outside the downtown area. These districts include as well much of the strip commercial property existing along the major streets and highways of the city. The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer.

(A) Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "C-2" District.

(1) Any use permitted in the "C-1" District without limitation as to the size, hours of operation, or number of fueling stations.

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2A-26. EXCEPTIONS AND MODIFICATIONS.

The regulations specified in this Ordinance shall be subject to the following exceptions and interpretations.

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(F) Other Exceptions to Yard Requirements.

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(2) Pump island or canopy:

(a) In a "C-1" or "M-3" District, one (1) gas pump island or financial institution drive-up service area canopy may be established and maintained in the front yard of an interior lot or in the front yards of a corner lot not to exceed one thousand (1000) square feet of roof area.

(b) In any "C-2", "M-1" or "M-2" District one (1) such feature, not to exceed one thousand six hundred (1600) square feet of roof area, may be established and maintained in the front yard of any interior lot, and two (2) such features, not to exceed one thousand (1000) square feet of roof area each, may be established and may be maintained in the front yards of a corner lot.

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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