

ORDINANCE NO. 13,878

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing subsection (a) of Section 82-207, subsection (a) of Section 82-208, subsection (a) of Section 82-209, subsection (a) of Section 82-215, and paragraph (8) of subsection (f) of Section 134-1377 thereof; and enacting a new subsection (a) of Section 82-207, subsection (a) of Section 82-208, subsection (a) of Section 82-209, subsection (a) of Section 82-215, and paragraph (8) of subsection (f) of Section 134-1377; and by adding and enacting a new Section 82-214.01 regarding the extension of a parking lot into an adjoining more restrictive zoning district to serve a use in the less restrictive district.

Be It Ordained by the City Council of the
City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by repealing subsection (a) of Section 82-207, subsection (a) of Section 82-208, subsection (a) of Section 82-209, subsection (a) of Section 82-215, and paragraph (8) of subsection (f) of Section 134-1377 thereof; and enacting a new subsection (a) of Section 82-207, subsection (a) of Section 82-208, subsection (a) of Section 82-209, subsection (a) of Section 82-215, and paragraph (8) of subsection (f) of Section 134-1377; and by adding and enacting a new Section 82-214.01 regarding the extension of a parking lot into an adjoining more restrictive zoning district to serve a use in the less restrictive district, as follows:

Sec. 82-207. Application.

(a) *Preapplication conference.* Whenever any person proposes to develop any tract or parcel of land within any zoning district classification, except R-5 mobile home residential district, R-6 planned residential development district, PUD planned unit development district or

C-4 shopping center
commercial district, he
or she shall submit to
the community
development department a
request for a
preapplication
conference for any use
except the following:

(1) One- to four-family
attached and detached
dwellings not within an
NPC neighborhood
pedestrian commercial
district.

(2) Nonresidential
building or paving
projects provided: i)
the property is not
within an NPC
neighborhood pedestrian
commercial district; ii)
the project does not
involve the extension of
parking under the
authority of section
134-1377(f) (8) into a
zoning district where
such parking would be
otherwise prohibited;
and, iii) the project
has a total site area of
10,000 square feet or
less.

(3) Fire stations owned
and operated by the
city.

(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 in subsections (a) (1) through (5) of this section.

(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 nonconformance of such development with the design guidelines in section 82-214 of this article.

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 preapplication conference, and the conference shall be held within 15 days of such request.

Sec. 82-208. Determination for property outside NPC district and without parking extension.

(a) *Generally.*
Application for site plan approval shall be considered and determined in accordance with the procedures in this section, except for the following types of improvements which shall instead be subject to section 82-209:

(1) Improvements to property in the NPC neighborhood pedestrian commercial district.

(2) Improvements which include an extension of parking into an

--

Sec. 82-214.01 Design guidelines for extension of parking.

(a) In acting upon any site plan application which includes an extension of parking under the authority of section 134-1377(f)(8) into a residential district where it would otherwise be prohibited, the plan and zoning commission shall apply the design standards in section 82-213. Further, the proposed site plan shall be denied unless it is shown to that such extension of parking meets the following criteria:

a) The construction and use of this parking lot will have no significant detrimental impact on the use and enjoyment of adjoining properties.

b) No parking should be permitted in the required front yard of the "R" district unless compatible with the adjoining land use.

c) Adequate setbacks shall be provided to protect adjacent residentially zoned property. A minimum ten (10) foot setback from adjacent "R" district property lines should be observed.

d) Appropriate screening shall be provided to shield adjacent residential uses from the impacts of the parking lot.

e) Adequate landscaping shall be provided and maintained to buffer and beautify the parking area. Both interior and peripheral landscaping should be considered.

f) Where feasible, the entrance to the parking area should be from an adjoining alley or the less restrictive district.

Sec. 82-215. Application and effectuation.

(a) No building permit shall be issued for any development within any zoning district classification except R-5 mobile home residential districts, R-6 planned residential development districts, PUD planned unit development districts or C-4 shopping center commercial districts involving any use until a site plan has been submitted and approved for such development in accordance with this article, except for the following:

(1) One- to four-family attached and detached dwellings not within an NPC neighborhood pedestrian commercial district.

(2) Nonresidential building or paving projects provided: i) the property is not within an NPC neighborhood pedestrian commercial district; ii) the project does not involve the extension of parking under the authority of section 134-1377(f)(8) into a zoning district where such parking would be otherwise prohibited; and iii) the project has a total site area of 10,000 square feet or less.

(3) Fire stations owned and operated by the city.

(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 in subsections (a)(1) through (5) of this section.

(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 nonconformance of such development with the design guidelines in section 82-214 of this article.

Additionally, 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.

Sec. 134-1377. Off-street parking area required.

(f) *District parking lot requirements.* Every parcel of land used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following:

(8) *Special provisions for otherwise prohibited parking.* Subject to compliance with the requirements of the site plan regulations, parking areas may be established 100 feet into any district where such parking would be otherwise prohibited, if the property on which such parking is located immediately adjoins or is directly across an alley from the permitted use for which the parking is provided, and the parking area is owned or controlled by the operator of the permitted use, subject to the following:

- a. This parking is accessory to and for use of one or more permitted uses in the less restrictive district.

- b. The parking is intended for customer and employee personal vehicles only. Limited commercial truck parking shall be permitted only for single rear-axle pickups or vans weighing no more than 6,000 pounds

(gross vehicle weight rating). No exterior power apparatus is allowed. This will not permit trailers or other equipment storage.

c. A directional sign shall be placed in the parking lot on the boundary line separating the two districts. The sign shall read "no truck parking behind this point except limited commercial pickups or vans weighing under 6,000 lbs. (G.V.W.R.)" or similar wording.

d. All parking areas established under this section shall be paved and maintained in accordance with section 134-1377(f)5).

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

P
r
e
s
t
o
n

D
a
n
i
e
l
s
,

M
a
y
o
r

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. 00-4250), passed by the City Council of said City at a meeting held November 6, 2000, signed by the Mayor on November 6, 2000, and published as provided by law in the Business Record on November 20, 2000. Authorized by Publication Order No. 1464.

Donna Boetel-Baker, CMC/AAE, City Clerk