

ORDINANCE NO. 13,888

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 Section 134-276 thereof and enacting a new Section 134-276, and by adding and enacting a new Division 21A, consisting of Sections 134-991 through 134-997, to create a new "C-3R" Central Business District Mixed-Residential District zoning district classification.

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, is hereby amended by repealing Section 134-276 thereof and enacting a new Section 134-276, and by adding and enacting a new Division 21A, consisting of Sections 134-991 through 134-997, to create a new "C-3R" Central Business District Mixed-Residential District zoning district classification, as follows:

**Sec. 134-276. Classifications.**

In order to carry out the purpose and intent of this chapter, the area of the city is divided into 28 zoning district classifications as follows:

A-1	Agricultural district
R1-60	One-family low-density residential district
R1-70	One-family low-density residential district
R1-80	One-family residential district
R1-90	Large lot one-family residential district
R-2	One- and two-family residential district
R-2A	General residential district
R-3	Multiple-family residential district
R-4	Multiple-family residential district

R-5	Mobile home residential district
R-6	Planned residential development district
PUD	Planned unit development district
PBP	Planned business park district
R-HD	Residential historic district
C-0	Commercial-residential district
C-1	Neighborhood retail commercial district
C-1A	Neighborhood commercial reuse district
NPC	Neighborhood pedestrian commercial district
C-2	General retail and highway oriented commercial district
C-3	Central business district commercial district
C-3A	Central business district support commercial district
C-3R	Central business district mixed residential district
C-4	Shopping center commercial district
M-1	Light industrial district
M-2	Heavy industrial district
M-3	Limited industrial district
U-1	Floodplain district
FW	Floodway district

Division 21A. Central Business District Mixed-Residential

**Sec. 134-991. Statement of Intent.**

The C3-R District is intended to provide for medium- to high-intensity pedestrian-oriented residential, office, retail, commercial, institutional and mixed-use (commercial/residential) development that supports the integrity of a downtown neighborhood, and serves the entire metropolitan population. It is intended this District not be mapped outside the downtown area.

**Sec. 134-992. Principal Permitted Uses.**

Only the uses of structures or land similar to those listed in this section shall be permitted in the C3-R District.

1. Any use permitted in and as limited in the C-1 District.
2. Animal Hospitals and veterinary clinics, provided there shall be no outside pens or kennels and no boarding of animals.
3. Automobile sales lot for the display, hire, rental and sale of new and used automobiles provided any outside display area shall conform to the site plan landscaping requirements for a parking lot.
4. Ballrooms and dance halls.
5. Bed and breakfast.
6. Billiard parlors, pool halls, and gamerooms.
7. Bowling alleys.
8. Business or commercial school.
9. Carpenter and cabinet-making shops for retail custom work.
10. Child care centers.
11. Department stores.
12. Garages for general motor vehicle repair, but not including major body and fender work, overall painting or upholstering and steam cleaning.
13. General office uses.
14. Hotels.
15. Institutions of higher learning, including colleges and universities.
16. Laundries.
17. Labor union offices, including assembly halls.
18. Manufacture or treatment of art works and arts-related goods. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent conforming property. Typical work activities may include craft work, art studios, candle making,

- jewelry making, fabrication of cloth goods, metal working, glass-blowing, and other similar activities.
19. Museums, galleries, auditoriums, libraries and similar cultural facilities.
  20. Package-goods stores for the sale of alcoholic beverages subject to Section 134-954.
  21. Pet shops, including aquariums.
  22. Photographic printing or developing establishments.
  23. Printing and lithographing shops.
  24. Parking garages.
  25. Physical culture or health establishments.
  26. Radio or television studios.
  27. Recreational uses and facilities.
  28. Shelter for the homeless, subject to the following conditions:
    - a. Each such facility shall contain a minimum of 70 square feet of usable floor space per occupant. For purposes of computation of usable floor space, that part of the room having no less than seven feet of ceiling height shall be used. Usable floor space shall not include bathrooms.
    - b. Each such facility shall contain at least one lavatory and one toilet per each ten or fewer residents and one tub or shower per each 15 or fewer residents. There shall be a minimum of one bathroom with tub or shower, toilet and lavatory on each floor which has resident bedrooms.
    - c. Each such facility shall comply with all applicable health, safety and welfare regulations.
    - d. No such facility shall be operated until a permit has been issued by the zoning enforcement officer, based upon a finding that the proposed facility complies with all applicable zoning regulations.
  29. Taverns and night clubs, including private clubs subject to Section 134-954.
  30. Transportation passenger terminals, including bus stations, railroad passenger stations or other passenger terminals.
  31. Combinations of the above uses.

**Sec. 134-993. Permitted Accessory Uses.**

The permitted accessory uses in the C3-R central business district mixed-residential district shall be the accessory uses permitted in the C-1 District, except that storage of material incidental to a principal use may not exceed 40 percent (40%) of the floor area used for such use.

**Sec. 134-994. Special Limitations.**

All activities, including storage of any and all materials and equipment shall take place within completely enclosed buildings. All open areas shall be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters shall be enclosed on all sides by the use of a permanent wall of wood, brick or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, shall be constructed to provide an opaque screen of the receptacle from any street.

**Sec. 134-995. Bulk Regulations.** The following requirements shall be observed, subject to the modifications contained in section 134-1296.

(1) Minimum height for all uses: 36 feet or 3 stories, unless any adjoining buildings are less than 3 stories, in which case the minimum height shall be 2 stories or either: 24 feet or the height the adjoining buildings, whichever is greater.

(2) Maximum height for all uses: 75 feet.

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**Sec. 134-996. Off-Street Loading and Parking.** No off-street parking is required for any use. Any off-street parking which is provided shall comply with section 134-1377 and the site plan regulations. Spaces for off-street loading shall be provided in accordance with the provisions of section 134-1376.

**Sec. 134-997. Signs.**

(1) All building or wall signs shall project no more than seven (7) feet from the building, unless such projection is over the street right-of-way, in which case such sign shall project no more than thirty-six (36) inches. Such projecting signs shall be not less than ten (10) feet from the ground in areas in which

there is only pedestrian traffic and not less than twelve (12) feet from the ground in areas in which there is vehicular traffic. Signs shall be not more than twelve (12) square feet in area per occupant and shall not extend more than four (4) feet above the roof line. Projecting signs may be anchored to the roof or building.

(2) Any combination of two (2) on-premises Type A, Type B or Type C identification and/or advertising signs per occupant of a building not to exceed 1-1/2 square feet in area per lineal foot of building frontage per occupant, and not to exceed a maximum of one hundred (100) square feet per occupant, shall be permitted. If building frontage consists of twenty-five (25) percent or less of the total lot frontage, the occupant or occupants of that building shall be permitted, in lieu of the above, one (1) foot in area per lineal foot of lot frontage per lot and not to exceed a maximum of one hundred (100) square feet per occupant. Such signs shall be permitted on public or private

canopies attached to and supported by a building. The following restrictions shall be met:

a. The permitted types of free-standing signs in the C3-R District are monumental and sandwich board signs. Pole signs and portable signs other than sandwich board signs are not permitted.

b. One (1) sandwich board sign shall be permitted per building tenant. A sandwich board sign shall not exceed ten (10) square feet, and no dimension of the sign shall exceed five (5) feet. Such signs shall comply with ingress and egress requirements outlined in the city building code.



c. One (1) monument sign shall be permitted per building facade and shall consist of no more than two (2) faces, said faces to be parallel and not to exceed sixteen (16) square feet in area per sign face. No dimension of said sign shall exceed four (4) feet.

(3) One (1) non-illuminated building or wall identification sign per occupant, not to exceed two (2) square feet in area, shall be permitted on buildings where occupants have no occupant frontage, and shall be located immediately adjacent to the principal entrance to said occupant's premises.

(4) Two (2) on-premises Type B attraction panel signs shall be permitted on theatre marquees. The total sign area per marquee shall not exceed one hundred sixty (160) square feet.

(5) Off-premises advertising signs. Roof-mounted and freestanding off-premises advertising signs are not permitted in the C3-R district. Wall-mounted off-premises advertising signs are permitted in the C3-R district, provided they are no larger than three hundred (300) square feet and do not project above the roof. Such signs shall be located no closer than three hundred (300) feet from any other off-premises advertising sign.

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

Preston Daniels, 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. 00-4387), passed by the City Council of said City at a meeting held November 20, 2000, signed by the Mayor on November 20, 2000, and published as provided by law in the Business Record on December 4, 2000. Authorized by Publication Order No. 1483.

Donna Boetel-Baker, CMC/AAE, City Clerk