

ORDINANCE NO. 14,018

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, as heretofore amended, by repealing Section 82-3, subsection (a) of Section 82-208, subsection (a) of Section 82-209, paragraphs 3 and 35 of subsection (c) of Section 134-947, subsection 3 of Section 134-992 and subsection (m) of Section 134-1377 thereof; and enacting a new Section 82-3, subsection (a) of Section 82-208, subsection (a) of Section 82-209, paragraphs 3 and 35 of subsection (c) of Section 134-947, subsection 3 of Section 134-992 and subsection (m) of Section 134-1377; and by adding and enacting a new Section 82-214.03 and subsection (c) to Section 82-215 amending the Site Plan Regulations and Zoning Ordinance regarding vehicle display lots, including used car display lots.

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, as amended by Ordinance No. 13,878 passed November 6, 2000, Ordinance No. 13,881 passed November 6, 2000, and by Ordinance No. 13,888 passed November 20, 2000, be and is hereby amended by repealing Section 82-3, subsection (a) of Section 82-208, subsection (a) of Section 82-209, paragraphs 3 and 35 of subsection (c) of Section 134-947, subsection 3 of Section 134-992 and subsection (m) of Section 134-1377 thereof; and enacting a new Section 82-3, subsection (a) of Section 82-208, subsection (a) of Section 82-209, paragraphs 3 and 35 of subsection (c) of Section 134-947, subsection 3 of Section 134-992 and subsection (m) of Section 134-1377; and by adding and enacting a new Section 82-214.03 and subsection (c) to Section 82-215 amending the Site Plan Regulations and Zoning Ordinance regarding vehicle display lots, including used car display lots, as follows:

**SITE PLAN REGULATIONS**

**Sec. 82-3. Community development department fees.**

(a) The required fees for site plan approval under section 82-207 of this chapter shall be according to the following schedule:

(1) Application fee for a project area of 10,000 square feet or less, \$100.00.

(2) Application fee for a project area greater than 10,000 square feet but no more than one acre, \$200.00.

(3) Application fee for a project area of more than one acre, \$300.00 plus \$10.00 for each acre or part thereof.

(4) Resubmission fee, after second resubmission, \$100.00.

(5) Amendment to an approved site plan, \$100.00.

In addition to the fees, the owner shall pay the costs for any required notification to property owners as established by the community development department.

(b) The required fees for a certificate of occupancy and compliance under division 5 of article II of chapter 134 of this Code shall be according to the following schedule:

(1) Single- and two-family dwellings, \$25.00.

(2) Multiple-family dwellings, \$25.00 for the first unit plus \$1.00 for each additional unit.

(3) Commercial property of 1,500 square feet or less, \$20.00; greater than 1,500 square feet, \$50.00.

**Sec. 82-208. Determination for property subject to administrative approval.**

(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 adjoining residential district under the authority of section 134-1377(f) (8).

(3) Improvements to property used as a vehicle display lot in a commercial zoning district.

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**Sec. 82-209. Determination for property not subject to administrative approval.**

(a) Applications for site plan approval shall be considered and determined in accordance with the procedures in this section for the following types of improvements:

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

(2) Improvements which include an extension of parking into an adjoining residential district under the authority of section 134-1377(f) (8) .

(3) Improvements to property used as a vehicle display lot in a commercial zoning district.

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**Sec. 82-214.03 Design guidelines for vehicle display lots.**

In acting upon any site plan application which includes improvements to property used for display, hire, rental or sales of motor vehicles in a commercial zoning district, the plan and zoning commission shall apply the design standards in section 82-213 and the additional standards set forth below. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design standards:

- 1) The construction and use of the site will have no significant detrimental impact on the use and enjoyment of adjoining residential uses, if any.
- 2) The proposed development shall satisfy the open space and bufferyard requirements for development in the "C-2" district set forth in the landscape standards in the adopted site plan policies.
- 3) Any

portion of the property to be used for outside storage, display or parking of vehicles shall:

a) contain at least one-half acre of land.

b) conform with the parking lot/display lot requirements for development in the "C-2" district set forth in the landscape standards in the adopted site plan policies.

c) be surfaced with an asphaltic or Portland cement binder pavement as shall be approved by the city engineer, so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation within the area.

d) incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas. Precast wheel stops and other barriers which can be readily moved are not acceptable.

4) There shall be no elevated display of motor vehicles in any required front yard.

5) The employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.

6) All portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.

**Sec. 82-215. Application and effectuation.**

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(c) When a site plan has been approved for property pursuant to this article, the property shall

thereafter be used and maintained in substantial compliance with the approved site plan. No person shall use property in a manner or physical condition that does not substantially conform to the approved site plan for such property.

**ZONING ORDINANCE**

**Sec. 134-947. Principal permitted uses.**

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(c) Retail, service, or recreational uses, such as the following, shall be permitted:

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(3) Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots), including as incidental to these major uses all repair work in connection with their own or customers' vehicles, but not including uses in which the major source of revenue is from body and fender work and not including automobile, tractor, or machinery wrecking and rebuilding and used parts yards. However, all outside storage, display and parking areas shall be used and maintained in conformance with an approved site plan and the parking, display and storage of vehicles for hire, rental or sale shall be limited to the area designated for such use in the site plan.

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(35) Used car sales lots, provided all outside storage, display and parking areas shall be used and maintained in conformance with an approved site plan, and the parking, display and storage of vehicles for hire, rental or sale shall be limited to the area designated for such use in the site plan.

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**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.

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3) Automobile sales lot for the display, hire, rental and sale of new and used automobiles provided any outside display area shall be used and maintained in conformance with an approved site plan and the parking, display and storage of vehicles for hire, rental or sale shall be limited to the area designated for such use in the site plan.

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

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(m) *Front yard parking.* Parking in front yards shall be subject to the following:

(1) All required parking in any R district must be outside the required front yard.

(2) No parking for any permitted use in any R district, other than single-family or two-family units, may be located in the required front yard.

(3) In any R district, no single-family or two-family lot shall have more than 25 percent of the front yard used for driveway and off-street parking purposes. However, this restriction shall not prohibit the construction of a 20-foot-wide driveway or a driveway expansion immediately in front of and the minimum width reasonably necessary to provide access to a three- or four-car garage.

(4) In any R district, expansions of off-street parking areas in front yards shall be of a hard surface, i.e., paved concrete, asphalt, brick pavers or equal.

(5) Temporary parking in residential yards for the state fair overflow parking, for Drake Relays, and for other events officially designated by the city council to allow for temporary parking in the yard shall be permitted.

(6) Overflow temporary parking for school athletic events shall be allowed in the required front yard provided such parking is restricted to the school grounds.

(7) No vehicle shall be displayed for sale, rental or hire in the required front yard in any commercial district, except upon an improved parking lot.

(8) The requirements of this subsection may also be enforced as a violation of subsection 114-361.10(b) of this Code.

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. 01-3448), passed by the City Council of said City at a meeting held November 19, 2001, signed by the Mayor on November 19, 2001, and

published as provided by law in the Business Record on December 3, 2001. Authorized by Publication Order No. 3025.

Donna Boetel-Baker, MMC City Clerk