

SUMMARY OF ORDINANCES

ZONING ORDINANCE (ORDINANCE NO. 15,816) PLANNING AND DESIGN ORDINANCE (ORDINANCE NO. 15,817) AND CROSS-REFERENCE AMENDMENTS (ORDINANCE NO. 15,819)

This notice summarizes the following ordinances adopted on October 16, 2019, by the Ordinance Numbers stated below, which ordinances 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: (1) a new Chapter 134 of the Des Moines Municipal Code, Zoning Ordinance, which repeals and replaces existing Chapter 134 of the Des Moines Municipal Code and Article 4 of which repeals and replaces the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; (2) a new Chapter 135 of the Municipal Code, proposed Planning and Design Ordinance, which repeals and replaces portions of existing Chapter 82 of the Des Moines Municipal Code and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004; and (3) an ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance. The complete text of said adopted ordinances and Zoning Map are on file and available for viewing by the public between the hours of 8:00 a.m. and 5:00 p.m. in the office of the City Clerk, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, or on the City of Des Moines' website at www.dsm.city. The ordinances shall be in full force and effect December 15, 2019.

Zoning Ordinance – Ordinance No. 15,816:

Chapter 134, Article 1 – Introductory Provisions. This article sets forth basic information regarding the effective date, compliance, and interpretation of the Zoning Ordinance, and establishment and interpretation of the zoning map.

Chapter 134, Article 2 – Districts. This article establishes zoning districts for the City of Des Moines, including:

- Downtown (DX) districts covering the Des Moines downtown area ranging from residential neighborhoods to high intensity areas;
- Mixed-Use (X) districts intended to enhance existing and create new compact nodes and corridors throughout Des Moines including those accessible by walking or automobile, regional-scale nodes and higher intensity commercial uses, transitional areas providing for residential and office buildings, outdoor sales and storage, and mid-scale employment uses such as office, low intensity industrial, and warehouse spaces;
- Industrial (I) districts associated with general and higher intensity manufacturing, warehousing, and other industrial uses, and transportation terminals;
- Public, Civic and Institutional (P) districts, providing locations for public, private, quasi-public, and institutional facilities, including parks and recreation areas, religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, rail corridors, and utility corridors;

- Neighborhood (N) and Neighborhood Mix (NX) districts, including single-household and two-household residential areas with various building types, mobile home parks, and districts with a mix of single- and multiple-household uses and building types including infill housing, commercial home occupations and housing along corridors;
- Agriculture (A) and Flood (F) districts addressing low density uses in agricultural areas and flood plain and floodways, respectively; and
- PUD Legacy districts, which represent Planned Unit Development (PUD) zoning districts in existence prior to the effective date of the proposed Zoning Ordinance.

Chapter 134, Article 3 – Uses. This article and its Principal Use Table present the principal and accessory uses of property to be permitted in the City of Des Moines, subject to zoning district, and provide any supplemental regulations required to establish such uses.

Chapter 134, Article 4 – Wireless Telecommunications Facilities. This article repeals and replaces the City’s Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, providing zoning and design requirements as well as review and approval procedures for small wireless facilities and utility poles, other wireless telecommunications facilities, and new towers, in accordance with State and federal law.

Chapter 134, Article 5 – Signs. This article contains findings, prohibitions, and regulations pertaining to signage throughout the City of Des Moines and by specific zoning district, including electronic and multi-vision display signs and general advertising signs.

Chapter 134, Article 6 – Review and Approval Procedures. This article sets forth the types and processes for Zoning Ordinance text amendments, zoning map amendments, and other relief from the Zoning Ordinance including administrative and Zoning Board of Adjustment review and approval procedures and appeals.

Chapter 134, Article 7 – Nonconformities. This article describes rights of and regulations on legal non-conforming uses of property and signs in the City of Des Moines, which uses were established prior to adoption of the Zoning Ordinance.

Chapter 134, Article 8 – Administration and Enforcement. This article describes the roles and authority of decision-making bodies and enforcement officers in relation to the Zoning Ordinance.

Chapter 134, Article 9 – Definitions. This article sets forth definitions of certain terms used in the Zoning Ordinance.

Planning and Design Ordinance – Ordinance No. 15,817:

Chapter 135, Article 1 – Introductory Provisions. This article includes basic information regarding the effective date, compliance, and interpretation of the Planning and Design Ordinance.

Chapter 135, Article 2 – Building Types. This article and its Building Types Table present the types of principal and accessory structures to be permitted in the City of Des Moines, subject to zoning district, and provide any supplemental regulations required to construct and develop lots containing such structures.

Chapter 135, Article 3 – Measuring Building Type Regulations. This article sets forth methods of measurement for the regulations contained in the Planning and Design Ordinance.

Chapter 135, Article 4 – Design Requirements. This article establishes the design requirements for buildings allowed as principal and accessory structures in the City of Des Moines, such as façade and roof materials and elements, downtown high-rise requirements, and mechanical equipment and appurtenances.

Chapter 135, Article 5 – Large-Scale Development. This article provides additional processes and requirements for regulation of developments on a single parcel or combination of parcels within a

total of 5 or more contiguous acres, or as necessary to meet the intent of the article, such as street and block development, zoning districts, and open space.

Chapter 135, Article 6 – Parking. This article explains the requirements for motor vehicle and bicycle parking in the City of Des Moines, such as calculation of required parking, parking layout and design, and site access and driveways.

Chapter 135, Article 7 – Landscape and Streetscape. This article, in part, repeals and replaces the City of Des Moines Site Plan/Landscape Policies adopted March 22, 2004, and includes general landscape installation and maintenance requirements, site and street tree and streetscape regulations, and buffer, fence, and appurtenance screening standards.

Chapter 135, Article 8 – Site Design Requirements. This article, in part, repeals and replaces the City of Des Moines Site Plan/Landscape Policies adopted March 22, 2004, and provides site planning, engineering, fire safety, and traffic and circulations standards supplementing the remainder of the Planning and Design Ordinance.

Chapter 135, Article 9 – Review and Approval Procedures. This article sets forth the types and processes for site plan review and approval, and for relief from the Planning and Design Ordinance including administrative, Plan and Zoning Commission, and City Council procedures and appeals.

Chapter 135, Article 10 – Pre-Existing Situations. This article describes rights of and regulations on legal pre-existing structures in the City of Des Moines, which structures were constructed prior to adoption of the Planning and Design Ordinance.

Chapter 135, Article 11 - Administration and Enforcement. This article describes the roles and authority of decision-making bodies and enforcement officers in relation to the Planning and Design Ordinance.

Chapter 135, Article 12 – Definitions. This article sets forth definitions of certain terms used in the Planning and Design Ordinance.

Cross-Reference Amendments Ordinance – Ordinance No. 15,819:

Necessary renumbering, redesignating and correcting of internal references and other clarifying revisions related to the adoption of the proposed Zoning Ordinance and Planning and Design Ordinance contained in the following sections of the Des Moines Municipal Code:

Section 2-923(1), “Duties of community development director” – Added reference to planning and design requirements.

Section 10-5(2), (3), (6), “Conduct of outdoor service” (outdoor service license) – Replaced references to C-3 zoning district with DX1, DX2 or DXR districts; deleted reference to chapter 134 and replaced with chapter 135.

Section 10-43(6), (7), “Conditions for approval” (liquor control license or wine or beer permit) – Replaced references to C-3, C-3A, C-3B, C-3R, and D-R zoning districts with DX1, DX2 and DXR districts; clarified separation measurement from public park and licensed child care center.

Section 14-180, “Definitions” (entertainment venue) – Added reference to planning and design requirements.

Section 14-183(a), “License application” (entertainment/amusement venue license) – Added reference to chapter 135.

Section 18-56(c), “Confinement of high risk dogs” – Added reference to planning and design requirements.

Section 18-137, “Enclosures” (animal enclosures) – Replaced reference to section 134-3 with section 134-9.7.

Section 26-302(a)(1), “Building permit exemptions” – Added reference to planning and design requirements.

Section 26-303(e)(2)(f), “Demolition of buildings and structures” – Added reference to planning and design requirements and chapter 135.

Section 26-802(b)(1), “Sign and billboards permits required” – Deleted reference to chapter 134.

Section 26-805(k), “Construction” (signs and sign structures, name of sign erector) – Replaced reference to “off-premises sign” with “general advertising sign” and clarified effective date as January 1, 1966.

Section 30-291, “Definitions” (negative zoning enforcement officer report) – Replaced reference to chapter 82 with chapter 135.

Section 30-293(5), “License criteria” (pawnbroker) – Replaced reference to chapter 82 with chapter 135.

Section 30-334(b), “Screening requirements for used merchandise collection centers” – Added reference to planning and design requirements.

Section 42-56, “Site plans and subdivisions” – Replaced reference to site plan approval procedures in section 82-207 with article 9 of chapter 135.

Section 42-86, “Permits required” – Replaced reference to site plan approval procedures in article V of chapter 82 with article 9 of chapter 135.

Section 42-254, “Maximum permissible sound levels by receiving land use; immediate threat”, Table 1, “Sound Levels by Receiving Land Use” – Replaced references to existing zoning districts in “Zoning Category of Receiving Land Use” column with new zoning districts.

Section 42-258(e), “Sound equipment, sound amplifying equipment and construction equipment” – Replaced references to C-3, C-3A, C-3B, C-3R, and D-R zoning districts with DX1, DX2 or DXR districts; added reference to legacy planned unit development zoning district and deleted reference to PBP district.

Section 42-553(a), “Scope” (tree removal and mitigation) – Replaced reference to site plan requirements of article V of chapter 82 with article 9 of chapter 135.

Section 42-555(f), “Tree protection and mitigation standards” – Replaced reference to “adopted site plan policies” with reference to chapter 135.

Section 50-35(a), “Certificate of compliance” (floodplains) – Added alternate design documentation references; replaced reference to section 82-207 with article 9 of chapter 135; replaced reference to occupancy permit approval pursuant to division 5 of article II of chapter 134 with issuance of certificate of zoning compliance pursuant to section 134-1.7; added legacy PUD approval.

Section 78-10(1), (5), “Limitation on retail premises” – Replaced reference to certificate of occupancy pursuant to section 134-15 with certificate of zoning compliance pursuant to section 134-1.7; replaced references to chapter 134 and 82 with chapters 134 and 135; replaced references to special permits with conditional use.

Section 78-61, “Definitions” (transient merchant) – Replaced references to special permits with conditional use; replaced reference to division 3 of article IV of chapter 134 with article 6 of chapter 134.

Section 78-67(4), (5), “Application for a transient merchant premises permit” – Added reference to chapter 135 regarding setbacks for structures; replaced references to C-3, C-3A, C-3B, C-3R and D-R zoning districts with DX1, DX2 and DXR zoning districts.

Section 78-74(b), (e), (m), “Restrictions on operations of transient merchants and transient merchant premises” – Replaced references to chapter 134 with chapter 135; replaced reference to C-3, C-3A, C-3B, C-3R and D-R zoning districts with DX1, DX2 and DXR zoning districts.

Section 82-1, “Plan and zoning commission fees” – Replaced reference to section 134-4 with reference to chapter 134.

Section 82-3, “Community development department fees” – Deleted reference to division 5 of article II of chapter 134.

Section 82-41, “Quarterly reports” (plan and zoning commission) – Added legacy planned unit developments to reporting requirements.

Section 82-77, “Hearings” (comprehensive plan) – Revised references to public hearing requirements.

Section 82-206 through 82-219, “Site Plan Review” – Deleted sections replaced by the Planning and Design Ordinance.

Section 98-75(a), “License required for private landfill site for construction or demolition materials” – Replaced reference to special use permit with conditional use approval.

Section 98-76(b), “Transfer station license” – Replaced reference to special use permit with conditional use approval.

Section 98-116(c), “Recycling at multifamily residential premises” – Added reference to planning and design requirements; replaced reference to variance under chapter 134 with design alternative under chapter 135.

Section 102-191, “Conform to specifications” (public streets and alleys) – Added reference to community development director approval and chapter 135.

Section 102-359(6), “Application to construct” (driveway approach) – Replaced reference to article V of chapter 82 with article 9 of chapter 135.

Section 102-379(b), “Alleys” – Replaced reference to section 134-1377 to article 6 of chapter 135.

Section 102-608, “Special restrictions for newsracks and trash containers” – Replaced references to C-3 zoning district with DX1, DX2 and DXR zoning districts.

Section 102-1010(b), “Denial of house moving permit” – Added reference to planning and design requirements.

Section 114-361.02(b), (c), “Illegal off-street parking” – Replaced reference to parking provisions in section 134-1377(m) with section 135-6.6; deleted subsection (c).

Section 114-632, “Residential districts” – Replaced references to R-1 through R-4 zoning districts with N-1 to N-5 and NX1 to NX3 zoning districts.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: P. Kay Cmelik, City Clerk

I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a summary of Ordinance Nos. 15,816, 15,817, and 15,819, passed by the City Council

of said City on October 16, 2019, signed by the Mayor on October 16, 2019, and published as provided by law in the Business Record in Polk County on November 22, 2019, Authorized by Publication Order No. 10949, and in the Indianola Record Herald in Warren County on November 20, 2019, Authorized by Publication Order No. 10950.

P. Kay Cmelik, City Clerk