

ORDINANCE NO. 15,845

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 amending Sections 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-4.3.8, 135-4.3.11, 135-4.3.12, 135-9.1.4, 135-9.2.2, 135-9.2.3, 135-9.2.4, 135-10.1.3, 135-10.6, and 135-12.8, and Tables 135-2.2-2, 135-4.1-2, 135-5.5-3, by correcting numbering for Sections 135-9.3.7, 135-9.3.8, 135-9.3.9, and by adding Figure 135-4.3-H, to protect and preserve the rights, privileges, and property of the City of Des Moines and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

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

Section 1. That Chapter 135 of the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-4.3.8, 135-4.3.11, 135-4.3.12, 135-9.1.4, 135-9.2.2, 135-9.2.3, 135-9.2.4, 135-10.1.3, 135-10.6, and 135-12.8, and Tables 135-2.2-2, 135-4.1-2, 135-5.5-3, by correcting numbering for Sections 135-9.3.7, 135-9.3.8, 135-9.3.9, and by adding Figure 135-4.3-H, as follows:

Chapter 135 PLANNING AND DESIGN

Sec. 135-2.13.3 HOUSE A REGULATIONS

Column Headings:.... N2a (column heading revised) | N2b (column added)

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A. Building Siting.... *(all columns)*

- 2. Required Accessory Building
- Accessory Building Locations.... Garage for single-unit houses, minimum 288 square feet. Rear or side yard.

..... **N2b | N2a (columns only)**

- 8. Minimum Lot Width (ft).... 75 | 60
- Minimum Lot Area (sq ft).... 9,000 | 7,500

A. Building Siting.... *N2b (column only)*

- 1. Multiple Principal Buildings.... Not permitted
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- 3. Minimum Front Setback (ft).... 25, front setback averaging applies

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| 4. Minimum Street Side Setback (ft).... | 15 |
| 5. Minimum Interior Side Setback (ft).... | 7, 15 total for both |
| 6. Minimum Rear Setback (ft).... | 30 |
| 7. Minimum Building Width (ft).... | none |
| | |
| 9. Maximum Building Coverage | 35% |
| Maximum Impervious Area | 50% |
| Additional Semi-Pervious Area.... | 15% |
| 10. Attached Garage Entrance Location.... | Any facade, maximum 65% of front facade width; 3rd stall recessed 3 ft |
| 11. Permitted Driveway Access.... | One paved driveway per lot; circular drop-off drive permitted with minimum lot width of 100 ft |
| B. Height.... | N2b (column only) |
| 12. Minimum Overall Height.... | 1 story |
| 13. Maximum Overall Height.... | 2.5 stories |
| 14. All Stories.... | |
| Minimum Height (ft) | 9 |
| Maximum Height (ft) | 12 |
| C. Uses.... | N2b (column only) |
| 15. All Stories.... | Any permitted use; N2-2 allows up to 2 units; N2-4 allows up to 4 units |
| 16. Required Occupied Space.... | Minimum 20-foot depth on all full floors on at least 50% of front facade |
| 17. Parking within Principal Building.... | Maximum 50% of any story |
| D. Street Facade & Roof Requirements.... | N2b (column only) |
| 18. Minimum Transparency per Each Story & any Half Story.... | 15%; blank wall limitations apply to street facades except garage doors |
| 19. Principal Entrance Number.... | Minimum one per building |
| Principal Entrance Location.... | Front street facade |
| 20. Required Entrance Configuration.... | Stoop or porch |
| | N2b N2a (columns only) |
| 21. Permitted Roof Types.... | Parapet, pitched, flat; Tower permitted |

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E. Additional Regulations/Notes

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2. 2-Unit House A. Where designated on the zoning map with a “-2” extension to the district name, the House A building may be configured with two adjacent houses as follows:
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- b. The minimum lot width in N1a is 120 feet, in N1b is 100 feet, and in N2a is 100 feet and in N2b is 80 feet.

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- 3. 4-Unit House A. Where designated on the zoning map with a “-4” extension to the district name, the House A building may be configured with up to four internal units as follows:
 - a. The four units shall be incorporated into a single-house design in N1a and N1b districts. The four units shall be incorporated into a single-house design or side-by-side design in N2a and N2b districts.
 - b. The minimum lot width in N2a is 100 feet and in N2b is 80 feet.

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- 5. Basement Requirement. A full basement shall be required for each House A building and each unit of a 2-unit House A building for property located in an A, N1a, N1b or N2a district. The minimum house size required by section 135-2.13.3.E.6 shall exclude the area of the full basement. A Type 2 design alternative is required for reduction in size of basement or waiver of full depth basement requirement; however, a Type 1 design alternative is available in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.

- 6. Minimum House Size.
 - a. In zoning districts N1a, A, N1b and N2a, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:
 - i. Single-story unit shall be a minimum of 1,400 square feet.
 - ii. One-and-a-half story unit shall be a minimum of 1,600 square feet.
 - iii. Two-story unit shall be a minimum of 1,800 square feet.
 - b. In zoning district N2b, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- i. Single-story unit with a full basement shall be a minimum of 1,300 square feet.
- ii. Single-story unit without a full basement shall be a minimum of 1,400 square feet.
- iii. One-and-a-half story unit with a full basement shall be a minimum of 1,400 square feet.
- iv. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
- v. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
- vi. Two-story unit without a full basement shall be a minimum of 1,600 square feet.

Sec. 2.14.3. HOUSE B REGULATIONS

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B. Height....

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12. Minimum Overall Height 1 story

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E. Additional Regulations/Notes

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3. Garage Requirement. A minimum 288 square feet garage is required for each House B building and each unit of a 2-unit House B. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House B building, and each unit of a 2-unit House B, thereon.

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5. Minimum House Size.

- a. Single-unit and two-unit House Type B buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type B lots surrounded by existing buildings:
 - i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
- b. For House B building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Sec. 135-2.15.3. HOUSE C REGULATIONS

A. Building Siting....

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- 2. Required Accessory Building
 Accessory Building Locations Garage for single-unit houses, minimum 288 square feet. Rear or side yard.

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B. Height....

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- 12. Minimum Overall Height

N3b, N3c (<i>column</i>)	1 story
N4 (<i>column</i>)	1.5 story
NX1 (<i>column</i>)	1 story

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E. Additional Regulations/Notes

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- 4. Garage Requirement. A minimum 288 square feet garage is required for each House C building and each unit of a 2-unit House C. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a

minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House C building, and each unit of a 2-unit House C, thereon.

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6. Minimum House Size.

- a. Single-unit and two-unit House Type C buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type C buildings on lots surrounded by existing buildings:

- i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
- ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
- iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
- iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
- v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
- vi. Two-story unit without a full basement shall be a minimum of 1,400 square feet.

- b. For House C building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Sec. 135-2.16.3. HOUSE D REGULATIONS

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B. Height....

- 12. Minimum Overall Height
 - N5 (column) 1.5 story
 - NX1 (column) 1.5 story
 - NX2, NX2a (column) 2 story

E. Additional Regulations/Notes

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- 5. Garage Requirement. A minimum 288 square feet garage is required for each House D building and each unit of a 2-unit House D. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required based on the following:
 - a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House D building, and each unit of a 2-unit House D, thereon.

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- 7. Minimum House Size.
 - a. Single-unit and two-unit House Type D buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type D buildings on lots surrounded by existing buildings:
 - i. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - ii. Single-story unit without a full basement shall be a minimum of 1,200 square feet.

- iii. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - v. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - vi. Two-story unit without a full basement.
- b. For House D building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

Sec. 135-4.3.8. GARAGE DOORS

The following applies to all garage doors on principal buildings located on street-facing facades.

A. Row and House Building Types. On any Row or House building, garage doors located on street facades, where permitted, shall meet the following requirements:

- 1. No garage door may project more than ten feet from the entrance facade or a covered porch or covered stoop protruding from the entrance facade, whichever is closer to the street frontage, on the same building facing the same street.

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Sec. 135-4.3.11. HOUSE BUILDING TYPE FACADE REQUIREMENTS

Vinyl siding may be allowed on more than 65% of the first story of the street facade for House building types, except those in N4 or NX2 districts, as a Type 1 design alternative as follows:

A. Architectural Options. A design that does not meet the requirements of allowed minor facade materials for vinyl siding pursuant to Table 135-4.1-2 of this article may be approved as a Type 1 design alternative if it is determined by the community development director that the overall building design adds emphasis to other facade elements and articulation that reduce attention, visibility, or dominance of single materials, including elements pursuant to Figure 135-4.3-H such as:

- 1. A front porch of not less than 60 square feet;
- 2. Appropriate size and number of gables, defined by accent, shake, or similar architectural elements;
- 3. Appropriate size and design of finished columns; and
- 4. Other appropriate change in articulation or pattern of materials.

B. Design Alternative. A Type 1 design alternative may also be submitted for approval as otherwise allowed by this article.

Sec. 135-4.3.12. ARCADE DESIGN

As shown in Figure 135-4.3-I, the following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story.

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Sec. 135-9.1.4. PROHIBITED RELIEF

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- B. Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the design alternative percentages and measurement numbers set forth in this article or elsewhere in this chapter; and

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Sec. 135-9.2.2. DESIGN ALTERNATIVES GENERALLY

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B. Intent and Criteria.

1. The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan.
2. Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - a. An evaluation of the character of the surrounding neighborhood, such as:
 - i. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - ii. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

- b. The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
- c. Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- d. Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;

- e. Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- f. Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

Sec. 135-9.2.3. TYPE 1 DESIGN ALTERNATIVES

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A. Specific Building Type Design Alternatives. The following design alternatives apply to the regulations in Article 42 of this chapter:

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- 8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.
- 9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:
 - a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each applicable House building, and each unit of a 2-unit applicable House building, thereon.
- 10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.
- 11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to section 135-9.2.3.A.8 or requested pursuant to section 135-9.2.4.A.10 of this article for the same project or property.

B. Other Type 1 Design Alternatives

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2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
 3. Modify building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressly identified as eligible Type 1 design alternatives within the text of this chapter.
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6. Waive or modify applicable building type regulations of Article 2 of this chapter related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
 7. Waive or modify applicable building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter when the community development director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design alternative would be the minimum design alternative necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.
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Sec. 135-9.2.4 TYPE 2 DESIGN ALTERNATIVES

- A. Unless otherwise allowed in this chapter, only the following may be approved as Type 2 design alternatives:
 1. Except as noted in subsection 135-9.2.3.A of this article, a reduction by more than 30% of any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.
 2. Except as noted in subsection 135-9.2.3.A of this article, an increase by more than 30% of any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.

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 - 5. Design alternatives to any numerical regulation established in the building type regulations of Article 2 of this chapter when the proposed construction is not subject to site plan review under chapter 135 of this code and when the design alternative does not exceed 50% of the applicable numerical regulation.
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10. Reduce applicable minimum square footage requirements for House Types A, B, C or D (i) by more than 18%, or (ii) to allow any House Type A building to contain less than 1,000 square feet of above grade finished floor area or any House Type B, C or D building to contain less than 1,000 square feet of finished floor area.

- B. As part of the public hearing site plan review process, the plan and zoning commission is authorized to approve requests for relief from strict compliance with the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter that are not expressly authorized for processing as Type 1 design alternatives, and to hear and decide reviews of the community development director’s decision on any Type 1 design alternative. The plan and zoning commission is also authorized to approve those Type 2 design alternatives that are expressly authorized in this chapter.
- C. In addition to all other requirements of this article, the plan and zoning commission’s decision to approve, approve the conditions, or deny a request for a Type 2 design alternative as part of the public hearing site plan review process must be based on the commission’s determination of whether:
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 - 3. The requested design alternative will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the building type regulations of Article 2 of this chapter and design regulations of article 4 of this chapter.

Sec. 135-9.3.7 PERMITS AND CONTINUING COMPLIANCE

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Sec. 135-9.3.8 RESUBMISSIONS AND AMENDMENTS

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Sec. 135-9.3.9 REQUEST FOR REVIEW

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Sec. 135-10.1.3. DETERMINATION OF PRE-EXISTING STATUS

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Sec. 135-10.6. PRE-EXISTING SITE ELEMENTS

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Sec. 135-12.8. TERMS BEGINNING WITH "F"

Finished floor area: areas with finished ceilings, floors, and walls, that are used for living, sleeping, eating, or cooking, including living rooms, bedrooms containing egress windows, bathrooms, closets, and hallways.

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Table 135-2.2-2

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) delete N2 column and replace with N2a, N2b column.

Table 135-4.1-2

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) revise “Minor Facade Material” column, “Vinyl Siding” row, as follows:

- minimum 0.042 inches thick; where **not** prohibited by local historic district regulations
- (ii) revise “Maximum Amount on Each Facade” column, “Vinyl Siding” row, “House Type” subsection, as follows:
65% of first story of street facade, 100% on all other facades

Table 135-5.5-3

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) delete N2 column and replace with N2a, N2b column.

Figure 135-4.3-H

Figure, “Example of Architectural Options”, added as shown on attachment hereto, and by this reference made a part hereof.

Section 2. This ordinance shall be in full force and effect from and after the later of (i) its passage and publication as provided by law or (ii) December 16, 2019.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 19-2045), passed by the City Council of said City at a meeting held December 16, 2019 signed by the Mayor on December 16, 2019 and published and provided by law in the Business Record on January 3, 2019. Authorized by Publication Order No.10972.

P. Kay Cmelik, City Clerk