

ORDINANCE NO. 16,345

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, is hereby amended, by amending Sections 135-5.1.4, 135-7.1.2, 135-9.1.3, 135-9.2.3, 135-9.2.4, 135-9.3.1, 135-9.3.3, 135-10.3.4 and Tables 135-2.5.3, 135-2.6.3, and 134-3.1-1, relating to expedited Type 2 design alternatives review; value determinations; Type 1 design alternatives; Type 2 design alternatives; and large-scale development requirements.

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 heretofore amended, is hereby amended, by amending Sections 135-5.1.4, 135-7.1.2, 135-9.1.3, 135-9.2.3, 135-9.2.4, 135-9.3.1, 135-9.3.3, 135-10.3.4 and Tables 135-2.5.3, 135-2.6.3, and 134-3.1-1, as follows:

135-5.1 General

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5.1.4 RELIEF

A. Exemption. An exemption from the large-scale development requirements is available upon the determination of the development services director that either:

1. All of the following apply:
 - a. The proposed development does not require or include new streets;
 - b. The proposed development does not require rezoning;
 - c. The proposed development is consistent with the current comprehensive plan; and
 - d. Either the proposed development does not abut any other future development or redevelopment sites or the parcel shape limits the ability of introducing a new street.; or
2. That large-scale development requirements would be impractical or infeasible for the proposed site.

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135-7.1 General

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7.1.2 APPLICABILITY

A. General. The landscape and streetscape regulations shall be provided and followed in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

B. New Uses and Development. The landscape and streetscape regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

C. Discontinued Uses; Change of Use. If the use of a property is discontinued for a period of more than six months, or if a new or amended site plan is required by a change of use on the premises, the landscape and streetscape regulations of this article shall apply.

D. Enlargements and Expansions

1. Structures. The landscape and streetscape regulations of this article apply whenever a building is enlarged by over 50% of the existing building gross floor area, or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the total assessed property value. Estimated building permit valuation is cumulative from March 22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.

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135-9.1 General

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9.1.3 EXEMPTIONS

- A. The following are exempt from submitting a formal site plan in accordance with this article:
 1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
 2. Interior alterations that do not alter the footprint, height, exterior or use of a building, except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the total assessed property value, conformance with the landscape requirements is required and, therefore, a new site plan would be needed;

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135-9.2 Site Design and Design Alternatives

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9.2.3 TYPE 1 DESIGN ALTERNATIVES

During the site plan or alternate design documentation review process, as applicable, the development services director is authorized to approve the Type 1 design alternatives of this section and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section 135-9.2.2.B of this article:

- A. **Specific Building Type Design Alternatives.** The following design alternatives apply to the regulations in Article 2 of this chapter:
 1. **Build-to Zone**
 - a. Increase the maximum primary frontage build-to-zone or setback requirement by 50% or one foot, whichever is greater.
 - b. Increase the maximum non-primary frontage build-to-zone or setback requirement by 50% or 2.5 feet, whichever is greater.
 2. **Primary Frontage Lot Line Coverage.** Decrease the minimum primary frontage lot line coverage requirement by 50% or three feet, whichever is greater.
 3. **Building Setbacks.**

- a. Decrease the minimum interior side setback by up to 50% or one foot, whichever is greater.
 - b. Decrease the minimum rear setback by up to 50% or one foot, whichever is greater.
4. Building Coverage. Increase the maximum total impervious coverage allowance by up to 50%, provided that such increase does not result in impervious coverage that exceeds the total permitted impervious plus semi-pervious coverage.
5. Height.
 - a. Increase or decrease the ground story minimum or maximum height for House A, B, C and D building types by up to 1.5 feet.
 - b. Increase or decrease the non-ground floor stories minimum or maximum height for House A, B, C and D building types by up to one foot.
 - c. Decrease the ground story minimum height up to 10% for all Building Types other than House A, B, C and D building types.
 - d. Decrease the non-ground story minimum height by up to 10% for all Building Types other than House A, B, C and D building types.
6. Transparency. Reduce minimum transparency requirements by up to 50%.
7. Roof Type. Allow any roof type on a building.
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.
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.
 - a. in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer, or
 - b. for expansion or enlargement of a House Type A building with no basement, or with a partial basement that does not adjoin the added area.
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.
12. Garage Door Front Façade. Allow garage door(s) to represent up to 50% of the front façade for House Type A in the N1a, A and N1b Districts; and for House Type B in any district.

B. Other Type 1 Design Alternatives

1. Except as noted above in this section, reduce by up to 50% 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 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.
4. Waive or modify regulations of Article 2 that apply to an enlargement or expansion pursuant to section 135-10.3.4 of this chapter when complying is determined not practical by the development services director due to placement, size or layout of an existing building.
5. Allow the owner of an existing, lawfully established single-household use to carry out building expansions and renovations following the House type regulations that most closely match the existing building, regardless of whether that House type, or the most closely matching House type, is permitted within the subject district.
6. Allow an addition to a pre-existing building design or off-street parking area or lot to extend along the same building line or off-street parking area or lot as the pre-existing building or surface parking lot.
7. 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.
8. Waive or modify regulations of this chapter when the development services 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.
9. Design alternatives to the accessory utility structure regulations for electric vehicle charging stations in section 135-2.22.4.B of this chapter and for building-mounted solar regulations in section 135-2.22.4.E of this chapter and freestanding solar regulations in section 135-2.22.4.F of this chapter.
10. Design alternatives to minimum bicycle parking ratios and to bicycle parking location and design regulations.
11. Design alternatives to minimum or maximum motor vehicle off-street parking ratios pursuant to section 135-6.1 of this chapter.
12. Design alternatives to parking lot geometrics not to exceed 50% of a numerical standard subject to review by the development services director and city engineer.
13. Design alternatives to the landscape regulations of Article 7 of this chapter.
14. Allow replacement of an existing parking lot in a front yard when no reasonable alternative is available on the lot, as determined by the development services director.
15. Allow placement of a dumpster enclosure in a front or street-side yard when no reasonable alternative is available on the lot, as determined by the development services director.
16. Waive the requirement in sections 135-2.21.1.K and 135-8.2.3 of this chapter of this chapter to place utility transmission system(s) underground when all of the following criteria are met:

- a. The subject property is not located in an underground district designated by resolution of the city council; and
 - b. The development services director determines waiver is appropriate based on his/her character analysis of the subject lot and surrounding area, such as review of the street typologies map in MoveDSM: Transportation Master Plan, whether the location of the subject lot is within the “Connect Downtown Plan” area in said street typologies map and the city’s Connect Downtown Plan, whether the location of the subject lot is within a node set forth in PlanDSM as determined by the development services director, any existing or planned streetscape projects, or other relevant factors; and
 - c. Placement of the utility transmission system(s) underground is not reasonably practicable, as determined by the development services director for one or more of the following reasons:
 - i. The estimated cost of placing the utility transmission system(s) underground, as documented in a written estimate from the applicable utility company(ies) or utility contractor(s), exceeds ten percent (10%) of the estimated budget for the proposed project that requires site plan or alternate design documentation review, as demonstrated by the applicant to the satisfaction of the development services director;
 - ii. The existing utility transmission system(s) required to be placed underground include major transmission electrical lines or other utility lines that are impractical to place underground;
 - iii. Placing the utility transmission system(s) underground would negatively impact one or more adjoining property owner(s); or
 - iv. Physical constraint(s) of the subject property make placing the utility transmission system(s) underground impractical.
17. Design alternatives to entryway configuration, primary frontage entrance-ground story elevation, horizontal façade division, and vertical façade division regulations.
 18. Design alternatives to blank wall segments design regulations found in Article 3 of this chapter.
 19. Design alternatives to the number of principal entrance requirements to be reduced to no less than one (1) principal entrance per building.
 20. Allow reduction of minimum accessory buildings side and rear yard setback requirements from 5 feet up to 2 feet.
 21. Design alternatives to light pole regulations and requirements pursuant to Article 2 and section 135-8.2.1 of this chapter not to exceed 50% of a numerical standard subject for all zoning districts, except for EX, I1 and I2 districts in which such design alternatives are allowable in excess of 50% of numerical standard.
 22. Design alternatives to the quantity of curb drops and driveways regulations and requirements pursuant to Article 2 and section 135-6.12.2 of this chapter, subject to and as limited by chapter 102 of this code and requirements of the city engineer.
 23. Any other design alternatives identified in this chapter as a Type 1 design alternative.

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 50% 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 50% 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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135-9.3 Review Process

9.3.1 REVIEW AND DECISION-MAKING AUTHORITY

- A. **Administrative Site Plans.** All site plan applications that are not classified as public hearing site plans, including those that include alternate design documentation for activities that are exempt pursuant to section 135-9.1.3 of this article or that include one or more requests for a Type 1 design alternative, pursuant to section 135-9.2.3 of this article, are referred to as “administrative site plans” and must follow a one-step approval process: review and final action by the development services director.
- B. **Public Hearing Site Plans.** All site plan applications that include one or more requests for a Type 2 design alternative, pursuant to section 135-9.2.4 of this article, are referred to as “public hearing site plans” and must follow a two-step approval process:
 1. Review by the development services director as an administrative site plan; and
 2. Review and final action by the plan and zoning commission as a public hearing site plan.
- C. **Expedited Type 2 Design Alternatives Review.** The development services director may expedite the public hearing site plan requirements within section 135-9.3.1.B of this chapter, excluding review and final action by the plan and zoning commission, if the development services director determines such expedition is to provide a preemptive determination of Type 2 design alternatives or is to provide a determination of Type 2 Design alternatives associated with development activities that are subject to the regulations of Chapter 135 but that do not require a site plan, such as but not limited to, plats and certain construction permits.

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9.3.3 APPLICATION SUBMITTAL

- A. Applications for site plan review may be filed only with the consent of all record titleholders, or with the consent of all record contract purchasers when applicable, of the real property on which the review is requested. Applications for site plan review may also be filed upon determination by the development services director, following consultation with the legal department, that a majority but not all of the record titleholders and contract purchasers of the lot(s) involved in the application have consented to the application; any such application shall require:
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- C. To be considered a complete submittal, a site plan must show all major information, such as dimensions, setbacks, square footage, number of employees, proposed use, contours, detention calculations, and hazardous materials to be stored on site, unless specifically waived by the preapplication conference.

- D. If board of adjustment review is required pursuant to chapter 134 of this code for a use requiring a site plan, the site plan shall not be processed until all necessary relief has been approved unless authorized by the development services director.
- E. The development services director must make a determination of application completeness within 10 business days of application filing.
- F. If a site plan application is determined to be incomplete, the development services director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.
- G. The development services director may waive the application submittal completeness requirements within sections 135-9.3.3.B and 135-9.3.3.C of this chapter if the development services director determines such waiver is to provide a determination of Type 2 design alternatives under the expedited Type 2 design alternatives process defined within section 135-9.3.1.C of this chapter.

135-10.3 Pre-Existing Buildings

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135-10.3.4 ENLARGEMENT OR EXPANSION

- A. For purposes of this subsection, the area and valuation of pre-existing buildings and of enlargements and expansions to pre-existing buildings shall be determined using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director. The applicable building type or design regulations of this chapter shall be fulfilled as follows:
 1. When any pre-existing building is expanded in gross floor area by less than 50% of the original building area, or the expansion has an estimated cost for building permit purposes that does not exceed 50% of the total assessed property value, the area of expansion shall comply with the applicable building type or design regulations of this chapter.
 2. When any pre-existing building is expanded in gross floor area by 50% or more of the original building area, or the expansion has an estimated cost for building permit purposes that equals or exceeds 50% of the total assessed property value, the pre-existing building and the area of expansion shall comply with the applicable building type or design regulations of this chapter.

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Table 135-2.5.3. Storefront Regulations.

Remove "limited side yard only" from "MX3" and "CX, EX, I1" from Surface Parking/Loading Location; Garage /Loading Entrance Location (135-2.5.3-A.8)

Table 135-2.6.3. Commercial Cottage Regulations.

Remove "limited side yard only" and Add "side yard" from "MX3" and "EX, I1" from Surface Parking/Loading Location; Garage/Loading Entrance Location (135-2.6.3-A.8)

Table 134.3.1-1.

Amend Household Living, 5 to 8 households (per lot) and 9 or more households (per lot) in “MX1” and “MX2” districts from “permitted on upper floors only within primary footage, and in ground floor with non-primary frontage or corner lot” () to “permitted by right” ().

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED: Chas M. Cahill, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 24-0457), passed by the City Council of said City at the meeting held on March 18, 2024 and signed by the Mayor on March 18, 2024 and published and provided by law in the Business Record on April 5, 2024. Authorized by Publication Order No. 12624.

Laura Baumgartner, City Clerk