

ORDINANCE NO. 16,398

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 repealing and adding Sections 134-3.5.7, 134-3.7.1, 134-3.7.2, 134-3.7.3, 134-3.7.4, 134-3.7.5, amending Sections 134-3.94, 134-3.9.9, 134-6.1.4, 135-2.22.2, 135-2.22.3, 135-3.4, 135-3.4.1, 135-3.4.2, 135-8.2.1, 135-9.2.3, 135-9.3.3, 135-12.17 and Tables 134-3.1.1, 134-39.1, 135-2.3.3, 135-2.4.3, 135-2.10.3, 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-2.17.3, and 135-2.22.1, relating to the agricultural use category; data center use within the commercial use category; separation requirements for liquor, beer and wine sales associated with a restaurant use; home occupations; medical office and daycare uses; applications and fees; accessory buildings; permitted use limitations for certain building types; setback averaging for street side yards; outdoor site lighting; Type 1 design alternatives; application submittal; and definitions.

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 repealing and adding Sections 134-3.5.7, 134-3.7.1, 134-3.7.2, 134-3.7.3, 134-3.7.4, 134-3.7.5, amending Sections 134-3.94, 134-3.9.9, 134-6.1.4, 135-2.22.2, 135-2.22.3, 135-3.4, 135-3.4.1, 135-3.4.2, 135-8.2.1, 135-9.2.3, 135-9.3.3, 135-12.17 and Tables 134-3.1.1, 134-39.1, 135-2.3.3, 135-2.4.3, 135-2.10.3, 135-2.13.3, 135-2.14.3, 135-2.15.3, 135-2.16.3, 135-2.17.3, and 135-2.22.1, as follows:

**Article 3. Uses**

**134-3.5 Commercial Use Category**

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**3.5.7 DATA CENTER**

- A. Minor Data Center.** A facility occupying no more than 10,000 square feet of floor area that primarily utilizes or maintains electronic equipment to process, store, manage, and/or transmit digital information, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Typical uses include colocation centers, carrier hotels, network hotels, telecom hotels, meet-me rooms, and edge data centers.
- B. Major Data Center.** A facility occupying more than 10,000 square feet of floor area, that primarily utilizes or maintains electronic equipment to process, store, manage, and/or transmit digital information, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a major data center. Typical uses include hyperscale data centers and server farms.

**3.5.8 DAY CARE**

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**3.5.9 DAY SERVICES ADULT**

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**3.5.10 EATING AND DRINKING PLACES**

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**3.5.11 FINANCIAL SERVICE**

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**3.5.12 FUNERAL AND MORTUARY SERVICE**

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**3.5.13 LODGING**

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**3.5.14 OFFICE**

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**3.5.15 PARKING, NON-ACCESSORY.**

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**3.5.16 RETAIL SALES**

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**3.5.17 SELF-SERVICE STORAGE**

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**3.5.18 SIGN, GENERAL ADVERTISING**

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**3.5.19 SPORTS AND RECREATION, PRIVATE/PARTICIPANT**

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**3.5.20 VEHICLE SALES AND SERVICE**

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**134-3.7 Agricultural Use Category**

**3.7.1 AQUACULTURE, AQUAPONICS, AEROPONICS OR HYDROPONICS**

The raising and harvesting of plants in a contained and managed non-soil environment. These agricultural techniques may include the raising and harvesting of aquatic organisms. This use category is typically associated with large format operations that are heavily commercial in nature.

This type of agriculture may be permitted as an accessory use pursuant to section 134-3.9 of this code. Aquaculture, aquaponic, aeroponics or hydroponic uses are subject to the following supplemental use regulations:

- A. Shall be conducted within a building unless located in an agricultural district.
- B. Shall be operated in a manner that does not create odor or attract vectors or pests.

### **3.7.2 GREENHOUSES, NURSERY, ORCHARD OR TRUCK FARM**

The propagation and growth of trees or crops for wholesale or retail sales and distribution. This principal use category is typically associated with large format operations. This type of agriculture may be permitted as an accessory use pursuant to section 134-3.9 of this code. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district. Typical uses include plant nurseries, the growing of fruits, vegetables, nuts and non-food crops primarily for local wholesale and retail sales.

### **3.7.3 ROW CROP PRODUCTION**

An area managed and maintained by an individual, group or business entity to grow row crops. This use typically utilizes large scale equipment and large tracts of land.

### **3.7.4 URBAN GARDEN**

Areas utilized for the production of crops for profit or non-profit. An urban garden may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively. This type of agriculture may be permitted as an accessory use pursuant to section 134-3.9 of this code. Urban gardens are subject to the following supplemental use regulations:

- A. Gardens that are accessory to a household living use are exempt from these supplemental use regulations.
- B. Unless permitted in the subject zoning district, on-site sales shall be limited as follows:
  - 1. Only crops grown on the site may be sold on site.
  - 2. On-site sales may occur during the hours of 7:00 AM to 7:00 PM. This restriction does not apply to passive sales such as an unstaffed farmstand or vending machine.
  - 3. Sale events shall be limited to a total of no more than sixteen (16) days in any calendar year, with each sale event limited to no more than two consecutive days in duration. These limits apply on a per-site basis, regardless of the person conducting the sale. This restriction does not apply to passive sales such as an unstaffed farmstand or vending machine.
  - 4. Vending machines or other similar equipment shall be located within a building that is compliant with chapter 135 of this code.
- C. Gardening equipment shall be limited to handheld or walk-behind equipment or sub-compact tractor size typical of residential use.
- D. All equipment must be stored in a completely enclosed building when not in use.

- E. Accessory buildings are permitted in accordance with section 135-2.22 of this code. This includes greenhouses, which are considered an outbuilding pursuant to section 135-2.22.2.C of this code and seasonal agricultural structures pursuant to section 135-22.2.H.
- F. The garden site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste or byproduct from draining on to adjacent properties or public infrastructure.
- G. On-site trash, recycling and compost containers must be located and maintained as far as practicable from residential household units located on other lots.
- H. A sign must be posted on the subject property identifying the name and contact information of the property owner or the owner's agent. The sign must be at least four and no more than six square feet in area and be posted so that it is legible from the public right-of-way.
- I. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed unless utilized for on-site composting. Any composting shall not create odor, litter, dust or noise nuisance, or attract vectors or pests and shall be limited to accumulated organic material generated from the site. This standard is not intended to prohibit prairie style plantings or seed saving efforts.
- J. Accessory hydroponic, aeroponic, or other non-soil technology components of a garden shall be operated in a manner that does not create odor or attract vectors or pests.
- K. Any animal husbandry shall be in compliance with chapter 18 of this code.

### **3.7.5 URBAN FARM**

Areas utilized for the production of crops for profit or non-profit and may provide agricultural education activities, such as volunteer programs, farm tours, youth programs and farming classes. Urban Farms are subject to the following supplemental use regulations:

- A. Unless otherwise permitted in the subject zoning district, on-site sales shall take place between the hours of 7:00 AM and 7:00 PM.
- B. Farming equipment shall be limited to handheld or walk-behind equipment or compact tractor size typical of residential and commercial landscaping use.
- C. All equipment must be stored in a completely enclosed building when not in use.
- D. Accessory buildings are permitted in accordance with section 135-2.22 of this code. This includes greenhouses, which are considered an outbuilding pursuant to section 135-2.22.2.C of this code and seasonal agricultural structures pursuant to section 135-22.2.H.
- E. The site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste or byproduct from draining on to adjacent properties or public infrastructure.
- F. On-site trash, recycling and compost containers must be located and maintained as far as practicable from residential household units located on other lots.
- G. A sign must be posted on the subject property identifying the name and contact information of any farm operator and may identify the property owner or the owner's agent. The sign

must be at least four and no more than six square feet in area and be posted so that it is legible from the public right-of-way.

- H. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed unless utilized for on-site composting. Any composting shall not create odor, litter, dust or noise nuisance, or attract vectors or pests and shall be limited to accumulated organic material generated from the site. This standard is not intended to prohibit prairie style plantings or seed saving efforts.
- I. Accessory hydroponic, aeroponic, or other non-soil technology components of a farm shall be operated in a manner that does not create odor or attract vectors or pests.
- J. Any animal husbandry shall be in compliance with chapter 18 of this code.

### 134-3.9 Accessory Uses

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#### 3.9.4 HOME OCCUPATIONS

- A. **Description.** Home occupations are business activities or professions conducted wholly or partly within a property as an accessory use to an allowed household living principal use.
- B. **General Regulations for All Home Occupations.** All home occupations are subject to the following regulations:
  - 1. The proposed location, design, construction, and operation of the use adequately safeguards the health, safety, and general welfare of persons residing in or working on adjoining or surrounding property.
  - 2. The use must not unduly increase congestion in the streets, or public danger of fire, safety or flooding.
  - 3. The use shall be clearly incidental to or secondary to the residential use on the premises.
  - 4. The use shall not cause or produce noise, vibration, smoke, dust, odor, or heat or any other impact of a type or quantity not in keeping with the residential character of the neighborhood.
  - 5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted material of a type or quantity not ordinarily used for household purposes shall be used or stored on the premises, and the applicant must identify the proper disposition of any hazardous waste. No activity will be allowed which is hazardous to the public health, safety or welfare.
  - 6. No more than 50% of the gross floor area of the building or accessory building shall be used for such business, including the storage of materials or products.
  - 7. No alteration of the residential appearance of the premises shall occur unless allowed by applicable building type and design regulations. This includes external structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located. Examples of such prohibited alterations include the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.

8. The home occupation, including any business storage, shall not displace or impede use of parking spaces required by this code. The home occupation shall not displace, interfere with or impede access to public parking.
9. The home occupation shall not cause the congregation of business employees at the site or congestion in the availability of on-street parking.
10. At least one individual engaged in the home occupation must reside in the household unit in which the home occupation is located as their primary place of residence.
11. The home occupation shall be in effect only for so long as the premises are occupied by the person in business.
12. The home occupation shall comply with all applicable codes including local building codes.
13. The home occupation shall meet all general regulations and all applicable supplemental regulations.

**C. Board of Adjustment Reconsideration.** Any approved home occupation may be subject to reconsideration by the board of adjustment if at any time the zoning enforcement officer determines that the conduct of the occupation does not comply with one or more general regulations for home occupations or applicable supplemental regulations, or has become detrimental to the neighborhood.

**D. Type 1 Home Occupations – No Impact Business.** The following occupations are allowed by-right, subject to compliance with the regulations found in subsections B and D of this section:

1. Those occupations in which the total number of on-site employees and clients does not exceed the occupancy limit for the site;
2. Those occupations are characterized by all of the following:
  - a. The associated activities are limited to the sale of lawful goods and services;
  - b. The activities do not generate on-street parking or a substantial increase in traffic through the residential area;
  - c. The activities occur inside the residential dwelling or in the yard of the residential property;
  - d. The activities are not visible from an adjacent property or street. ;and
3. In-home day care facilities for eight or fewer children.

**E. Type 2 Home Occupations.**

1. The neighborhood services director is authorized to approve Type 2 home occupation uses, as Type 1 zoning exceptions pursuant to section 134-6.5 of this chapter, for the following:
  - a. Commercial services as defined by section 134-3.5.6 of this article;
  - b. Grooming of household pets as defined by section 134-3.5.2.B of this article; and
  - c. Office as defined by section 134-3.5.14 of this article.
2. In addition to the general regulations for home occupations, Type 2 home occupations are subject to the following supplemental regulations:
  - a. Hours of operation must not infringe on the residential atmosphere of the neighborhood. All outside activity related to the home occupation must cease between the hours of 7:00 p.m. and 7:00 a.m.

- b. No more than two clients or customers may be present at any one time on the site of a Type 2 home occupation. Family members of the client or customer shall not be counted towards the two-person limit.
- c. A maximum of one nonresident employee is allowed with a Type 2 home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation who does not live at the site, but who visits the site as part of the home occupation.
- d. No outside operation, storage or display of materials or products shall occur.

**F. Type 3 Home Occupations.**

- 1. The board of adjustment is authorized to approve conditional uses for Type 3 home occupation uses, as conditional uses pursuant to section 134-6.4 of this chapter, for the following:
  - a. Uses allowed as Type 2 home occupations, subject to the supplemental regulations set forth below;
  - b. Day care as defined by section 134-3.5.8 of this article;
  - c. Retail sales as defined by section 134-3.5.16 of this article; and
  - d. Fabrication and production, artisan as defined by section 134-3.6.1.A of this article.
- 2. In addition to the general regulations for all home occupations, Type 3 home occupations are subject to the following supplemental use regulations:
  - a. Hours of operation must not infringe on the residential atmosphere of the neighborhood. All outside activity related to the home occupation must cease between the hours of 7:00 p.m. and 7:00 a.m.
  - b. No more clients or customers may be present at any one time on the site of a Type 3 home occupation than allowed by board of adjustment approval subject to consideration of the general regulations.
  - c. The board of adjustment shall determine the maximum number of nonresident employees allowed with a Type 3 home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
  - d. No outside operation, storage or display of materials or products shall occur.

**G. Type 4 Home Occupations.**

- 1. The board of adjustment is authorized to approve conditional uses for Type 4 home occupation uses in the NX2a district for the following:
  - a. Uses allowed as a Type 3 home occupation, subject to the supplemental regulations set forth below;
  - b. Restaurant as defined by section 134-3.5.10.A of this article. Restaurants that include the sale of alcoholic liquor, wine, or beer are subject to the regulations found in Table 134-3.9-1 of this article and section 134-3.8.1 of this article; and
  - c. Artisan fabrication and production as defined by section 134-3.6.1.A of this article.

2. In addition to the general regulations for all home occupations, Type 4 home occupations are subject to the following supplemental regulations:
3. A maximum of one nonresident employee per 250 square feet of gross floor area devoted to the Type 4 home occupation use is allowed.
4. Hours of operation must not infringe on the residential atmosphere of the neighborhood. All outside activity related to the home occupation must cease between the hours of 10:00 p.m. and 7:00 a.m.
5. Outdoor eating for restaurants may be approved for buildings on corners and spaces not abutting another residence.
6. Parking lots are allowed in rear yards with a frontage buffer per section 135-7.7 of this code and semi-pervious paving for all drive lanes and spaces. Parking lots are limited to no more than six spaces.
7. Unless otherwise authorized as allowed under this section, no outside operation, storage or display of materials or products shall occur.

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### **3.9.9 LIQUOR, WINE, AND BEER SALES**

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#### **C. Supplemental Use Regulations.**

Any conditional use approval granted by the board of adjustment for the use of a premises, either as principal or accessory use, for the sale of alcoholic liquor, wine and beer is subject to the following supplemental use regulations, together with such additional special conditions as may be reasonably required by the board of adjustment to ensure that the conditional use review approval criteria of paragraph B of this subsection, are satisfied:

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3. Any such business must comply with the following requirements:
  - a. Every limited retail sales establishment, fuel station and tobacco store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either:
    - i. Display alcoholic liquor only in a locked case or behind a counter accessible only to employees;
    - ii. Employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or
    - iii. Have more than one employee on duty at all times the business is open to the public.
  - b. Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
  - c. Not dispense alcoholic beverages from a drive-through window.

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## **Article 6. Review and Approval Procedures**

### **134-6.1 Common Procedural Provisions**



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## **6.1.4 APPLICATIONS AND FEES**

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### **C. Application Filing Fees and Notification Costs.**

Applications must be accompanied by fees in the amounts established in the schedule of fees approved by city council resolution. Actions initiated by the city council do not require payment of a fee. Applications filed by the city, county, state or federal government are exempt from application filing fees, but county, state or federal government are not exempt from the requirement to pay notification fees.

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## **Article 2. Building Types**

### **135-2.22 Accessory Structures**

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#### **2.22.2 ACCESSORY BUILDINGS**

Accessory buildings shall be fully enclosed, unless otherwise stated. The following are classified as accessory buildings:

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**H. Seasonal Agricultural Buildings.** A temporary structure utilized for extending the length of the crop growing season commonly referred to as coldframes, low tunnels and hoopouses. These structures are unheated and do not utilize mechanical venting.

1. Yards and Setbacks. Permitted in all yards, and a minimum of five feet (5) feet from all lot lines, except any structure over thirty-six (36) inches in height that is located in a Neighborhood (N) or Neighborhood Mix (NX) districts shall set back twenty (20) feet from any front lot line.
2. Requires an accessory use approval in accordance with chapter 134 of this code.
3. Coldframe type structures shall be no taller than thirty-six (36) inches.
4. Hoopouse and low tunnel type structures shall be no taller than twelve (12) feet in Neighborhood (N) or Neighborhood Mix (NX) districts and seventeen (17) feet in all other districts.
5. Hoopouse and low tunnel covering shall be maintained in good repair and kept intact.

#### **2.22.3 ACCESSORY OUTDOOR PAVING AND STRUCTURES**

The following accessory paving and structures are classified as Accessory Outdoor Paving and Structures.

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- F. Fuel Stations and Car Washes. Refer to section 134-3.5.20.A of this code and Table 134-3.1-1 of this code for fuel stations and car wash uses in addition to the applicable building type requirements. All fuel stations and car washes shall meet the following requirements as shown in Figure 135-2.22-C for one illustration of a compliant fuel station.

### **Article 3 Measuring Building type Regulations**

#### **135-3.4 FRONT AND STREET SIDE SETBACK AVERAGE**

The front and street side setback average shall be calculated as follows:

##### **3.4.1 MEASUREMENT**

The average of the front or street side setbacks of the next two lots on either side of the lot on the same side of the street. If any of the lots used in the calculation are vacant, the minimum front or street sidesetback for the applicable building type shall be used in the calculation.

##### **3.4.2 CORNER LOTS**

For corner lots, the average of the front setbacks of the next two lots adjacent to the lot with the same street frontage as the yard in question. The average of the street side setbacks of the next two lots adjacent to the lot with the same side street frontage as the yard in question. If any applicable lots are vacant, the minimum front or street side setback for the applicable building type shall be used in the calculation.

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### **Article 8. Site Design Requirements**

#### **135-8.2 Site Planning Standards**

##### **8.2.1 OUTDOOR SITE LIGHTING**

- A. Outdoor site lighting, other than building- and canopy-mounted lighting or associated with parking lots, is intended to enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass, excess site brightness or excess sky glow. Lighting shall not be allowed to create a nuisance or a hazard.
- B. Lighting in the public right-of-way shall be provided in the location, intensity, height and quantity as approved by the city engineer; and shall be provided in the color and material as approved by the development services director.
- C. All lighting used to illuminate outdoor areas outside of public right-of-way must be installed to prevent glare and light spillover onto streets and abutting property.
- D. For all lighting used to illuminate outdoor areas outside of public right-of-way, the maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass which is 0.5 footcandles for N districts and 2.0 footcandles for commercial and all other districts. The site plan must contain illuminance models showing light levels throughout the site as determined necessary by the development services director.
- E. For all lighting used to illuminate outdoor areas outside of public right-of-way, freestanding light standards may not exceed 20 feet in height in vehicular areas and a maximum of 15 feet in height in pedestrian areas.

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**Article 9 Review and Approval Procedures**

**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:

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**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.

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- 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, street-side, or interior-side yard when no reasonable alternative is available on the lot, as determined by the development services director.

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**135-9.3 Review Process**

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**9.3.3 APPLICATION SUBMITTAL**

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B. Applications for site plan review must be determined to be a complete submittal as indicated by the requirements on the site plan review submittal checklists before the development services department is required to review the application. An application will be considered complete and ready for processing only if it is submitted in the required number and form, is accompanied by the required application filing and notification fees in accordance with the schedule of fees adopted by the city council, and is accompanied by the following information when applicable:

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- 9. Landscape Plan, signed by an actively licensed architect, licensed landscape architect, certified nursery professional, or licensed professional engineer;

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## Article 12 Definitions

### 135-12.17 TERMS BEGINNING WITH “O”

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**Occupied space:** interior floor space within any building story that is regularly or normally occupied by building users. Occupied space does not include storage areas, data centers located on a ground story, utility space, or parking areas.

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#### Table 134-3.1.1 Principal Use Table

Add “Data Center” to Subcategory under “Commercial” and add “Minor” and “Major” under “Specific Use Type”. Add “permitted by right” (●) under “DX1, DX2, and MX3, CX, EX, I1, I2” and “EX, I1, and I2”. Add “prohibited” (-) to all other districts.

Amend “Day Care” and “Day Care Services, Adults” from “prohibited” (-) to “permitted by right” (●) in “P2”

Amend “Medical” from “prohibited” (-) to “permitted by right” (●) in “I1” and “I2”

Amend “Parking Structure” from “prohibited” (-) to “permitted by right” (●) in “DX1, DX2, DXR, MX1, MX2, MX3, RX2, CX, EX, and I1”

Add “Aquaculture, Aquaponics, Aeroponics, or Hydroponics”, “Greenhouse, Nursery, Orchard, or Truck Farm”, “Row Crop Production”, “Urban Garden” and “Urban Farm” as new Use Subcategories under “Agricultural”.

Add “permitted by right, with supplemental use regulations apply” (●\*) to “Aquaculture, Aquaponics, Aeroponics, or Hydroponics” in “A, CX, EX, I1, I2, P1 and P2”, add “requires conditional use approval unless eligible for Type 1 Zoning Exception, with supplemental use regulations applied (O\*) in “DX1, DX2, and MX2”. Add “prohibited” (-) to all other districts.

Add “permitted by right” (●) to “Greenhouse, Nursery, Orchard, or Truck Farm” in “A, NM, P1 and P2” Add “requires conditional use approval unless eligible for Type 1 Zoning Exception” (O) in “CX, EX, I1, and I2”. Add “prohibited” (-) to all other districts.


Add “permitted by right” (●) to “Row Crop Production” in “A, NM, P1 and P2” Add “requires conditional use approval unless eligible for Type 1 Zoning Exception” (O) in “CX, EX, I1, and I2”. Add “prohibited” (-) to all other districts.

Add “permitted by right, with supplemental use regulations apply” (●\*) to “Urban Gardens” in “A, DX1, DX2, DXR, MX1, MX2, RX1, RX2, CX, EX, I1, I2, N1, N2, N3, N4, N5, NX1, NX2, NX2a, NX3, NM, P1, P2 and F”

Add “permitted by right, with supplemental use regulations apply” (●\*) to “Urban Farms” in “A, DX1, DX2, DXR, MX1, MX2, RX1, RX2, CX, EX, I1, I2, P1, P2 and F”. Add “Type 1 Zoning

Exception, with supplemental use regulations applied” (O\*) in “N1, N2, N3, N4, N5, NX1, NX2, NX2a, NX3, NM”

Add references to “Specific Use Types” under Use Category “Commercial” and use category “Agricultural”

Add “frontage” and remove “footage” and “or corner lot” in Key under 

### **Table 134-39-1. Alcoholic Liquor, Wine and Beer Sales**

Remove “75” from Restaurants with Alcoholic Liquor, Wine and Beer Sales in “MX2, MX3, RX1, RX2, CX, EX, I1, I2, NX2, NX2A, P1, P2” to eliminate the 75 feet separation requirement for premises occupied by a restaurant with alcoholic liquor, wine and beer sales from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located.

### **Table 135-2.3.3 Downtown Storefront Regulations**

Add “Surface Parking” to Building Siting and add “prohibited” in “DX1, DX2, DXR” (135-2.3.3-A.8)

### **Table 135-2.4.3 Downtown General Regulations**

Add “Surface Parking” to Building Siting and add “prohibited” in “DX1, DX2, and DXR” (135-2.4.3-A.8)

### **Table 135-2.10.3 Civic Building Regulations**

Add column “I” in Districts and add “Permitted” in Multiple Principal Buildings, add “Not Required”, in Minimum Primary Frontage Coverage, Add “20” to Primary Frontage Setback(ft), add “15” to Non-Primary Frontage Setback (ft) and add to Minimum Interior Side Setback (ft), “15”, add “20, 5 at alley” to Minimum Rear Setback(ft) and add “70%” and “15%” to Maximum Impervious Area Additional Semi-Previous Area (135-2.10.3-A.1-A.7)

Add new column for “I” in Districts and add “1 story” to Minimum Overall Height, add “3 stories” to Maximum Overall Height, add “10”and “24” to Primary Frontage Story and add “9” and “14” to All other Stories (135-2.10.3-B.10-B.13)

Remove “and” and add “Day Care per 134.3.5.8, and Day Services Adult per 134.3.5.9” in “DX1, DX2, DXR, MX, RX, CX, EX, NX, and P”, add “Only permitted Public, Civic, and Institutional uses per 134-3.4 and Assembly and Entertainment per 134-3.5.3” in “I” (135-2.10.3-B.14)

Add “12%” to “Minimum Transparency per Each story & any Half Story” in “I” (135-2.10.3-D.17)

### **Table 135-2.13.3 House A Regulations**

Added “side setback averaging applies” under “N1a, A, N1b, N2a, and N2b” (135.2.13.3-A.4)

### **Table 135-2.14.3 House B Regulations**

Add “side setback averaging applies” under “N3a and N3b” (135-2.14.3-A.4)

### **Table 135-2.15.3 House C Regulations**

Add “side setback averaging applies” under “N3b, N3c, N4 and NX1” (135-2.15.3-A.4)

**Table 135-2.16.3. House D Regulations**

Add “side setback averaging applies” under “N5, NX1, NX2, NX2a” (135.2.16.3-A.4)

**Table 135-2.17.3 Parking Structure Regulations**

Remove “134-3.5.14” and add “134-3.5.15” under references (135-2.17.3-A.2)

Add “except a minimum 30 ft depth on the ground story of primary frontages shall contain non-parking uses permitted per the zoning district that meet the definition of occupied space.” under “DX” and “All Other Districts” (135.2.17.3-C.14)

**Table 135-2.22.1 Accessory Structure Table**

Add “Seasonal Agricultural Building” under “Accessory Buildings” and add “permitted with development standards” (●\*) in “A, DX1, DX2, DXR, MX1, MX2, MX3, RX1, RX2, CX, EX, I1, I2, N1, N2, N3, N4, N5, NX1, NX2, NX2a, NX3, NM, P1, P2 and F”, Add “135-2.22.2” under “reference”

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. 24-1476), passed by the City Council of said City at the meeting held on October 21, 2024 and signed by the Mayor on October 21, 2024 and published and provided by law in the Business Record on November 8, 2024. Authorized by Publication Order No. 12820.

Laura Baumgartner, City Clerk