

ORDINANCE NO. 16,461

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 Chapter 134, Sections 3.3.2, 3.6.2, 3.6.3, 3.9.6, 5.1.4, 5.2, 5.3.5, 5.4.7, 5.6.7, 6.6.2, 9.4, 9.7, 9.9, 9.21, 9.22 and Table 134-3.1.1, relating to the modification of group living descriptions, industrial use categories, signage regulations, and defining accessory building and outdoor storage.

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 Chapter 134, Sections 3.3.2, 3.6.2, 3.6.3, 3.9.6, 5.1.4, 5.2, 5.3.5, 5.4.7, 5.6.7, 6.6.2, 9.4, 9.7, 9.9, 9.21, 9.22 and Table 134-3.1.1, relating to the modification of group living descriptions, industrial use categories, signage regulations, and defining accessory building and outdoor storage, as follows:

Article 3. USES

134-3.3.2 GROUP LIVING

F. Other Group Living Uses

This category includes Fraternity/Sorority Houses, Dormitories, and Rooming Houses. These group living uses are subject to the following supplemental use regulations:

134-3.6.2 INDUSTRIAL SERVICE

Uses engaged in the construction, maintenance, repair or servicing of residential, commercial, or industrial buildings, machinery and materials.

A. Light.

Uses involved in construction, repair and maintenance, but not involving outdoor storage areas. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning, general contracting services and similar building maintenance services.

B. Intensive.

Light uses involving outdoor storage areas and uses involved in repair and maintenance directly to business consumers or involving large equipment. Examples include welding shops; machine shops; publishing and lithography; redemption centers; laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and construction, maintenance and repair services that are not otherwise classified.

134-3.6.3 STORAGE, DISTRIBUTION AND WHOLESALING

Principal uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

A. Equipment and Materials Storage, Outdoor. Uses, excluding junk and salvage yards, that constitute outdoor storage of equipment, products or materials, whether or not stored

in containers. All such uses shall comply with the requirements of subsections B, C, D, and E of section 134-3.9.6 of this article.

B. Trucking and Transportation Terminals, Minor. Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of medical transport vans, taxis and limousines.

C. Trucking and Transportation Terminals, Major. Uses engaged in the sales, rental, dispatching, servicing and repair, or long-term or short-term storage of large trucks, buses, construction equipment, agricultural equipment and similar large vehicles, including parcel service delivery vehicles.

D. Warehouse. Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of “self-service storage” use or a “trucking and transportation terminal.”

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134-3.9.6 OUTDOOR STORAGE

Outdoor storage of goods, materials and equipment, including but not limited to: large-scale materials; recreational vehicles and boats; storage containers; and building and landscape supplies. Outdoor Storage does not include junk and salvage yards.

Article 5. SIGNS

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134-5.1.4 SCOPE AND APPLICABILITY

All signs are subject to the regulations of this article, all other applicable provisions of this chapter, the design regulations of chapter 135 of this code, and the signs and billboard permitting regulations of chapter 26, Article VIII of this code. Signs erected, maintained, or otherwise posted, owned, or leased by local, state, or federal governmental entities in the public right-of-way are not subject to the regulations of this article.

134-5.2 Prohibited Signs and Sign Characteristics

The following signs and sign characteristics are prohibited:

A. Signs for which a required permit under Chapter 26 of this code has not been issued;

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O. Signs attached to or painted on an inoperable or unlicensed vehicle, motorized or non-motorized including trailers;

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R. Painted signs, other than historic signs, artistic murals, and signs in or on windows;

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134-5.3.5 ZONING RELIEF

Exclusive of sections 134-5.2, 134-5.7 and 134-5.8 of this article, and unless otherwise expressly specified in this article, all signage regulations of this article are eligible for Type 1 zoning exceptions when applicable pursuant to section 134-6.5 of this chapter. When Type 1 relief is not applicable, signage regulations of this article are eligible for Type 2 zoning exceptions pursuant to section 134-6.6 of this chapter.

134-5.4.7 SIGNS REQUIRED FOR PUBLIC SAFETY OR GOVERNMENTAL INTEREST

Signs that are an important component of measures necessary to serve the compelling governmental interest of protecting public safety, public regional transit services, traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property, including, but not limited to, the following:

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134-5.6.7 AWNING AND CANOPY SIGNS

- A. Awnings or canopies with no more than six square feet of sign area on awning or canopy may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs, projecting signs, awning signs and canopy signs may not exceed the maximum number of wall signs allowed in accordance with Table 134-5.6-1 of this article.
- B. Awning and canopy signs that encroach into the public right-of-way are subject to chapter 102 of this code.
- C. A canopy accessory to a fuel station may contain one, static sign per street frontage, which sign shall not exceed thirty square feet of sign area, in addition to wall signs. Such canopy sign shall not project more than 2.5 feet above the top of the canopy. A canopy accessory to a fuel station that is installed in free-standing sections shall be considered one canopy for purposes of this section.

Article 6. REVIEW AND APPROVAL PROCEDURES

134-6.6.2 AUTHORIZED TYPE 2 ZONING EXCEPTIONS

Unless otherwise allowed by this ordinance, only the following may be approved as Type 2 zoning exceptions:

- 1. Exceptions to any numerical regulation established in this chapter, when the exception does not exceed 50% of the applicable numerical regulation, other than the following: separation distance requirements; sign numerical regulations set out in Article 5 of this chapter (can exceed 50% of the applicable numerical regulations as Type 2 zoning exceptions); use requirements set forth in section 134-3.8 of this chapter; and estimated cost percentages related to exceptions to allow nonconforming residential uses within an one-household or two-household residential structure to expand or extend and occupy land outside said structure by addition thereto.

Article 9. DEFINITIONS

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134-9.4 Terms Beginning with “A”

Abut (or abutting): to touch or share a contiguous boundary or border.

Accessory building: a structure on the same lot with, separate from, and of a nature customarily incidental and subordinate to the principal structure and intended for the storage of equipment and materials of the principal use. Trailers, semi-trailers, storage containers, tents, motor vehicles and component parts thereof are not accessory buildings.

134-9.7 Terms Beginning with “D”

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of household units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, river, stream, lake, pond, woodlands, wetland, endangered species habitat, aquifer or other resource area.

Dormitory: a residential structure that is not a Fraternity/Sorority consisting of one or more rooming or dwelling units providing living and sleeping accommodations for more than eight individuals constructed on the campus of, or primarily used to house the students of, a college, university, or other educational institution and that is owned by such institution.

Dwelling: any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, camper, motor home or mobile home. May also be referred to in this chapter as “household”.

Dwelling unit: See “Household unit”.

134-9.9 Terms Beginning with “F”

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Foot-candle: a measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

Fraternity/Sorority House: a structure used for group living by a chapter of a nonprofit fraternity or sorority recognized by a college or university. Uses within the Fraternity/Sorority may include residential and related non-residential activities such as meetings and events hosted by the Fraternity/Sorority.

134-9.21 Terms Beginning with “R”

Rooming House: a structure containing rooming units used for residential occupancy. Each person occupying a room in a rooming house must arrange residence within the rooming house on a month-to-month or longer basis. Meals may or may not be provided in conjunction with the residency within the rooming house.

Rooming Unit: any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living that does not contain Cooking Facilities.

134-9.22 Terms Beginning with “S”

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Single housekeeping unit: an interactive group of persons with established ties and familiarity with each other, jointly occupying a single household, including joint access to and use of all common areas including living, kitchen and eating areas within the household unit, and sharing household activities and responsibilities such as chores, expenses, meals and maintenance. Residence in the household is fairly stable as opposed to transient and members of the household have some control over who becomes a member of the household. Factors that a residence is not operating as a single housekeeping unit may include, but are not limited to: the residents do not share a lease agreement or ownership of the property; members of the household have separate,

private entrances from other members; members of the household have separate food storage facilities, such as separate refrigerators.

Table 134-3.1.1. Principal Use Table

Group Living:

Remove “Group living not otherwise classified” and add “Other group living uses”.

Storage, Distribution and Wholesaling:

Add “Minor” to “Trucking & Transportation Terminal”. Add – except in Districts MX3, CX, EX, 11 and 12. In Districts MX3, CX, EX, 11 and 12, add ☉*. No change to District P2.

Add new row labeled “Trucking & Transportation Terminal, Major”. Add – except in Districts 11 and 12. In Districts 11 and 12, add ☉*. No change to district P2.

Add – to District P2 under “Warehouse”.

Delete row labeled “Wholesale sales and distribution”.

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. 25-0696), passed by the City Council of said City at the meeting held on May 5, 2025 and signed by the Mayor on May 5, 2025 and published and provided by law in the Business Record on May 23, 2025. Authorized by Publication Order No. 13009.

Laura Baumgartner, City Clerk