

★ **Roll Call Number**

**Agenda Item Number**

41A

Date October 10, 2011

An Ordinance entitled, "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 adding and enacting a new Division 33, Downtown Overlay District, to Article III of Chapter 134, Zoning, and by adding and enacting a new Section 82-214.9 to Article V, Site Plan Review, to Chapter 82, Planning, all relating to establishing a downtown overlay district and regarding site plan review of design guidelines within the overlay district",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

41A

ORDINANCE NO. \_\_\_\_\_

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 adding and enacting a new Division 33, Downtown Overlay District, to Article III of Chapter 134, Zoning, and by adding and enacting a new Section 82-214.9 to Article V, Site Plan Review, to Chapter 82, Planning, all relating to establishing a downtown overlay district and regarding site plan review of design guidelines within the overlay district.

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 adding and enacting a new Division 33, Downtown Overlay District, to Article III of Chapter 134, Zoning, and by adding and enacting a new Section 82-214.9 to Article V, Site Plan Review, to Chapter 82, Planning, all relating to establishing a downtown overlay district and regarding site plan review of design guidelines within the overlay district, as follows:

**DIVISION 33. DOWNTOWN OVERLAY DISTRICT**

**Sec. 134-1265. Statement of intent.**

The Downtown Overlay District is hereby established to ensure that new uses and development within the district are compatible with the vision for the downtown area regarding the location and design of uses set forth in the "What's Next Downtown Plan", adopted by the City Council on March 10, 2008 by R.C. No. 08-432. The downtown overlay district is intended to provide minimum urban development guidelines for the entire downtown.

**Sec. 134-1266. Boundary.**

The downtown overlay district is bounded by East 14<sup>th</sup> Street on the east; the Des Moines and Raccoon Rivers on the south, Martin Luther King, Jr. Parkway on the west; and I-235 on the north.

**Sec. 134-1267. Prohibited uses.**

Property in the Downtown Overlay District shall continue to be subject to all the zoning regulations applicable in the underlying zoning districts, except as otherwise specifically provided in this division. The following uses are prohibited in the downtown overlay district, as well as those uses prohibited in the applicable underlying zoning districts.

- (1) Lumberyards and building material sales yards.
- (2) Manufacturing, packaging and storage of dairy products.
- (3) Off-premise advertising signs, except as allowed in the ESO entertainment sign overlay district and the PSO pedestrian sign overlay district.
- (4) Trailer, boat, and farm implement establishments for display, hire, rental and sales.
- (5) Drive in theaters.
- (6) Monument sales yards.
- (7) Motels, motor hotels, tourist courts, and other transient housing whereby access to any individual guest room is gained directly from an exterior parking lot.
- (8) Auction businesses.
- (9) Sign painting shops.
- (10) Mobile home parks.
- (11) Adult entertainment businesses.
- (12) Salvage yards.
- (13) Contractor storage yards.

**Sec. 134-1268. Bulk regulations.**

- (a) Development in the downtown overlay district shall be subject to the design guidelines in section 82-214.9.
- (b) C-3 landscaping standards shall be applicable to all sites within the downtown overlay district, except for residential development in R-HD and R1-60 zoning districts.

**Secs. 134-1269–134-1275. Reserved**

CHAPTER 82  
PLANNING  
ARTICLE V. SITE PLAN REVIEW

**Sec. 82-214.9. Design guidelines within the downtown overlay district.**

- (a) Intent. The design guidelines within the downtown overlay district are intended to support, enhance and protect pedestrian corridors as designated and approved by city

council resolution on file in the office of the city clerk in accordance with the "What's Next Downtown Plan," adopted by the city council by R.C. 08-432 on March 10, 2008.

(b) Scope. In acting upon any site plan application for development of property located within the downtown overlay district, the community development director (or plan and zoning commission if applicable) shall apply the regulations in section 82-213 of this article and the design guidelines in this section except as to those site plan applications for development of property located in the R1-60 and R-HD zoning districts within the downtown overlay district. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

(c) Guidelines. Subject to the exceptions stated in subsection (b), above, any site plan application which includes improvements to property in the downtown overlay district shall conform to the design regulations in section 82-213 and the following additional guidelines:


- (1) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.
- (2) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.
- (3) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.
- (4) The incorporation of 'soft (green) spaces' on site is encouraged.
- (5) Where feasible, projects should provide outdoor spaces for people gathering.
- (6) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

- (7) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.
- (8) Bulk standards, building setbacks, orientation, frontage and residential access:
  - a. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
  - b. All buildings without river frontage should have entrances oriented toward primary street(s).
  - c. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
  - d. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
  - e. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.
  - f. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).
- (9) Storage of all materials and equipment should take place within completely enclosed buildings.
- (10) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.
- (11) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.
- (12) Access doors for any warehouse use and any loading docks should not front on any public street.
- (13) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.
- (14) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.
- (15) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

- (16) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.
- (17) Auto-dominant uses as described in subsection (c)14, above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.
- (18) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

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

FORM APPROVED:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney