



# Roll Call Number

Agenda Item Number

5

Date December 9, 2019

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, by amending Sections 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the City of Des Moines, as well as 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",

which was considered and voted upon under Roll Call No. 19- 1957 of December 2, 2019; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	<div>CERTIFICATE</div> <div>I, P. Kay Cmelik, 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.</div> <div>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</div> <div><div></div>City Clerk</div>
COWNIE					
BOESEN					
COLEMAN					
GATTO					
GRAY					
MANDELBAUM					
WESTERGAARD					
TOTAL					
MOTION CARRIED					
APPROVED					
<div></div> Mayor					



Roll Call Number

19-1957

Agenda Item Number

46C ✓

Date December 2, 2019

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, by amending Sections 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the City of Des Moines, as well as 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",

presented.

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

FORM APPROVED:

(First of three required readings)

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

#### CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor

City Clerk

## 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, by amending Sections 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the City of Des Moines, as well as 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 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 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, as follows:

### Chapter 134 ZONING

#### Sec. 134-2.2.5 NEIGHBORHOOD (N) DISTRICTS

~~C.~~ **N2a District.** N2a is intended for contemporary, large size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.

~~C.D.~~ **N2b District.** N2b is intended for contemporary, mid-size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.

~~D.E.~~ **N3a District.** N3a is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.

~~E.F.~~ **N3b District.** N3b is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B

building type in section 135-2.14 of this code and House C in section 135-2.15 of this code.

F.G.      **N3c District.** N3c is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in section 135-2.15 of this code.

G.H.      **N4 District.** N4 is intended to preserve the scale and character of residential neighborhoods developed predominantly with a mix of cottages, constructed mainly of masonry or stone pursuant to House C building type in section 135-2.15 of this code.

H.I.      **N5 District.** N5 is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.

I.J. **NM District.** NM is intended to accommodate mobile home parks in specific locations within the city.

## Sec. 134-3.5.12 LODGING

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**C. Short-Term Commercial Rental.** The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental. A household unit, or part of a household unit, other than a restaurant, motel, temporary shelter, or bed and breakfast, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days. All short-term rentals are subject to the following supplemental regulations, together with such additional special conditions as may be reasonably required by the board of adjustment:

1. The owner or authorized management agent of a short-term rental and all short-term rental guests may not use, or allow another to use, a short-term rental for any assembly use.
2. The owner of a short-term rental shall provide the community development director with the name, physical address, email address, tax identification number, and telephone number of the owner and any individual over the age of 18 who shall be designated as the "authorized management agent" responsible for maintenance of the property and for responding to communications during the duration of a short-term rental. If there is a change related to an authorized management agent, the owner must provide updated or new information to the community development director in writing within three business days following such change.
3. Short-term rentals shall include one or more adults 21 years of age or older in the renting party, and shall be limited to a single party of individuals.
4. The owner or authorized management agent of a short-term rental and all short-term rental guest may not produce sound in excess of the city's noise control ordinance, including the use of sound equipment.

5. The owner or authorized management agent of a short-term rental shall provide a packet for all short-term rental guests with the following information, and provide an updated copy that remains in the unit:
  - a. Emergency contact information for the owner and authorized management agent.
  - b. Emergency and non-emergency numbers for City of Des Moines police and fire.
  - c. Trash pickup schedule
  - d. Any parking restrictions for on-street and off-street parking, including the city's snow ordinance
  - e. Occupancy limits for the household unit or structure.
6. The owner or authorized management agent of a short-term rental shall annually provide owners and occupants of immediately adjoining properties, and of adjacent properties separated from the short-term rental unit by public right-of-way, with emergency contact information for the owner and authorized management agent.
7. Each owner and authorized management agent of a short-term rental shall have a duty to comply with all applicable federal, state and local laws and regulations, including but not limited to hotel/motel licensing, and collection and payment of taxes such as hotel accommodation taxes and property taxes, and shall be required to show proof of payment of such taxes within 15 days of request by the community development director.
8. The owner and authorized management agent of a short-term rental shall maintain current guest registration records which contain the following information about each guest:
  - a. Name;
  - b. Address;
  - c. Signature;
  - d. Copy of driver's license; and
  - e. Dates of accommodation.
9. A short-term rental may not be occupied by more persons than as allowed per bedroom or sleeping area in the occupancy limitations set forth in the International Property Maintenance Code.
10. A maximum of one short-term rental may be allowed per single-household detached structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the single-household detached structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.

11. A maximum of one short-term rental may be allowed per two-household attached structure or per condominium within a structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the two-household attached structure or condominium within a structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.
12. A maximum of 10% of the total number of household units located in a multi-household attached structure consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be owner-occupied, or tenant-occupied with the signed written consent of the condominium owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the condominium containing the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.
13. A maximum of 10% of the total number of household units located in a multi-household attached structure not consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be applied for and operated by the owner of the multi-household attached structure, or the owner's authorized management agent.
14. Short-term renters shall be provided, at a minimum, the exclusive use of a bedroom and shared use of a full bathroom for the duration of any such rental.
15. Renting of each approved short-term rental shall be limited to no more than 120 days' cumulative annual rentals, with each annual rental period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use. The 120-day cumulative annual rental limit is applicable across any and all hosting platforms or other means of advertising the short-term rental, rather than per hosting platform or advertising method. Notwithstanding the foregoing, short-term rentals located within owner-occupied single-household detached structures, and short-term rentals located on the same lot as and associated with an owner-occupied principal residential structure, are not subject to the 120-day cumulative annual rental limitation provided that the owner-occupant is present for the duration of any short-term rental(s) occurring after said 120-day limitation has been reached within each annual rental period.

16. The owner or authorized management agent of a short-term rental shall post a clearly printed sign inside the short-term rental unit on the inside of the front door that provides information regarding the location of all fire extinguishers in the unit and building, gas shut off valves, fire exits, and pull fire alarms.
  17. The owner of a short-term rental shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$500,000 (U.S. dollars) or shall conduct each short-term rental transaction through a hosting platform that provides equal or greater coverage. Such coverage shall defend and indemnify the owner, as named additional insured, and any tenants in the building for their bodily injury and property damage arising from the short-term rental use.
  18. In the event that a short-term rental unit or the property on which it is located is subject to any unresolved building, electrical, plumbing, mechanical, fire, health, housing, police, or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices, the short-term rental use shall be prohibited until such enforcement is complete and all violations are corrected to the approval of the community development director.
  19. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is prohibited until a conditional use is approved by the board of adjustment. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is further prohibited at any time that the short-term rental use is not in full compliance with one or more of the general requirements for short-term rentals stated herein or with one or more conditions established in the board of adjustment conditional use approval.
  20. The owner or authorized management agent of a short-term rental shall maintain records demonstrating compliance with this section. Records shall be made available to the community development director upon request.
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#### **Sec. 134-3.5.16 SELF-SERVICE STORAGE**

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##### **A. Supplemental Use Regulations.**

Self-service storage uses are subject to the following in MX2 and MX3 districts:

1. The self-storage use shall be permitted only within the interior of converted pre-existing buildings or the interior of building types allowed in the applicable zoning district, in accordance with chapter 135 of this code.
2. No external storage or additional buildings shall be permitted as part of the self-storage use.

3. The landscape regulations of chapter 135 of this code shall be required of any self-storage use of property, whether associated with a pre-existing building or an allowed building type.

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**Sec. 134-3.8.3 SHORT-TERM RENTAL REPEALED.**

- ~~C. **Short-Term Commercial Rental.** The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental. A household unit, or part of a household unit, other than a restaurant, motel, temporary shelter, or bed and breakfast, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days. All short-term rentals are subject to the following supplemental regulations, together with such additional special conditions as may be reasonably required by the board of adjustment:~~
- ~~1. The owner or authorized management agent of a short-term rental and all short-term rental guests may not use, or allow another to use, a short-term rental for any assembly use.~~
  - ~~2. The owner of a short-term rental shall provide the community development director with the name, physical address, email address, tax identification number, and telephone number of the owner and any individual over the age of 18 who shall be designated as the "authorized management agent" responsible for maintenance of the property and for responding to communications during the duration of a short-term rental. If there is a change related to an authorized management agent, the owner must provide updated or new information to the community development director in writing within three business days following such change.~~
  - ~~3. Short-term rentals shall include one or more adults 21 years of age or older in the renting party, and shall be limited to a single party of individuals.~~
  - ~~4. The owner or authorized management agent of a short-term rental and all short-term rental guest may not produce sound in excess of the city's noise control ordinance, including the use of sound equipment.~~
  - ~~5. The owner or authorized management agent of a short-term rental shall provide a packet for all short-term rental guests with the following information, and provide an updated copy that remains in the unit:~~
    - ~~a. Emergency contact information for the owner and authorized management agent.~~
    - ~~b. Emergency and non-emergency numbers for City of Des Moines police and fire.~~
    - ~~c. Trash pickup schedule~~
    - ~~d. Any parking restrictions for on-street and off-street parking, including the city's snow ordinance~~
    - ~~e. Occupancy limits for the household unit or structure.~~



- ~~6. The owner or authorized management agent of a short term rental shall annually provide owners and occupants of immediately adjoining properties, and of adjacent properties separated from the short term rental unit by public right of way, with emergency contact information for the owner and authorized management agent.~~
- ~~7. Each owner and authorized management agent of a short term rental shall have a duty to comply with all applicable federal, state and local laws and regulations, including but not limited to hotel/motel licensing, and collection and payment of taxes such as hotel accommodation taxes and property taxes, and shall be required to show proof of payment of such taxes within 15 days of request by the community development director.~~
- ~~8. The owner and authorized management agent of a short term rental shall maintain current guest registration records which contain the following information about each guest:
  - ~~a. Name;~~
  - ~~b. Address;~~
  - ~~c. Signature;~~
  - ~~d. Copy of driver's license; and~~
  - ~~e. Dates of accommodation.~~~~
- ~~9. A short term rental may not be occupied by more persons than as allowed per bedroom or sleeping area in the occupancy limitations set forth in the International Property Maintenance Code.~~
- ~~10. A maximum of one short term rental may be allowed per single household detached structure. The short term rental shall be owner occupied or associated with an owner occupied principal residential structure, or tenant occupied or associated with a tenant occupied principal residential structure with the signed written consent of the property owner. The owner occupant or tenant occupant, as applicable, shall reside in the single household detached structure containing or associated with the short term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.~~
- ~~11. A maximum of one short term rental may be allowed per two household attached structure or per condominium within a structure. The short term rental shall be owner occupied or associated with an owner occupied principal residential structure, or tenant occupied or associated with a tenant occupied principal residential structure with the signed written consent of the property owner. The owner occupant or tenant occupant, as applicable, shall reside in the two household attached structure or condominium within a structure containing or associated with the short term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.~~

- ~~12. A maximum of 10% of the total number of household units located in a multi-household attached structure consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be owner-occupied, or tenant-occupied with the signed written consent of the condominium owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the condominium containing the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.~~
- ~~13. A maximum of 10% of the total number of household units located in a multi-household attached structure not consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be applied for and operated by the owner of the multi-household attached structure, or the owner's authorized management agent.~~
- ~~14. Short-term renters shall be provided, at a minimum, the exclusive use of a bedroom and shared use of a full bathroom for the duration of any such rental.~~
- ~~15. Renting of each approved short-term rental shall be limited to no more than 120 days' cumulative annual rentals, with each annual rental period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use. The 120-day cumulative annual rental limit is applicable across any and all hosting platforms or other means of advertising the short-term rental, rather than per hosting platform or advertising method. Notwithstanding the foregoing, short-term rentals located within owner-occupied single-household detached structures, and short-term rentals located on the same lot as and associated with an owner-occupied principal residential structure, are not subject to the 120-day cumulative annual rental limitation provided that the owner-occupant is present for the duration of any short-term rental(s) occurring after said 120-day limitation has been reached within each annual rental period.~~
- ~~16. The owner or authorized management agent of a short-term rental shall post a clearly printed sign inside the short-term rental unit on the inside of the front door that provides information regarding the location of all fire extinguishers in the unit and building, gas shut-off valves, fire exits, and pull fire alarms.~~
- ~~17. The owner of a short-term rental shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$500,000 (U.S. dollars) or shall conduct each short-term rental transaction through a hosting platform that provides equal or greater coverage. Such coverage shall defend and indemnify the owner, as named additional insured, and any tenants in the building for their bodily injury and property damage arising from the short-term rental use.~~

- ~~18. In the event that a short term rental unit or the property on which it is located is subject to any unresolved building, electrical, plumbing, mechanical, fire, health, housing, police, or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices, the short term rental use shall be prohibited until such enforcement is complete and all violations are corrected to the approval of the community development director.~~
- ~~19. Any form of advertising of a short term rental, including but not limited to listing on a hosting platform, is prohibited until a conditional use is approved by the board of adjustment. Any form of advertising of a short term rental, including but not limited to listing on a hosting platform, is further prohibited at any time that the short term rental use is not in full compliance with one or more of the general requirements for short term rentals stated herein or with one or more conditions established in the board of adjustment conditional use approval.~~
- ~~20. The owner or authorized management agent of a short term rental shall maintain records demonstrating compliance with this section. Records shall be made available to the community development director upon request.~~

#### **Sec. 134-6.4.8 STANDARDS AND REVIEW CRITERIA**

##### **B. Short-Term Rentals**

A conditional use may not be approved for a short-term rental unless the board of adjustment determines that the proposed use or activity complies with all applicable short-term rental regulations of subsection C of section 134-3.5.12 of this chapter and that the applicant has demonstrated that all of the following general standards and review criteria are met:

##### **Table 134-3.1-1**

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

- (i) move "Short-Term Rental" to the Commercial – Lodging category from the Other Use category and revise title to "Short-Term Commercial Rental"; and
- (ii) add a "O\*" designation in columns for zoning districts MX2 and MX3 under the Commercial – Self-Service Storage category.

##### **Table 134-3.1-2**

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

- (i) remove erroneous shading for "Other Uses with Sales for On-Premise Consumption" row in both "DX1, DX2, MX1, MX2, DXR" columns.

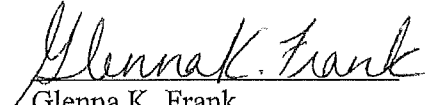
**Figure 134-6.5-A**

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

- (i) Delete erroneous text bubble regarding "Notice of Filing/Intent to Approve".

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

## 134-2.DISTRICTS

Establishment of Districts

**E. RX2 District.** RX2 is intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity higher than RX1.

**F. CX District.** CX is intended for nodes and corridors with larger-scale single-use commercial accommodating higher levels of vehicular traffic than MX districts and more intensive commercial uses, especially with outdoor sales and storage.

**G. EX District.** EX is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices.

### 2.2.3 INDUSTRIAL (I) DISTRICT

The I districts establish a mix of uses and associated site development standards pertaining to manufacturing, warehousing, and other industrial uses.

**A. I1 District.** I1 is intended for general industrial uses, warehousing, and transportation terminals.

**B. I2 District.** I2 is intended for general and higher intensity industrial uses as well as warehousing and transportation terminals.

### 2.2.4 PUBLIC, CIVIC, AND INSTITUTIONAL (P) DISTRICTS

The P districts are established to provide specific locations for public, private, quasi-public, and institutional facilities, including parks and open space.

**A. P1 District.** P1 is intended for open space, including permanent parks and recreation areas.

**B. P2 District.** P2 is intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites.

### 2.2.5 NEIGHBORHOOD (N) DISTRICTS

The N districts are established to protect the character of existing residential neighborhoods and set the character of new neighborhoods throughout the city.

**A. N1a District.** N1a is intended for large lots for mostly single-household residential houses with a more flexible building form pursuant to House A building type in section 135-2.13 of this code.

**B. N1b District.** N1b is intended for larger lots for mostly single-household residential houses within a more traditional neighborhood setting pursuant to House A building type in section 135-2.13 of this code.

**C. N2a District.** N2a is intended for contemporary, large size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.

**D. N2b District.** N2b is intended for contemporary, mid-size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.

**E. N3a District.** N3a is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.

**F. N3b District.** N3b is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135-2.14 of this code and House C in section 135-2.15 of this code.

**G. N3c District.** N3c is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in section 135-2.15 of this code.

**H. N4 District.** N4 is intended to preserve the scale and character of residential neighborhoods developed predominantly with a mix of cottages, constructed mainly of masonry or stone pursuant to House C building type in section 135-2.15 of this code.

**I. N5 District.** N5 is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.

**J. NM District.** NM is intended to accommodate mobile home parks in specific locations within the city.

## 134-2. DISTRICTS

### Establishment of Districts

DRAFT

#### 2.2.6 NUMBER OF HOUSEHOLD UNITS IN N DISTRICTS

- A. N District Extension -2.** For N districts locations labeled with a "-2" extension, the maximum number of household units permitted per lot is two, pursuant to section 134-3.1.2 of this chapter. Refer to the building type regulations in article 2 of chapter 135 of this code for the permitted building types and configuration of the units within the building types.
- B. N District Extension -4.** For N districts locations labeled with a "-4" extension, the maximum number of household units permitted per lot is four, pursuant to section 134-3.1.2 of this chapter. Refer to the building type regulations in article 2 of chapter 135 of this code for the permitted building types and configuration of the units within the building types

#### 2.2.7 NEIGHBORHOOD MIX (NX) DISTRICTS

The NX districts are established for residential neighborhoods with an existing mix of residential buildings and uses or with the potential for infill of a mix of residential buildings and uses.

- A. NX1 District.** NX1 is intended for a mix of single- and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.
- B. NX2 District.** NX2 is intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.
- C. NX2a District.** NX2a is intended for the same form as NX2, but, in addition to the typical residential uses allowed in NX2 includes commercial home occupations per section 134-3.9.4 of this chapter.
- D. NX3 District.** NX3 is intended for a variety of heights of multiple-household buildings, including taller buildings, located along corridors and on the edges of neighborhoods.

#### 2.2.8 AGRICULTURE (A) AND FLOOD (F) DISTRICTS

- A. A District.** A is intended for low density uses in agricultural areas.
- B. F District.** F is intended for flood plain and floodways pursuant to chapter 50 of this code.

#### 2.2.9 PUD, PLANNED UNIT DEVELOPMENT (LEGACY) DISTRICT

- A.** No applications to establish new PUD zoning districts or to expand the boundaries of existing PUD zoning districts may be accepted for processing after the effective date specified in section 134-1.3 of this chapter, except that any PUD rezoning applications that were in process on the effective date specified in section 134-1.3 of this chapter may continue to be processed and may be approved in accordance with the transitional provisions of section 134-1.11 of this chapter.
- B.** Land classified in a PUD zoning district on the effective date specified in section 134-1.3 of this chapter will continue to be classified in a PUD district and governed by the ordinance approving the PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans associated with the approved development until the subject PUD is rezoned to another (non-PUD) classification.
- C.** All amendments to existing PUDs and conceptual or final development plans for existing PUDs must be reviewed and approved by the city council after review and recommendation of the plan and zoning commission, following the same general process as a zoning map amendment section 134-6.3 of this chapter.

#### 2.2.10 VEHICLE SALES AND RENTAL DISPLAY LIMITATION

- A. X and I Districts Extension -V.** For X and I district locations labeled with a "-V" extension, vehicle sales and rental display uses are prohibited pursuant to section 134-3.1.2 of this chapter.

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The plan and zoning commission has the powers and duties that are expressly identified in this chapter and in chapter 82, article II and chapter 135 of this code.

**8.1.2 BOARD OF ADJUSTMENT**

**A. Composition.** The board of adjustment shall consist of seven members, at least four of whom shall be persons representing the public at large, not involved in the business of purchasing or selling real estate.

**B. Appointment and Terms.** The terms of office of the members of the board of adjustment and the manner of their appointment shall be as provided by statute.

**C. Officers.** The board of adjustment must elect a chairperson and vice chairperson. The secretary of the board shall be staff, as assigned, from the community development department.

**D. Rules of Procedure.** The board of adjustment must adopt rules necessary for the conduct of its affairs.

**E. Meetings.** Board of adjustment meetings must be held at the call of the chairperson and at other times as the board of adjustment may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the board of adjustment must be open to the public, in accordance with chapter 21 of the Iowa Code. The board of adjustment must keep minutes of its proceedings and official actions. Minutes must indicate the vote of each member on each question including absences and abstentions, all of which must be open public record on file in the community development department, which serves as the office of the board of adjustment. The presence of four members shall be necessary to constitute a quorum.

**F. Powers and Duties**

1. The board of adjustment has the powers and duties that are expressly identified in this zoning ordinance, including hearing and acting on applications for zoning variances, zoning use variances, zoning exceptions, conditional uses and appeals of administrative decisions.

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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, by amending Sections 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the City of Des Moines, as well as 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 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 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, as follows:

**Chapter 134     ZONING**

**Sec. 134-2.2.5 NEIGHBORHOOD (N) DISTRICTS**

- 
- C. **N2a District.** N2a is intended for contemporary, large size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.
  - D. **N2b District.** N2b is intended for contemporary, mid-size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.
  - E. **N3a District.** N3a is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.
  - F. **N3b District.** N3b is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135-2.14 of this code and House C in section 135-2.15 of this code.

- G. **N3c District.** N3c is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in section 135-2.15 of this code.
- H. **N4 District.** N4 is intended to preserve the scale and character of residential neighborhoods developed predominantly with a mix of cottages, constructed mainly of masonry or stone pursuant to House C building type in section 135-2.15 of this code.
- I. **N5 District.** N5 is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.
- J. **NM District.** NM is intended to accommodate mobile home parks in specific locations within the city.

## Sec. 134-3.5.12 LODGING

- 
- C. Short-Term Commercial Rental.** The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental. A household unit, or part of a household unit, other than a restaurant, motel, temporary shelter, or bed and breakfast, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days. All short-term rentals are subject to the following supplemental regulations, together with such additional special conditions as may be reasonably required by the board of adjustment:
- 1. The owner or authorized management agent of a short-term rental and all short-term rental guests may not use, or allow another to use, a short-term rental for any assembly use.
  - 2. The owner of a short-term rental shall provide the community development director with the name, physical address, email address, tax identification number, and telephone number of the owner and any individual over the age of 18 who shall be designated as the “authorized management agent” responsible for maintenance of the property and for responding to communications during the duration of a short-term rental. If there is a change related to an authorized management agent, the owner must provide updated or new information to the community development director in writing within three business days following such change.
  - 3. Short-term rentals shall include one or more adults 21 years of age or older in the renting party, and shall be limited to a single party of individuals.
  - 4. The owner or authorized management agent of a short-term rental and all short-term rental guest may not produce sound in excess of the city’s noise control ordinance, including the use of sound equipment.
  - 5. The owner or authorized management agent of a short-term rental shall provide a packet for all short-term rental guests with the following information, and provide an updated copy that remains in the unit:

- a. Emergency contact information for the owner and authorized management agent.
  - b. Emergency and non-emergency numbers for City of Des Moines police and fire.
  - c. Trash pickup schedule
  - d. Any parking restrictions for on-street and off-street parking, including the city's snow ordinance
  - e. Occupancy limits for the household unit or structure.
6. The owner or authorized management agent of a short-term rental shall annually provide owners and occupants of immediately adjoining properties, and of adjacent properties separated from the short-term rental unit by public right-of-way, with emergency contact information for the owner and authorized management agent.
  7. Each owner and authorized management agent of a short-term rental shall have a duty to comply with all applicable federal, state and local laws and regulations, including but not limited to hotel/motel licensing, and collection and payment of taxes such as hotel accommodation taxes and property taxes, and shall be required to show proof of payment of such taxes within 15 days of request by the community development director.
  8. The owner and authorized management agent of a short-term rental shall maintain current guest registration records which contain the following information about each guest:
    - a. Name;
    - b. Address;
    - c. Signature;
    - d. Copy of driver's license; and
    - e. Dates of accommodation.
  9. A short-term rental may not be occupied by more persons than as allowed per bedroom or sleeping area in the occupancy limitations set forth in the International Property Maintenance Code.
  10. A maximum of one short-term rental may be allowed per single-household detached structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the single-household detached structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.
  11. A maximum of one short-term rental may be allowed per two-household attached structure or per condominium within a structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal

residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the two-household attached structure or condominium within a structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.

12. A maximum of 10% of the total number of household units located in a multi-household attached structure consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be owner-occupied, or tenant-occupied with the signed written consent of the condominium owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the condominium containing the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.
13. A maximum of 10% of the total number of household units located in a multi-household attached structure not consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be applied for and operated by the owner of the multi-household attached structure, or the owner's authorized management agent.
14. Short-term renters shall be provided, at a minimum, the exclusive use of a bedroom and shared use of a full bathroom for the duration of any such rental.
15. Renting of each approved short-term rental shall be limited to no more than 120 days' cumulative annual rentals, with each annual rental period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use. The 120-day cumulative annual rental limit is applicable across any and all hosting platforms or other means of advertising the short-term rental, rather than per hosting platform or advertising method. Notwithstanding the foregoing, short-term rentals located within owner-occupied single-household detached structures, and short-term rentals located on the same lot as and associated with an owner-occupied principal residential structure, are not subject to the 120-day cumulative annual rental limitation provided that the owner-occupant is present for the duration of any short-term rental(s) occurring after said 120-day limitation has been reached within each annual rental period.
16. The owner or authorized management agent of a short-term rental shall post a clearly printed sign inside the short-term rental unit on the inside of the front

door that provides information regarding the location of all fire extinguishers in the unit and building, gas shut off valves, fire exits, and pull fire alarms.

17. The owner of a short-term rental shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$500,000 (U.S. dollars) or shall conduct each short-term rental transaction through a hosting platform that provides equal or greater coverage. Such coverage shall defend and indemnify the owner, as named additional insured, and any tenants in the building for their bodily injury and property damage arising from the short-term rental use.
18. In the event that a short-term rental unit or the property on which it is located is subject to any unresolved building, electrical, plumbing, mechanical, fire, health, housing, police, or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices, the short-term rental use shall be prohibited until such enforcement is complete and all violations are corrected to the approval of the community development director.
19. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is prohibited until a conditional use is approved by the board of adjustment. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is further prohibited at any time that the short-term rental use is not in full compliance with one or more of the general requirements for short-term rentals stated herein or with one or more conditions established in the board of adjustment conditional use approval.
20. The owner or authorized management agent of a short-term rental shall maintain records demonstrating compliance with this section. Records shall be made available to the community development director upon request.

#### **Sec. 134-3.5.16 SELF-SERVICE STORAGE**

##### **A. Supplemental Use Regulations.**

Self-service storage uses are subject to the following in MX2 and MX3 districts:

1. The self-storage use shall be permitted only within the interior of converted pre-existing buildings or the interior of building types allowed in the applicable zoning district, in accordance with chapter 135 of this code.
2. No external storage or additional buildings shall be permitted as part of the self-storage use.
3. The landscape regulations of chapter 135 of this code shall be required of any self-storage use of property, whether associated with a pre-existing building or an allowed building type.



**Sec. 134-3.8.3 REPEALED.**

**Sec. 134-6.4.8 STANDARDS AND REVIEW CRITERIA**

**B. Short-Term Rentals**

A conditional use may not be approved for a short-term rental unless the board of adjustment determines that the proposed use or activity complies with all applicable short-term rental regulations of subsection C of section 134-3.5.12 of this chapter and that the applicant has demonstrated that all of the following general standards and review criteria are met:

**Table 134-3.1-1**

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

- (i) move “Short-Term Rental” to the Commercial – Lodging category from the Other Use category and revise title to “Short-Term Commercial Rental”; and
- (ii) add a “O\*” designation in columns for zoning districts MX2 and MX3 under the Commercial – Self-Service Storage category.

**Table 134-3.1-2**

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

- (i) remove erroneous shading for “Other Uses with Sales, for On-Premise Consumption” row in both “DX1, DX2, MX1, MX2, DXR” columns.

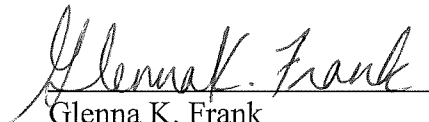
**Figure 134-6.5-A**

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

- (i) Delete erroneous text bubble regarding “Notice of Filing/Intent to Approve”.

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

**TABLE 134-3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY	DISTRICTS																					
Use Subcategory Specific Use Type	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	F	Reference
Utilities and Public Service Facilities																						
Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	○	134-3.4.13	
Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	134-3.4.13
COMMERCIAL																						
Adult Entertainment	-	-	-	-	-	-	-	-	-	-	-	○*	○*	-	-	-	-	-	-	-	-	134-3.5.1
Animal Service																						
Boarding	●	-	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.2
Grooming	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.2
Stable	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	134-3.5.2
Veterinary	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.2
Assembly and Entertainment																						
Small	-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	○	-	134-3.5.3
Large	-	●	●	●	-	●	●	-	●	●	●	-	-	-	-	-	○	-	-	○	-	134-3.5.3
Events Center	-	●	●	●	-	●	●	-	●	●	●	-	-	-	-	○	-	-	○	-	-	134-3.5.3
Broadcast or Recording Studio	-	●	●	-	○	●	●	-	●	●	●	●	●	-	-	-	-	-	●	-	-	134-3.5.4
Business or Trade School	-	●	●	●	○	○	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.5
Commercial Service																						
Consumer Maintenance and Repair	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	134-3.5.6
Personal Service	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	134-3.5.6
Studio or Instructional Service	-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.6
Day Care	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	134-3.5.7
Day Services, Adult	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	134-3.5.8
Eating and Drinking Places																						
Restaurant	-	●	●	●	●	●	●	●	●	●	●	-	-	-	®	-	-	-	○	○	-	134-3.5.9
Bar	-	○	○	○	-	○	○	-	-	○	○	-	-	-	-	-	-	-	○	○	-	134-3.5.9
Financial Service (except as below)	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	134-3.5.10
Bail Bonds	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	134-3.5.10
Delayed Deposit Service	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	134-3.5.10
Pawnbroker	-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	-	134-3.5.10
Funeral or Mortuary Service	-	-	-	-	-	-	●	-	●	●	●	●	●	-	-	-	-	-	-	-	-	134-3.5.11
Lodging																						
Bed & Breakfast	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	○*	○*	○*	○*	-	-	-	134-3.5.12
Hotel/Motel	-	●	●	●	-	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	134-3.5.12
Short-Term Commercial Rental	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	○*	○*	○*	○*	-	-	-	134-3.5.12

KEY: ●=permitted by right | ○=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | --prohibited

②=permitted by right where district includes "-2" extension | ④=permitted by right where district includes "-4" extension

⑤ = permitted except where district includes "-V" extension | ⑥ = permitted with conditional use approval in NX2a district only

⑦ = permitted on major commercial corridors only

# 134-3. USES

## Principal Uses

DRAFT

TABLE 134-3.1-1. PRINCIPAL USE TABLE

USE CATEGORY Use Subcategory Specific Use Type	DISTRICTS																			
	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
<b>Office</b>																				
Business or Professional	-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●
Medical	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●
<b>Parking, Non-Accessory</b>																				
Surface Parking Lot	-	○*	○*	○*	○*	○*	○*	-	○*	●	●	●	●	-	-	-	-	-	○*	○*
Parking Structure	-	●	●	●	●	●	●	-	●	●	●	●	●	-	-	-	-	-	-	○*
<b>Retail Sales</b>																				
Limited	-	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-
General	-	●	●	●	-	●	●	-	-	●	-	-	-	-	-	-	-	-	-	-
Large-Format	-	●	○	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-	-	-
<b>Self-Service Storage</b>																				
Sign, General Advertising	-	-	-	-	○*	○*	-	-	-	●	●	●	●	-	-	-	-	-	-	-
<b>Sports &amp; Recreation, Private/Participant</b>																				
Indoor	-	●	●	●	●	●	●	-	-	●	●	●	●	-	-	-	-	-	○	○
Outdoor	-	-	-	●	-	-	●	-	-	●	●	●	●	-	-	-	-	-	○	○
<b>Vehicle Sales and Service</b>																				
Fuel Station	-	-	○	○	-	○	●	-	-	●	●	●	●	-	-	-	-	-	-	-
Vehicle Sales	-	-	-	-	-	-	○	-	-	○	-	○	○	-	-	-	-	-	-	-
Vehicle Rental	-	○	○	○	-	○	○	-	-	○	○	○	○	-	-	-	-	-	-	-
Vehicle Maintenance/Repair, Minor	-	-	-	-	-	-	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-
Vehicle Maintenance/Repair, Major	-	-	-	-	-	-	-	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-
<b>INDUSTRIAL</b>																				
<b>Fabrication and Production</b>																				
Artisan	●*	●*	●*	●*	●*	●*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-
Limited	-	-	○*	○*	○*	○*	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-
General	-	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-
Intensive	-	-	-	-	-	-	-	-	-	-	-	-	○*	-	-	-	-	-	-	-
<b>Industrial Service</b>																				
Light	-	-	-	-	-	-	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-
Intensive	-	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-

KEY: ●=permitted by right | ○=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | --=prohibited  
 ②=permitted by right where district includes "2" extension | ④=permitted by right where district includes "4" extension  
 ○ = permitted except where district includes "V" extension | ⑩ = permitted with conditional use approval in NX2a district only  
 ⑩ = permitted on major commercial corridors only

**TABLE 134-3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY	DISTRICTS																					
Use Subcategory Specific Use Type	N1, N2, N3, N4, N5 NX1 NX2, NX2a NX3 NM P1 P2 F																					
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2									Reference
Storage, Distribution and Wholesaling																						
Equipment & Material Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	○*	-	<a href="#">134-3.6.3</a>
Trucking & Transportation Terminal	-	-	-	-	-	-	-	-	-	-	-	⓪*	⓪*	-	-	-	-	-	-	○*	-	<a href="#">134-3.6.3</a>
Warehouse	-	-	-	-	-	-	-	-	-	●*	●*	●*	●*	-	-	-	-	-	-	○*	-	<a href="#">134-3.6.3</a>
Wholesale sales and distribution	-	-	-	-	-	-	-	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	○*	-	-	-	-	-	-	-	-	<a href="#">134-3.6.4</a>
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	○	<a href="#">134-3.6.5</a>
AGRICULTURAL																						
Community and Urban Garden	●	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	○*	<a href="#">134-3.7.1</a>
Crop Production	●	-	-	-	-	-	-	-	-	○	○	○	○	-	-	-	-	-	-	●	○	<a href="#">134-3.7.2</a>
Nursery or Truck Farm	●	-	-	-	-	-	-	-	-	○	○	○	○	-	-	-	-	-	-	●	○	<a href="#">134-3.7.3</a>
OTHER																						
Alcoholic Liquor, Wine, or Beer Sales	-	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	-	Ⓜ*	-	-	-	○*	○*	-	<a href="#">134-3.8.1</a>
Consumer Fireworks Sales	-	-	-	-	-	-	-	-	-	-	-	●*	●*	-	-	-	-	-	-	-	-	<a href="#">134-3.8.2</a>
Wireless Telecommunications	Refer to article 4 of this chapter.																					

**KEY:** ●=permitted by right | ●=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | --=prohibited  
 ②=permitted by right where district includes "2" extension | ④=permitted by right where district includes "4" extension  
 ⓪ = permitted except where district includes "V" extension | Ⓜ = permitted with conditional use approval in NX2a district only  
 Ⓜ = permitted on major commercial corridors only

# 134-3. USES

## Principal Uses

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**TABLE 134-3.1-2. ALCOHOLIC LIQUOR, WINE OR BEER SALES**

USE	Alcoholic Liquor Sales			Wine or Beer Sales		
	Districts					
	DX1, DX2, MX1, MX2, DXR	MX3, CX, P1, P2	RX1, RX2, NX2a	DX1, DX2, MX1, MX2, DXR	MX3, CX, P1, P2	RX1, RX2, NX2a
Retail Sales						
Limited	Not allowed	○ 40%/500 1,320		○ 40%/150	○ 40%/150	
General	40%/75	40%/75		40%/75	40%/75	
Large	40%/75	40%/75		40%/75	40%/75	
Fuel Station		○ 40%/500 1,320	Not allowed	40%/150	40%/150	Not allowed
Liquor Store	Not allowed	○ 500/ 1,320		Not allowed	○ 150	
Tobacco Store		○ 25%/500 1,320		○ 25%/150	○ 25%/150	
Restaurant	50%/75	50%/75	○ 50%/75	50%/75	50%/75	○ 50%/75
Bar	○	○ 150	Not allowed	○	○ 150	Not allowed
Other Uses with Sales for On-Premise Consumption	○	○ 40%/150		○	○ 40%/150	

### Table Notes

○ = Uses identified with a ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of 134-6.4 of this chapter.

40% = no more than 40% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine, beer or tobacco products.

50% = at least 50% of the gross receipts must be derived from the sale of prepared food and food-related services. The sale of an alcoholic beverage is not the sale of prepared food and food-related services.

25% = no more than 25% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine or beer.

75 = the licensed premises occupied by such use must be separated by at least 75 feet from the property line of the lot where any church, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.

150 = the licensed premises occupied by such use must be separated by at least 150 feet from the property line of the lot where any church, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.

500 = the licensed premises occupied by such use must be separated by at least 500 feet from the property line of the lot where any church, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.

1,320 = the licensed premises occupied by such use must be separated by at least 1,320 feet from the property line of the lot where any other controlled use engaged in the sale of alcoholic liquor is located. In the DX1, DX2, and DXR districts, this condition is only applicable to liquor stores.

# 134-6.REVIEW AND APPROVAL PROCEDURES

Type 1 Zoning Exceptions

## 134-6.5 Type 1 Zoning Exceptions

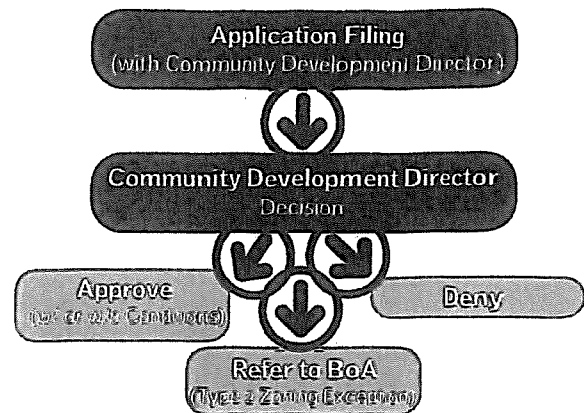


Figure 134-6.5-A. Type 1 Zoning Exception Process