



Roll Call Number

Agenda Item Number

48B

Date February 21, 2022

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 135-2.21.2, 135-9.2.1 and 135-9.2.3, and adding new Section 135-8.2.4, relating to underground placement of utility transmission systems and related site plan design alternatives, and site plan criteria relating to stormwater management",

presented.

Moved by _____, and seconded by _____, that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
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 135-2.21.2, 135-9.2.1 and 135-9.2.3, and adding new Section 135-8.2.4, relating to underground placement of utility transmission systems and related site plan design alternatives, and site plan criteria relating to stormwater management.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 135-2.21.2, 135-9.2.1 and 135-9.2.3, and adding new Section 135-8.2.4, relating to underground placement of utility transmission systems and related site plan design alternatives, and site plan criteria relating to stormwater management, as follows:

135-2.21 Mobile Home Parks

The following applies to any mobile home development in the NM district, other than to pre-existing manufactured, modular, or mobile homes, or pre-existing site-built household units, when the continuation of the lawful nonconforming use is required under section 134-7.2.9 of this code.

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2.21.2 LAYOUT REQUIREMENTS

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K. Underground ~~electric and telephone~~ utility lines. All electric lines, ~~and~~ telephone lines, and similar utility transmission systems shall be buried underground whenever reasonably practicable.

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135-8.2 Site Planning Standards

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8.2.4 UNDERGROUND PLACEMENT OF UTILITY TRANSMISSION SYSTEMS

All electrical, telephone, cable television, and similar utility transmission systems included in a site plan or alternate design documentation shall be placed underground whenever reasonably practicable.

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135-9.2 Site Design and Design Alternatives

9.2.1 GENERAL SITE DESIGN PRINCIPLES

The general site design principles of this section are necessary to ensure the orderly and harmonious development of property in such a manner as will safeguard the public health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. The decision to approve, approve subject to conditions or deny a proposed site plan, or alternate design documentation provided for exempt activities under section 135-9.1.3.B of this article, or any Type 1 or Type 2 design alternative associated therewith, must be based in part on whether the site plan or documentation for design, as applicable, complies with the following general site design regulations:

- A. The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a stormwater ~~runoff control~~ management plan in compliance with ~~section 106-136~~ chapter 42, article XI of this code, for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those expressly set forth in this article.

....

- ~~E. All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.~~ Number not used.

....

- J. The stormwater runoff control facilities installed in compliance with the stormwater management ~~runoff control~~ plan shall be maintained in compliance with ~~section 106-136~~ chapter 42, article XI of this code.

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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

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15. ~~Any other design alternatives identified in this chapter as a Type 1 design alternative.~~ Waive the requirement in sections 135-2.21.2.K and 135-8.2.3 of this chapter to place utility transmission system(s) underground when all of the following criteria are met:
- a. The subject property is not located in an underground district designated by resolution of the city council; and
 - b. The development services director determines waiver is appropriate based on his/her character analysis of the subject lot and surrounding area, such as review of the street typologies map in MoveDSM: Transportation Master Plan, whether the location of the subject lot is within the "Connect Downtown Plan" area in said street typologies map and the city's Connect Downtown Plan, whether the location of the subject lot is within a node set forth in PlanDSM as determined by the development services director, any existing or planned streetscape projects, or other relevant factors; and
 - c. Placement of the utility transmission system(s) underground is not reasonably practicable, as determined by the development services director for one or more of the following reasons:
 - i. The estimated cost of placing the utility transmission system(s) underground, as documented in a written estimate from the applicable utility company(ies) or utility contractor(s), exceeds ten percent (10%) of the estimated budget for the proposed project that requires site plan or alternate design documentation review, as demonstrated by the applicant to the satisfaction of the development services director;
 - ii. The existing utility transmission system(s) required to be placed underground include major transmission electrical lines or other utility lines that are impractical to place underground;
 - iii. Placing the utility transmission system(s) underground would negatively impact one or more adjoining property owner(s); or
 - iv. Physical constraint(s) of the subject property make placing the utility transmission system(s) underground impractical.
16. Any other design alternatives identified in this chapter as a Type 1 design alternative.

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

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank

Assistant City Attorney