



Roll Call Number

Agenda Item Number

57

Date October 20, 2025

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 amending Section 135-2.1.7, relating to trash recycling, refuse locations, and Sections 135-9.1.2, 135-9.1.3 and 135-9.2.3, relating to review and approval procedures",

presented.

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

Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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

October 7, 2025

Communication from the City Plan and Zoning Commission advising that at their October 2, 2025 meeting, the following action was taken on Consideration of amendments to Chapter 135 of the Des Moines Municipal Code modifying setback requirements for trash enclosures, the site plan applicability section, and the Type 1 Design Alternative section.

COMMISSION RECOMMENDATION: 10-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner					X
Johnny Alcivar	X				
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb					X
Katie Gillette					X
Rick Trower	X				
Jane Rongerude	X				
John Erpelding	X				

Approval of the proposed amendments to the Planning and Design Ordinance (Municipal Code Chapter 135).

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed amendments to the Planning and Design Ordinance (Municipal Code Chapter 135).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

The following tables summarize the proposed amendments. A redline version of the relevant code sections and tables are included in the Commission's packet.

Chapter 135 Amendments:

SUBJECT	CODE SECTION	ACTION
Minimum setback for trash, recycling & refuse areas.	135-2.1.7.B.1	Replace vague setback requirement with a specific reference to landscape buffer standards as the basis for determining the required setback.
Applicability of site plan regulations to renovation projects.	135-9.1.2 135-9.1.3	Eliminate the need to prepare a site plan based on renovations to an existing building utilizing the value of building permits in proportion to the assessed property value.
Type 1 Design Alternative for maximum numerical standards found in the building type (Article 2) and design regulations (Article 4)	135-9.2.3.B.2	In 2024, the code was amended to increase the amount of relief eligible for administrative review. In most cases, Type 1 Design Alternative relief was increased from 30% to 50% for numerical standards. This specific Type 1 language was inadvertently omitted from this section.

II. ANALYSIS

- Amendments:** The code currently states that trash, recycling, and other refuse areas must be located in a rear yard area and outside of any minimum required setback. The proposed amendment to City Code Section 135-2 would replace the generic setback reference with specific standards found in the landscaping Article of Chapter 135. This would eliminate confusion between applicability of landscape bufferyards and the different building setbacks found in the code.

The proposed amendments to City Code Section 135-9.1 would eliminate the need to prepare a site plan based on building permit value for renovation work to an existing property. The code currently requires a site plan once building permit values reach 50% of the total tax assessed value of the property or \$500,000, whichever is greater. Site plans would continue to be required for new development, expansions (building or site), reconstruction/replacement and certain changes of use.

The proposed amendment to City Code Section 135-9.2 would increase the amount of relief that Staff can grant for numerical standards that are associated with maximum limitations from 30% to 50% of the standard. This change was inadvertently omitted from the code amendment in 2024 when other similar Type 1 Design Alternatives were increased from 30% to 50%. This change would allow consistency across the code, which is important for efficient administration.

- 2. PlanDSM: Creating Our Tomorrow Plan:** PlanDSM: Creating Our Tomorrow is the City's Comprehensive Plan. The proposed amendments are consistent with many of the goals and policies of PlanDSM, including *Land Use Goal 1* which states "develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan."

III. STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to the Planning and Design Ordinance (Municipal Code Chapter 135).

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Chris Draper asked for clarification on Section 135-9.1.2 and asked if triggers are only considered with structural work or if it includes interior renovations.

Jason Van Essen explained changes with site plan triggers that are not solely based on building permit values for renovations, rather limiting it to changes of use or expansions.

Chris Draper inquired about renovations to the interior of a home.

Jason Van Essen stated this provision only includes commercial or multi-family buildings.

Johnny Alcivar asked if a non-conforming property would reach a site plan trigger with renovations.

Jason Van Essen explained that renovations to a building would not trigger a site plan unless there is a building expansion, even if the site is not currently in compliance with a site plan.

Johnny Alcivar asked what the minimum expansion trigger would be, giving the example of adding a shed.

Jason Van Essen stated if the building expansion was 50% or greater of the existing size of the building, then that would trigger full site plan compliance.

COMMISSION ACTION

Chris Draper made a motion for approval of the proposed amendments to the Planning and Design Ordinance (Municipal Code Chapter 135).

THE VOTE: 10-0

Respectfully submitted,

A handwritten signature in black ink that reads "Bert Drost". The signature is written in a cursive, flowing style.

Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:mrw

2.1.7 TRASH, RECYCLING, REFUSE LOCATIONS

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas shall be located and treated as follows:

- A. Unless located inside a building, all trash, recycling, and other refuse areas for one- or two-household uses shall be located outside of the front yard or screened to the satisfaction of the development services director.
- B. Unless located inside the building as described below, for all uses other than one- or two-household uses:
 - 1. Trash, recycling, and other refuse areas must be located in the rear yard of the lot ~~outside of any minimum required setback and outside of any required landscape buffer per article 7 of this chapter.~~
 - 2. When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
 - 3. Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary frontage facade with a Type 1 design alternative per section 135-9.2 of this chapter. Access doors shall be opaque, screening a minimum of 80% of the opening.
 - 4. Refer to section 135-7.10 of this chapter for required screening of trash, recycling, and other refuse areas.

9.1.2 APPLICABILITY

D. ~~Renovation and~~ Expansion.

- 1. Structures. The regulations of this chapter apply whenever a building is enlarged by over 50% of the existing building gross floor area, ~~or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the total assessed property value or \$500,000; whichever is greater. Estimated building permit valuation is cumulative from March~~

~~22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.~~

9.1.3 EXEMPTIONS

A. The following are exempt from submitting a formal site plan in accordance with this article:

2. Interior alterations that do not alter the footprint, height, exterior or use of a building, ~~except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the total assessed property value, or \$500,000, whichever is greater;~~

9.2.3 TYPE 1 DESIGN ALTERNATIVES

B. Other Type 1 Design Alternatives

2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to ~~30~~50% any maximum requirements included in the building type regulations of [Article 2](#) of this chapter and design regulations of [Article 4](#) of this chapter that are expressed as a dimension or distance.

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 amending Section 135-2.1.7, relating to trash recycling, refuse locations, and Sections 135-9.1.2, 135-9.1.3 and 135-9.2.3, relating to review and approval procedures.

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 Section 135-2.1.7, relating to trash recycling, refuse locations, and Sections 135-9.1.2, 135-9.1.3 and 135-9.2.3, relating to review and approval procedures, as follows:

Article 2. BUILDING TYPES

135-2.1 GENERAL

.....

2.1.7 TRASH, RECYCLING, REFUSE LOCATIONS

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas shall be located and treated as follows:

- A. Unless located inside a building, all trash, recycling, and other refuse areas for one- or two-household uses shall be located outside of the front yard or screened to the satisfaction of the development services director.
- B. Unless located inside the building as described below, for all uses other than one- or two-household uses:
 1. Trash, recycling, and other refuse areas must be located in the rear yard of the lot ~~outside of any minimum required setback~~ and outside of any required landscape buffer per article 7 of this chapter.
 2. When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
 3. Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary frontage facade with a Type 1 design alternative per section 135-9.2 of this chapter. Access doors shall be opaque, screening a minimum of 80% of the opening.

4. Refer to section 135-7.10 of this chapter for required screening of trash, recycling, and other refuse areas.

Article 9. REVIEW AND APPROVAL PROCEDURES

135-9.1 GENERAL

.....

9.1.2 APPLICABILITY

.....

D. ~~Renovation and~~ Expansion.

1. Structures. The regulations of this chapter apply whenever a building is enlarged by over 50% of the existing building gross floor area, ~~or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the total assessed property value or \$500,000, whichever is greater. Estimated building permit valuation is cumulative from March 22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.~~

.....

9.1.3 EXEMPTIONS

A. The following are exempt from submitting a formal site plan in accordance with this article:

1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
2. Interior alterations that do not alter the footprint, height, exterior or use of a building, ~~except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the total assessed property value, or \$500,000, whichever is greater;~~

.....

135-9.2. SITE DESIGN AND DESIGN ALTERNATIVES

9.2.3 TYPE 1 DESIGN ALTERNATIVES

.....

B. Other Type 1 Design Alternatives

1. Except as noted above in this section, reduce by up to 50% any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.

2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to ~~30~~50% any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.

.....

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/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney