

ORDINANCE NO. 13,881

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 repealing Section 82-213, subsection (b) of Section 134-1376, and paragraphs (f)(2)(b) and (f)(4)(b) and subsection (j) of Section 134-1377 thereof, and enacting a new Section 82-213, subsection (b) of Section 134-1376, and paragraphs (f)(2)(b) and (f)(4)(b) and subsection (j) of Section 134-1377 to adopt landscaping standards for development in the "C-1" and "C-2" zoning districts.

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, be and is hereby amended by repealing Section 82-213, subsection (b) of Section 134-1376, and paragraphs (f)(2)(b), (f)(4)(b) and (f)(8)(d) and (j) of Section 134-1377 thereof, and enacting a new Section 82-213, subsection (b) of Section 134-1376, and paragraphs (f)(2)(b), (f)(4)(b) and (f)(8)(d) and (j) of Section 134-1377 to adopt landscaping standards for development in the "C-1" and "C-2" zoning districts, as follows:

Sec. 82-213. Design standards.

The standards of design provided in this section are necessary to ensure the orderly and harmonious development of property in such manner as will safeguard the public's 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 disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards:

- (1) The design of the proposed development shall make adequate provisions for surface and subsurface drainage, 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 set forth in subsection 82-206(b)(2) of this article.

(2) The proposed development shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effects on such adjoining properties from automobile headlights, illumination of required perimeter

yards, refuse containers, and impairment of light and air. For purposes of this subsection, the term "use and enjoyment of adjoining property" shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning district in which such adjoining property is located.

(3) The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.

(4) To such end as may be necessary and proper to accomplish the standards in subsections (1), (2), and (3) of this section, the proposed development shall provide water,

sewer, stormwater,
street, erosion control
or other improvements.

(5) All electrical,
telephone, and cable
television transmission
systems shall be placed
underground whenever
reasonably practicable.

(6) The proposed
development shall
conform to all
applicable provisions of
state law and all
applicable sections of
this Code.

(7) If the private
property is connected to
the existing skywalk
system, as shown on the
official skywalk map, or
the applicant intends to
connect to the planned
skywalk system, as shown
on the skywalk system
plan map, the proposed
development shall have
such connections to the
existing and planned
skywalk system and such
internal skywalk system
pattern as will best
permit the optimal
expansion of the skywalk
system to serve the
greatest number of
properties possible and
best provide for the
expected skywalk system
traffic through the
property. If the private
property is not
connected to the
existing skywalk system,

as shown on the official skywalk map, and the applicant does not intend to connect to the planned skywalk system, as shown on the skywalk system plan map, this design standard shall not apply to the proposed site plan.

(8) If the property is within the NPC neighborhood pedestrian commercial district, the design guidelines in section 82-214 of this article shall also apply.

(9) The proposed development shall provide landscaping, including plantings, fences and screening in accordance with the landscape standards in the adopted site plan policies.

Sec. 134-1376. Off-street loading spaces required.

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(b) In all districts other than R districts, the loading space may occupy all or any part of any required front, rear or side yard, except where adjoining an R district, it shall be set back ten feet and an opaque screen of six feet in height shall be installed and shall be

maintained along all R district boundaries. In the C-1 and C-2 districts the landscaping standards for site plan approval shall control and the loading spaces shall be located outside any bufferyard required by the landscape standards. The screen shall be in line with the front of any adjoining residential structure in any adjoining R district or the front of the proposed commercial structure, whichever is the lesser front yard setback. However, if the adjoining R district property is vacant, the front yard setback for the R district shall apply. A six-foot-high opaque screen shall not be required along adjoining streets or alleys. An opaque screen of three feet shall be installed and maintained along each street or alley line where the premises is across from any R district. An opaque screen shall consist of one or any combination of the following:

- (1) Wood or masonry walls or fences when constructed of materials which provide openings of less than 50 percent in area of the vertical

surface of the wall or fence.

(2) Berms constructed of earthen materials and landscaped.

(3) Plant materials when used as a screen shall consist of compact evergreen plants. They shall be of a kind or used in such a manner so as to provide their screening function within 18 months after initial planting. The zoning enforcement officer shall require that the walls or fences or berms in either subsection (b)(1) or (2) of this section shall be installed if, after 18 months after planting, plant materials have not formed an opaque screen or if an opaque screen is not maintained. A wall or fence may be combined with the plant materials. However, if such a wall or fence is constructed of materials which provide openings of more than 50 percent in area of the vertical surface of the wall or fence, it shall not be considered a part of the opaque screen, and it shall be located on the parking area side of the plant materials.

(4) Where there is a difference in elevation

within ten feet on opposite sides of the screen, the required screen height shall be measured from the higher ground elevation, in compliance with subsection 134-1296(i) pertaining to wall and fence height restrictions. If the R district side of the screen is at a higher elevation and would render the screening less effective, this screening may be reduced.

Sec. 134-1377. Off-street parking area required.

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(f) *District parking lot requirements.* Every parcel of land used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following:

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(2) *Setbacks.* Setbacks shall be as follows:

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b. *Commercial (C, except C-3A and C-3) and industrial (M) districts.* Setbacks for commercial and industrial districts shall be as follows, except where a greater setback is required in the C-1 and C-2 districts by

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b. *Commercial (C) and industrial (M) districts.* In commercial and industrial districts, screening shall comply with the following, except where a greater screening is required in the C-1 and C-2 districts by the landscaping standards for site plan approval:

1. A six-foot-high opaque screen shall be installed and maintained when a parking lot abuts an R district. The planning director shall have the authority to reduce the height of the screen to four feet. Exception: No screening is required when such parking area abuts another parking area or a nonresidential use.

2. A three-foot-high opaque screen shall be installed and maintained along each alley and street line when the premises is located across the street or alley from any R district. Exception: No screening is required when such parking area is located across the street or alley from another parking area from a nonresidential use. No screening is required when such parking area is located across the street or alley from

another parking area, is located across the street or alley from a nonresidential use, when the street has at least four traveled lanes, or when the alley is being used as part of the maneuvering aisle.

3. A three-foot-high opaque screen shall be installed and maintained along adjoining R district front yard setback area. Exception: No screening is required when the adjoining use is nonresidential or parking.

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(j) *Screening*. Screening required in subsections (f)(4) and (8) of this section shall consist of one or any combination of the following, except where a greater screening is required in the C-1 and C-2 districts by the landscaping standards for site plan approval:

(1) Wood or masonry walls or fences when constructed of materials which provide openings of less than 50 percent in area of the vertical surface of the wall or fence.

(2) Berms constructed of earthen materials and landscaped.

(3) Plant materials when used as a screen shall consist of evergreen or deciduous plants. They shall be of a kind or used in such a manner so as to provide their screening function within 18 months after planting. A list of deciduous plants which may be used can be obtained from the community development department. The zoning enforcement officer shall require that either the walls or fences or berms in subsection (j)(1) or (2) of this section shall be installed if, after 18 months after planting, plant materials have not formed an opaque screen or if an opaque screen is not maintained. A wall or fence may be combined with the plant materials. However, if such a wall or fence is constructed of materials which provide openings of more than 50 percent in area of the vertical surface of the wall or fence, it shall not be considered a part of the opaque screen,

and it shall be located on the parking area side of the plant materials.

(4) Where there is a difference in elevation within ten feet on the opposite sides of the screen, the required screen height shall be measured from the highest ground elevation, in compliance with subsection 134-1296(i) pertaining to height restrictions for walls and fences. If the R district side of the screen is at a higher elevation and would render the screening less effective, this screening may be reduced.

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

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-4255), passed by the City Council of said City at a meeting held November 6, 2000, signed by the Mayor on November 6, 2000, and published as provided by law in the Business Record on November 20, 2000. Authorized by Publication Order No. 1467

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Donna Boetel-Baker, CMC/AAE, City Clerk