

## ORDINANCE NO. 14,454

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, by adding and enacting a new Division 21B to Article III of Chapter 134-Zoning, consisting of new Sections 134-1005 to 134-1011, to establish a "C-3B" Central Business Mixed Use District under the Zoning Ordinance.

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 adding and enacting a new Division 21B to Article III of Chapter 134 - Zoning, consisting of new Sections 134-1005 to 134-1011, to establish a "C-3B" Central Business Mixed Use District under the Zoning Ordinance, as follows:

### **DIVISION 21B. C-3B CENTRAL BUSINESS MIXED USE DISTRICT**

#### **Sec. 134-1005. Statement of intent.**

The C-3B central business mixed-use district is intended to provide for medium to high density residential and medium to high intensity pedestrian oriented office, retail, commercial, and mixed-use (commercial / residential) development. It is intended this district not be mapped outside the downtown area.

#### **Sec. 134-1006. Principal permitted uses.**

Only the uses of structures or land similar to those that follow shall be permitted in the C-3B Central Business Mixed Use District:

- (1) Any use permitted in and as limited in the C-2 district except the following uses which are prohibited:
  - a. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, rental, and sales (including sales lots).
  - b. Mobile home parks.
  - c. Vehicle display lots.
  - d. Garage for general motor vehicle that includes major body and fender work or overall painting.
  - e. Automobile washing establishments unless all bays are normally enclosed and an attendant is on duty during all hours of operation.
  - f. Adult entertainment business.
  - g. Monument sales yards.

- h. Sheetmetal shops.
  - i. Sign painting shops.
  - j. Off-premises advertising signs.
- (2) Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - (3) Manufacture or treatment of products within a fully enclosed building incidental to the conduct of a retail business carried out on the premises.
  - (4) Printing and publishing houses.
  - (5) Warehousing.
  - (6) Machine shops.
  - (7) Retail lumberyards.
  - (8) Electrical substations and gas regulator facilities upon land held by the utility for that purpose on the date the land was placed within the C-3B District. Any new electrical substation or gas regulator facility, or expansion thereof, upon land not held by the utility for that purpose when the land was placed within the C-3B District, may be allowed only by special permit under the provisions of section 134-1326.
  - (9) Combinations of the uses in subsections (1) through (8) of this section.

**Sec. 134-1007. Permitted accessory uses.**

The permitted accessory uses in the C-3B central business mixed-use district shall be the accessory uses permitted in the C-2 district, without limitation on the amount of indoor storage.

**Sec. 134-1008. Special limitations.**

Special limitations in the C-3B central business mixed-use district are as follows:

- (1) All development on the river-side of any levies in the C-3B zoning district shall conform to the Flood Plain Development Regulations in Chapter 50 of this Code.
- (2) All new or expanded storage of materials and equipment after January 31, 2005, shall occur within a completely enclosed building, unless specifically authorized by an approved site plan pursuant to Chapter 82 of this Code.

**Sec. 134-1009. Bulk regulations.**

In the C-3B central business mixed-use district the following minimum or

maximum requirements, as indicated, shall be observed, subject to the modifications contained in section 134-1296:

- (1) Maximum height: 75 feet.

In lieu of other specific bulk regulations, new construction and remodeling within the C-3B central business mixed-use district are subject to the C-3B design guidelines in the site plan regulations at Section 82-214.7.

**Sec. 134-1010. Off-street loading and parking.**

No off-street parking is required for any use in the C-3B central business mixed-use district. Any off-street parking that is provided shall comply with section 134-1377 and the site plan regulations. Spaces for off-street loading shall be provided in accordance with the provisions of section 134-1376.

**Sec. 134-1011. Signs.**

In the C-3B Central Business Mixed Use District, signs shall be in accordance with the following:

- (1) Any combination of two on-premises Type A, Type B or Type C identification and/or advertising signs per occupant of a building not to exceed 1 1/2 square feet in area per lineal foot of building frontage per occupant, and not to exceed a maximum of 100 square feet per occupant, shall be permitted. If building frontage consists of 25 percent or less of the total lot frontage, the occupant or occupants of that building shall be permitted, in lieu of the above, one square foot in area per lineal foot of lot frontage per lot and not to exceed a maximum of 100 square feet per occupant. Such signs shall be permitted on public or private canopies attached to and supported by a building.
- (2) All building or wall signs shall project no more than seven feet from the building, unless such projection is over the street right-of-way, in which case such sign shall project no more than 36 inches. Such projecting signs shall be not less than ten (10) feet from the ground in areas in which there is only pedestrian traffic and not less than fifteen (15) feet from the ground in areas in which there is vehicular traffic. Signs shall be not more than twenty (20) square feet in area per occupant and shall not extend more than four feet above the roofline. Projecting signs may be anchored to the roof or building.
- (3) The permitted types of free-standing signs in the C-3B District are monumental and sandwich board signs. Pole signs and portable signs other than sandwich board signs are not permitted.
- (4) One sandwich board sign shall be permitted per building tenant for identification and on-premises advertising. Such signs shall comply with ingress and egress

requirements outlined in the city building code. Sandwich board signs are permitted upon the sidewalks within the public rights-of-way, subject to the following:

- a. Such signs are permitted only during the hours the business is open to the public, and must be located adjacent to the premises.
  - b. Such signs shall be placed no closer than two (2) feet from the back of the street curb.
  - c. Such signs shall be no more than ten (10) square feet in area on each side, no more than five (5) feet in height, and no more than three (3) feet in width.
  - d. There shall be no electrical service to such signs.
- (5) One non-illuminated building or wall identification sign per occupant, not to exceed two square feet in area, shall be permitted on buildings where occupants have no occupant frontage, and shall be located immediately adjacent to the principal entrance to said occupant's premises.
- (6) Two on-premises Type B attraction panel signs shall be permitted on theatre marquees. The total sign area per marquee shall not exceed 160 square feet.
- (7) Off-premise advertising signs are not permitted in the C-3B district.

**Sec. 134-1012 -- 134-1015. Reserved.**

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

T.M. Franklin Cownie, Mayor

Attest:

I, Jody Witmer, Chief Deputy 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. 05-1332), passed by the City Council of said City at a meeting held May 23, 2005 signed by the Mayor on May 23, 2005 and was published as provided by law in the Business Record on June 13, 2005 Authorized by Publication Order No.4812.

Jody Witmer, Chief Deputy City Clerk