

ORDINANCE NO. 15,342

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 134-1352, 134-1376 and 134-1377, relating to off-street parking and loading regulations, and requirements for paving and paved access drives.

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 134-1352, 134-1376 and 134-1377, relating to off-street parking and loading regulations, and requirements for paving and paved access drives, as follows:

**Sec. 134-1352. Use of land, use of structures and structures in any R district.**

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- (a) *Nonconforming uses of land.* The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of the ordinance from which this chapter derives or as this chapter may be amended may be continued so long as it remains otherwise lawful, subject to the following:
- (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the ordinance adopting or amending this chapter. For purposes of this section, the addition of gravel or similar material on or after February 1, 2015, in an amount deemed substantial by the zoning enforcement officer, for purposes of surfacing or maintaining an unpaved parking area, parking lot, off-street parking or loading area, or access drive, shall constitute enlargement of a nonconforming use whether or not such surfaced or maintained area occupies a greater area of land than was occupied as of February 1, 2015.
  - (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel, which was not occupied by such use at the effective date of the ordinance adopting or amending this chapter.
  - (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

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

- (c) In all districts, and for all uses except non-required but permitted parking areas in rear yards serving one- and two-family dwellings, any off-street loading space or loading area or expansion thereof shall be surfaced and maintained with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer, so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, and parking of vehicles.
- (d) In all districts, there shall be provided a paved access drive which leads to any required or permitted off-street loading space or loading area or expansion thereof, which drive shall be surfaced and maintained with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer, so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall not be less than 8 feet wide for a single, semidetached, two-family dwelling and for townhouses, where each individual unit directly fronts on a public street, nor less than 20 feet wide for two-way circulation or ten-feet wide for one-way circulation for all other uses.

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

- (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:
  - (1) *Access drive.* There shall be provided a paved access drive which leads to any required or permitted parking area or expansion thereof, which drive shall be designed in such a manner as to secure the most appropriate development of a property. The access drive shall not be less than the following:
    - a. Eight feet for a single, semidetached, two-family dwelling and for townhouses, where each individual unit directly fronts on a public street.
    - b. In all other cases 20 feet wide for two-way circulation and ten feet wide for one-way circulation.
  - (5) *Paving of off-street parking areas.* Any off-street parking area or parking lot shall be surfaced and maintained with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the city engineer, so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, storage and display of vehicles, equipment or merchandise.
    - a. Non-required but permitted parking areas in the rear yard serving one and two family dwellings are exempt from this code section.

- b. Contractor's storage and equipment yards located in an M-1 or M-2 zoning district are exempt from this code section, but are subject to the requirements of section 134-1087(4) of the zoning code.

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- (m) *Supplemental parking regulations.* Parking areas, parking lots and off-street parking and loading areas shall further be subject to the following:
    - (1) All required parking in any R district, and all required parking for any single-family or two-family dwelling in any district, must be outside the required front yard and paved in accordance with subsection (f)(5) of this section.
    - (2) No parking for any permitted use in any R district, other than non-required parking on surfaces paved in accordance with subsection (f)(5) of this section and serving a single-family or two-family dwelling, may be located in the required front yard.
    - (3) No lot used for single-family or two-family dwellings shall have more than 25 percent of the front yard used for driveway and off-street parking purposes. However, this restriction shall not prohibit the construction of a 20-foot-wide driveway, or a driveway expansion immediately in front of and the minimum width reasonably necessary to provide access to a three- or four-car garage.
    - (4) Not Used.
    - (5) Temporary parking in residential yards for the state fair overflow parking, for Drake Relays, and for other events officially designated by the city council to allow for temporary parking in the yard shall be permitted.
    - (6) Overflow temporary parking for school athletic events shall be allowed in the required front yard provided such parking is restricted to the school grounds.
    - (7) No vehicle shall be displayed for sale, rental or hire in the required front yard in any commercial district, except upon an improved parking lot.
    - (8) The requirements of this subsection may also be enforced as a violation of subsection 114-361.02(b) of this Code.
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Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

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Glenna K. Frank  
Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 15-0221), passed by the City Council of said City at a meeting held February 9, 2015 signed by the Mayor on February 9, 2015 and published and provided by law in the Business Record on February 27, 2015. Authorized by Publication Order No. 9162.

Diane Rauh, City Clerk