



Roll Call Number

Agenda Item Number

46 A

Date September 13, 2021

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 134-3.5.16 and 134-3.9.6 of the Zoning Ordinance, relating to self-service storage and accessory outdoor storage",

presented.

Moved 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				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ 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 134-3.5.16 and 134-3.9.6 of the Zoning Ordinance, relating to self-service storage and accessory outdoor storage.

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 134-3.5.16 and 134-3.9.6, relating to self-service storage and accessory outdoor storage, as follows:

134-3.5.16 SELF-SERVICE STORAGE

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses, including, if any, caretaker's or supervisor's quarters as an accessory use. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles. Self-service storage does not allow storage of junk, explosive or flammable materials, and other noxious or dangerous materials.

A. Supplemental Use Regulations.

Self-service storage uses that are located in an MX2 or MX3 districts are subject to the following ~~in MX2 and MX3 districts~~:

....

134-3.9.6 OUTDOOR STORAGE

Permanent outdoor storage of goods, materials and equipment not typically housed or sold indoors, such as large-scale materials, recreational vehicles and boats when in connection with self-service storage, and building and landscape supplies, but excluding junk and salvage yards.

- A. Outdoor storage is permitted in any I or EX district when associated with an industrial use, in any I district when associated with a self-service storage use, and in any CX district when associated with large format retail use.

....

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

134-3. USES

Accessory Uses

- d. Parking lots are allowed in rear yards with a frontage buffer per section 135-7.7 of this code and semi-pervious paving for all drive lanes and spaces. Parking lots are limited to no more than six spaces.

3.9.5 OUTDOOR DINING AND DISPLAY

A. Outdoor Dining. Tables and chairs for patrons of eating and drinking places located outdoors and directly adjacent to the structure containing the associated use.

1. Outdoor dining may be located anywhere on the lot.
2. Outdoor dining may be located on the sidewalk of an adjacent right-of-way of a non-primary street if all of the following requirements are met:
 - a. A sidewalk permit per chapter 102 of this code is approved.
 - b. At least five feet of continuous sidewalk is maintained clear and unobstructed for passing pedestrians.
 - c. No permanent construction is permitted within the right-of-way and all appurtenances shall be removed during the off-season.
 - d. A Type 1 exception may be approved for outdoor dining on a primary street, where no non-primary street is available adjacent to the business and the sidewalk is wide enough to accommodate the above requirements.
3. The maximum size of any outdoor dining shall not exceed the gross floor area of the restaurant interior.

B. Outdoor Display. The outdoor display of merchandise associated with a retail sales use.

1. Outdoor sales displays are permitted anywhere on the lot, but shall not be closer to the right-of-way line than the front building facade.
2. Outdoor sales displays on the same lot as a Fuel Station are limited to within five feet of the building or under the fuel canopy, and the height is limited to no more than five feet.
3. Outdoor sales are restricted to those items or merchandise which are permitted in the district.

4. If associated with a principal use on a corner lot, only a single frontage shall be utilized for accessory outdoor display purposes.
5. Merchandise, displays, and other structures in the front or street-side yards shall be removed and stored indoors during non-business hours.
6. Outdoor sales in the interior side or rear yard shall be fenced or walled. Any outdoor sales yard abutting a street right-of-way shall include a frontage buffer per section 135-7.7 of this code.
7. The gross square footage of an outdoor sales display area shall not exceed the gross square footage of the interior space of the building containing the associated principal retail sales use on the property.

3.9.6 OUTDOOR STORAGE

Permanent outdoor storage of goods, materials and equipment not typically housed or sold indoors, such as large-scale materials, recreational vehicles and boats when in connection with self-service storage, and building and landscape supplies, but excluding junk and salvage yards.

- A.** Outdoor storage is permitted in any I or EX district when associated with an industrial use, in any I district when associated with a self-service storage use, and in any CX district when associated with large format retail use.
- B.** Outdoor storage shall be located in the rear or side yard of the lot.
- C.** Loose materials shall not be stacked higher than six feet and shall, at a minimum, be stored in a three-sided covered shelter.
- D.** Goods, materials and equipment shall not be stacked higher than the height of the perimeter screening.
- E.** Materials shall be set back from each lot line a minimum distance as established in, and subject to review pursuant to, chapter 135 of this code.
- F.** All outdoor storage areas shall be screened from view of adjacent lots and streets in accordance with, and subject to review pursuant to, chapter 135 of this code.
- G.** No person shall park, place, keep or store, or permit the parking or storage of, a stock car, racing car, inoperable or unsafe vehicle, vehicular component parts, or miscellaneous junk and debris on any public or private property unless it shall be in a completely enclosed building. This subsection shall

134-3.USES

Accessory Uses

not apply to legitimate businesses operating in a lawful place and manner; provided, however, that such outside areas are screened from public view.

3.9.7 RESIDENTIAL SUPPORT SERVICE

- A. Residential support services are small-scale personal service and retail sales uses that primarily serve the needs of residents of large residential buildings.
- B. Residential support services are allowed in NX3 districts as an accessory use to any principal group living use with more than 50 residents and in apartment buildings containing more than 30 permanent household units.
- C. Residential support services must be located on the ground floor of the same building as the principal residential use and not exceed 25% of the ground floor area of the building.
- D. Residential support services must have internal access from the principal residential building. External entrances are also allowed.

3.9.8 BOARDING AND ROOMING UNITS

- A. The taking of boarders for more than 30 consecutive days or the leasing of rooms for more than 30 consecutive days is allowed as an accessory use to a principal use in the household living use category, provided the total number of boarders and roomers does not exceed two and an owner of the property resides full-time on the property.
- B. The use of a household unit, or part of a household unit, for commercial lodging use, also known as short-term rental use, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days, is allowed as an accessory use to a household living principal use.

3.9.9 LIQUOR, WINE AND BEER SALES

- A. **Description.** The retail sale of alcoholic liquor, wine and beer is permitted as a principal use, or as an accessory use to a permitted principal use where determined by the neighborhood services director that said accessory use is customary and incidental to such permitted principal use, only in the zoning districts and subject to the conditions indicated in [Table 134-3.1-1](#) and [Table 134-3.9-1](#) of this article and pursuant to this section.
- B. **Conditional Use Approval Criteria.** Conditional use approval is required for the use of a premises, either as principal or accessory use, for the sale of alcoholic liquor, wine or beer, under the circumstances identified in [Table 134-3.1-1](#) and

[Table 134-3.9-1](#) of this article. The board of adjustment is authorized to grant conditional use approval for such uses only when the business, operated in conformance with such reasonable conditions as may be imposed by the board, satisfies the following criteria:

1. The business conforms with the conditions identified in indicated in [Table 134-3.9-1](#) of this article.
2. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
3. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
4. The business will not unduly increase congestion on the streets in the adjoining residential area.
5. The operation of the business will not constitute a nuisance.

C. Supplemental Use Regulations.

Any conditional use approval granted by the board of adjustment for the use of a premises, either as principal or accessory use, for the sale of alcoholic liquor, wine and beer is subject to the following supplemental use regulations, together with such additional special conditions as may be reasonably required by the board of adjustment to ensure that the conditional use review approval criteria of paragraph B of this subsection, are satisfied:

1. Any parking area provided for the use of customers of the business must be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site must be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
2. The business shall comply with the noise control regulations of article IV of chapter 42 of this code. Outside speakers and amplified sound is prohibited except when used in compliance with a type E sound permit.
3. Any such business must comply with the following requirements:

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Commercial Use Category

C. Large-Format Retail Sales. Retail sales establishments occupying more than 40,000 square feet of floor area.

D. Liquor Store. Limited retail sales establishment primarily engaged in the sale of off-premise consumption of alcoholic liquor, wine and beer, where more than 40% of gross receipts is derived from the sale of alcoholic liquor, wine, beer and tobacco. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.

E. Tobacco Store. Limited retail sales establishment primarily engaged in the retail sale of tobacco and tobacco-related products, provided however that no more than 25% of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine or beer, and all sales of alcoholic liquor, wine or beer are for off-premises consumption only. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.

3.5.16 SELF-SERVICE STORAGE

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses, including, if any, caretaker's or supervisor's quarters as an accessory use. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles. Self-service storage does not allow storage of junk, explosive or flammable materials, and other noxious or dangerous materials.

A. Supplemental Use Regulations.

Self-service storage uses that are located in an MX2 or MX3 districts are subject to the following:

1. The self-storage use shall be permitted only within the interior of converted pre-existing buildings or the interior of building types allowed in the applicable zoning district, in accordance with chapter 135 of this code.
2. No external storage or additional buildings shall be permitted as part of the self-storage use.
3. The landscape regulations of chapter 135 of this code shall be required of any self-storage use of property, whether associated with a pre-existing building or an allowed building type.

3.5.17 SIGN, GENERAL ADVERTISING

A large outdoor advertising structure, with a minimum sign face of 300 square feet in area and a maximum sign face of 672 square feet in area, located along

major commercial corridors identified in Article 5 of this chapter to provide information to the general public in exchange for compensation. General advertising signs are subject to sections 134-5.7, 134-5.8, and 134-7.3 of this chapter.

3.5.18 SPORTS AND RECREATION, PRIVATE/PARTICIPANT

A commercial facility for provision of sports or recreation primarily by and for participants. Spectators are incidental. Examples include bowling alleys, health clubs, skating rinks, bingo halls, casinos, billiard parlors, driving ranges and miniature golf courses, archery ranges, batting cages, go-cart tracks, private golf courses and recreational fields, and private open spaces.

A. Indoor. Participant sports and recreation uses conducted entirely within buildings.

B. Outdoor. Participant sports and recreation uses conducted wholly or partially outside of buildings.

3.5.19 VEHICLE SALES AND SERVICE

A. Fuel Station

1. A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses and which may include retail sales of convenience items.
2. Fuel stations are subject to the applicable building type regulations in Article 2 of chapter 135 of this code and accessory structure regulations in section 135-2.22.3 of this code.

B. Vehicle Sales. Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals pursuant to section 134-3.6.3 of this article. Vehicle sales are also subject to sections 134-6.3.12 of this chapter and 135-2.1.4.D of this code.

C. Vehicle Rentals. Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. The rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals pursuant to section 134-3.6.3 of this article. Vehicle