

*Handwritten initials/signature*

ORDINANCE NO. 10,752

*Handwritten number 13*

AN ORDINANCE entitled "AN ORDINANCE to amend the Municipal Code of Des Moines 1985, adopted by Ordinance No. 10,736, passed December 2, 1985, by adding thereto a new Section 2A-14.03, and by repealing Section 2A-4 and subsection 2A-8(A) as they heretofore existed and by adding a new Section 2A-4 and a new subsection 2A-3(A), all related to establishing a new zoning district classification to be known as "R-HD" Residential Historic District and providing associated non-conforming use regulations, bulk regulations, parking requirements and signage regulations",

As It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines 1985, adopted by Ordinance No. 10,736, passed December 2, 1985, is hereby amended by adding thereto a new Section 2A-14.03, related to establishing a new zoning district classification to be known as "R-HD" Residential Historic District and providing associated bulk regulations, parking requirements and signage regulations, as follows:

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INSTR. NO. \_\_\_\_\_  
POLK COUNTY, IOWA  
FILED FOR RECORD  
MAR 24 1987  
AT 8:45  
TIMOTHY J. BRIEN, Recorder  
By *[Signature]* Deputy

2A-14.03. "R-HD" DISTRICT REGULATIONS. (RESIDENTIAL HISTORIC DISTRICTS).

Statement of Intent. The "R-HD" District is intended and designed to encourage the preservation and enhancement of the historic character of residential neighborhoods designated both as National Register Historic Districts and as local historic districts under Sec. 2-205.46 of the Municipal Code.

- (A) Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "R-HD" District.
  - (1) Single-family and two-family dwellings.
  - (2) Churches, cathedrals, temples and similar places of worship.
  - (3) Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in Des Moines public

BOOK 5698 PAGE 197

schools, but excluding boarding schools, nursery schools, and child care centers.

- (4) Fire stations owned and operated by the City of Des Moines.
- (5) Publicly owned parks, playgrounds, golf courses and recreation areas.
- (6) Supervised group residences, subject to all of the conditions set forth in Sec. 2A-9(A) (7) of the "R-1" District regulations.
- (7) Family homes; provided that a new family home shall not be located within one-fourth (1/4) mile from another family home.
- (8) Multiple dwellings; provided that row dwellings shall not exceed eight (8) units per row and that no more than four (4) of the units in an attached row shall have a width of less than eighteen (18) feet. For purposes of this subparagraph, the width of a unit at the end of a row shall be measured from the outside of the exterior wall to the center of the interior common wall, and the width of all other row units shall be measured between the centers of the common walls.
- (9) Boarding and rooming houses, including bed and breakfast facilities; provided that the total number of boarders and roomers does not exceed eight (8) per building.
- (10) Institutions of a religious, educational or philanthropic nature, including libraries.
- (11) Nursing, convalescent and retirement homes.
- (12) Apartment hotels; provided that no more than either eight (8)

5698 198

or thirty (30) percent of the dwelling units, whichever is less, may be used for transient occupancy.

- (13) Transit benches and shelters, erected by or for a public transit corporation, provided the location is approved by the Planning Director and the Director of Traffic and Transportation to insure the facility does not interfere with pedestrian or vehicular circulation on the property, on adjoining property or on the public streets. No advertising signs shall be permitted on such facilities. Such facility shall be exempt from the bulk regulations of this section.
- (14) Walk-up telephone booth, erected by a public service corporation, provided the location is approved by the Planning Director and the Director of Traffic and Transportation to insure the facility does not interfere with pedestrian or vehicular circulation on the property, on adjoining property or on the public streets. Such facility shall be exempt from the bulk regulations of this section.
- (15) Any residential building occupied by one (1) or more of its owners as their bona fide and primary residence may be devoted, in part, to commercial use. The area devoted to commercial use shall not exceed the lesser of (i) fifty (50) percent of the gross floor area of the building, or (ii) the gross floor area of the ground floor. The number of non-resident persons employed in the commercial use shall not exceed one (1) such person for every two hundred fifty (250) square feet of gross floor area devoted to such use. Only the

BOOK 5698 PAGE 192

Ordinance No. **10,752** cont'd.

-4-

following commercial uses shall be permitted hereunder:

- (a) Antique shops.
- (b) Artist and photographic studios.
- (c) Artist supply shops.
- (d) Bicycle shops.
- (e) Beauty and barber shops.
- (f) Catering service.
- (g) Day nurseries, day care centers and nursery schools,

provided:

- (1) There shall be no more than twelve (12) unrelated children supervised;
- (2) There shall be provided for each child a minimum of thirty-five (35) square feet of usable floor space exclusive of bathrooms, kitchens and hallways; and
- (3) There shall be provided for each child a minimum of seventy-five (75) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and shall be completely enclosed by a fence.

- (h) Dry goods shops.
- (i) Florists (retail only).
- (j) Gift card shops.
- (k) Handicraft shops, such as jewelry, stained glass, woven rugs, candlemaking and ceramics.
- (l) Picture framing shops.
- (m) Printing shops (retail only).

**5000-200**

- (n) Professional offices, including those of a physician, dentist, attorney, architect, engineer, teacher, accountant, or other member of a recognized profession.
- (o) Restaurants, including delicatessens, tea rooms and eating places.
- (p) Small appliance repair shops.
- (q) Specialty clothing shops dealing with new items.
- (r) Stationery shops.

**(B) Permitted Accessory Uses.**

- (1) Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- (2) Private garage or carport.
- (3) Foster child care.
- (4) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

**(C) Bulk Regulations.** The following minimum requirements shall be observed:

- (1) Lot area:
  - Single-family detached dwelling - 5,000 square feet.
  - Single-family semi-detached dwelling - 3,000 square feet.
  - Two-family dwelling - 6,000 square feet.
  - Other permitted uses - 7,500 square feet.

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- (2) Lot area per dwelling unit: 1,400 square feet.
- (3) Front yard: Minimum and maximum front yard setback requirements shall be observed. The setback requirements for each lot shall be determined by reference to the particular block face within which such lot is located, in accordance with the following schedule. For the purposes of this subparagraph, a "block face" is defined to include all of the lots fronting on the same side of the same street between two streets intersecting such street.

<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block face lying west of and adjoining 20th Street between Woodland and Pleasant.	17 feet.	25 feet.
Block face lying east of and adjoining 20th Street between Woodland and Pleasant.	22 feet.	25 feet.
Block face lying west of and adjoining 20th Street between Pleasant and Center.	16 feet.	25 feet.
Block face lying east of and adjoining 20th Street between Pleasant and Center.	17 feet.	25 feet.
Block face lying west of and adjoining 19th Street between Woodland and Pleasant.	15 feet.	30 feet.
Block face lying east of and adjoining 19th Street between Woodland and Pleasant.	20 feet.	25 feet.
Block face lying west of and adjoining 19th Street between Pleasant and Center.	14 feet.	25 feet.
Block face lying east of and adjoining 19th Street between Pleasant and Center.	12 feet.	25 feet.
Block Faces lying west of and adjoining 19th Street between Center and Crocker.	12 feet.	25 feet.

**BOOK 5698 PAGE 202**

<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block faces lying east of and adjoining 19th Street between Center and District boundary south of Crocker.	14 feet.	20 feet.
Block face lying west of and adjoining 19th Street between Olive and School.	17 feet.	25 feet.
Block face lying west of and adjoining 18th Street between Woodland and Pleasant.	20 feet.	30 feet.
Block face lying east of and adjoining 18th Street between Woodland and Pleasant.	20 feet.	27 feet.
Block face lying west of and adjoining 18th Street between Pleasant and Center.	15 feet.	25 feet.
Block face lying east of and adjoining 18th Street between Pleasant and Center.	14 feet.	25 feet.
Block face lying west of and adjoining 18th Street between Center and District boundary south of Crocker.	15 feet.	25 feet.
Block face lying east of and adjoining 18th Street between Center and District boundary south of Crocker.	20 feet.	30 feet.
Block face lying west of and adjoining 18th Street between Crocker and Olive (excluding portion of block face not zoned "R-HD").	24 feet.	30 feet.
Block faces lying east of and adjoining 18th Street between Crocker and District boundary north of Olive (excluding portion of block face not zoned "R-HD").	16 feet.	25 feet.
Block face lying west of and adjoining 17th Street between Woodland and Pleasant.	16 feet.	25 feet.
Block face lying east of and adjoining 17th Street between Woodland and Pleasant.	25 feet.	30 feet.
Block face lying west of and adjoining 17th Street between Pleasant and Center.	15 feet.	20 feet.
Block face lying east of and adjoining 17th Street between Pleasant and Center.	17 feet.	25 feet.

<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block face lying west of and adjoining 17th Street between Center and District boundary south of Crocker.	14 feet.	24 feet.
Block face lying east of and adjoining 17th Street between Center and District boundary south of Crocker.	7 feet.	20 feet.
Block face lying west of and adjoining 16th Street between Woodland and Pleasant.	15 feet.	20 feet.
Block face lying east of and adjoining 16th Street between Woodland and Pleasant.	0 feet.	30 feet.
Block face lying west of and adjoining 16th Street between Pleasant and Center.	15 feet.	25 feet.
Block face lying east of and adjoining 16th Street between Pleasant and Park.	10 feet.	15 feet.
Block face lying east of and adjoining 16th Street between Park and Center.	8 feet.	10 feet.
Block face lying west of and adjoining 16th Street between Center and Crocker.	17 feet.	25 feet.
Block face lying east of and adjoining 16th Street between Center and Crocker.	15 feet.	25 feet.
Block face lying west of and adjoining 15th Street between Woodland and Pleasant.	17 feet.	20 feet.
Block face lying west of and adjoining 15th Street between Pleasant and Park.	5 feet.	15 feet.
Block face lying west of and adjoining 15th Street between Park and Center.	20 feet.	20 feet.
Block face lying west of and adjoining 15th Street between Center and Crocker.	15 feet.	20 feet.
Block face lying south of and adjoining Woodland between 15th and 16th.	5 feet.	15 feet.
Block face lying north of and adjoining Woodland between 15th and 16th.	200 feet.	200 feet.

BOOK 5698 PAGE 204



<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block face lying south of and adjoining Woodland between 16th and 17th.	0 feet.	12 feet.
Block face lying north of and adjoining Woodland between 16th and 17th.	25 feet.	35 feet.
Block face lying south of and adjoining Woodland between 17th and 19th.	0 feet.	25 feet.
Block face lying north of and adjoining Woodland between 17th and 18th.	21 feet.	23 feet.
Block face lying north of and adjoining Woodland between 18th and 19th.	0 feet.	20 feet.
Block face lying south of and adjoining Woodland between 19th and District boundary to the west.	0 feet.	25 feet.
Block face lying north of and adjoining Woodland between 19th and 20th.	0 feet.	10 feet.
Block face lying north of and adjoining Woodland between 20th and District boundary to the west.	15 feet.	15 feet.
Block face lying south of and adjoining Pleasant between 15th and 16th.	5 feet.	5 feet.
Block face lying north of and adjoining Pleasant between 15th and 16th.	5 feet.	30 feet.
Block face lying south of and adjoining Pleasant between 16th and 17th.	30 feet.	30 feet.
Block face lying north of and adjoining Pleasant between 16th and 17th.	20 feet.	30 feet.
Block face lying south of and adjoining Pleasant between 17th and 18th.	12 feet.	20 feet.
Block face lying north of and adjoining Pleasant between 17th and 18th.	2 feet.	18 feet.
Block face lying south of and adjoining Pleasant between 18th and 19th.	5 feet.	15 feet.

BOOK 5698 PAGE 205

<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block face lying north of and adjoining Pleasant between 18th and 19th.	7 feet.	10 feet.
Block face lying south of and adjoining Pleasant between 19th and 20th.	5 feet.	20 feet.
Block face lying north of and adjoining Pleasant between 19th and 20th.	7 feet.	20 feet.
Block face lying south of and adjoining Pleasant between 20th and District boundary to the west.	5 feet.	5 feet.
Block face lying north of and adjoining Pleasant between 20th and District boundary to the west.	5 feet.	10 feet.
Block face lying south of and adjoining Park between 15th and 16th.	0 feet.	15 feet.
Block face lying north of and adjoining Park between 15th and 16th.	15 feet.	15 feet.
Block face lying south of and adjoining Center between 15th and 16th.	10 feet.	15 feet.
Block face lying north of and adjoining Center between 15th and 16th.	38 feet.	55 feet.
Block face lying south of and adjoining Center between 16th and 17th.	5 feet.	10 feet.
Block face lying north of and adjoining Center between 16th and 17th.	28 feet.	40 feet.
Block face lying south of and adjoining Center between 17th and 18th.	2 feet.	15 feet.
Block face lying north of and adjoining Center between 17th and 18th.	20 feet.	20 feet.
Block face lying south of and adjoining Center between 18th and 19th.	12 feet.	15 feet.
Block face lying north of and adjoining Center between 18th and 19th.	14 feet.	22 feet.

BOOK 5698 PAGE 206

<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block face lying south of and adjoining Center between 19th and 20th.	0 feet.	20 feet.
Block face lying south of and adjoining Center between 20th and District boundary to the west.	8 feet.	8 feet.
Block face lying north of and adjoining Center between 19th and W. 19th St. Place.	0 feet.	12 feet.
Block face lying south of and adjoining Leyner between 19th and 19th St. Place.	5 feet.	5 feet.
Block face lying north of and adjoining Leyner between 19th and 19th St. Place.	15 feet.	15 feet.
Block face lying south of and adjoining Crocker between 19th and 19th St. Place.	5 feet.	5 feet.
Block face lying south of and adjoining Crocker between 17th and 16th (excluding portion of block face not zoned "R-HD").	0 feet.	10 feet.
Block face lying south of and adjoining Crocker between 16th and 15th.	10 feet.	15 feet.
Block face lying south of and adjoining Olive between 18th and District boundary to the east.	5 feet.	5 feet.
Block face lying north of and adjoining Olive between 18th and District boundary to the east.	5 feet.	5 feet.
Block face lying west of and adjoining 16th between Woodland and District boundary to the south.	8 feet.	10 feet.
Block face lying east of and adjoining 16th between Woodland and District boundary to the south.	8 feet.	12 feet.
Block face lying east of and adjoining 17th between Woodland and District boundary to the south.	0 feet.	15 feet.

BOOK 5698 PAGE 207

<u>Description of Block Faces</u>	<u>Minimum Setback</u>	<u>Maximum Setback</u>
Block face lying west of and adjoining 17th between Woodland and District boundary to the south.	0 feet.	5 feet.
Block face lying east of and adjoining 19th between Woodland and District boundary to the south.	10 feet.	15 feet.
Block face lying west of and adjoining 19th between Woodland and District boundary to the south.	0 feet.	0 feet.
(4) Side yards:	Single-family and two-family dwellings - 3 feet minimum on one side.  Multiple dwellings, supervised group residences and family homes - 5 feet minimum on one side.  Buildings devoted to mixed residential and commercial uses and other permitted uses - 10 feet minimum on one side.  For purposes of the side yard requirements, all dwelling units adjoining each other and their corresponding lots shall be regarding as a single dwelling and lot, and all detached garages adjoining each other and their corresponding lots shall be considered as a single building and lot.	
(5) Maximum number of stories:	Accessory building - 2 stories.	

BOOK 5698 PAGE 208

(D) **Off-Street Parking and Loading.** Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sec. 2A-24 and 2A-25, subject to the following exceptions.

- (1) The off-street parking requirements of Sec. 2A-25(A) (8) (c) and (d), relative to townhouses and other multiple dwellings, are not applicable in the "R-HD" District. In this District, a multiple dwelling which has been converted from a building originally constructed for use as a single-family or two-family dwelling shall provide one-half (1/2) of a parking space per dwelling unit, and a building originally constructed for use as a multiple dwelling shall provide three-quarters (3/4) of a parking space per dwelling unit.
- (2) Boarding and rooming houses in the "R-HD" District shall provide one (1) off-street parking space for every two (2) units.
- (3) The off-street parking requirements of Sec. 2A-25(A) (9), relative to professional offices, and of Sec. 2A-25(A) (24), relative to retail stores and shops, are not applicable where those uses are mixed with residential uses in the same building in the "R-HD" District. Each such professional office, retail store or shop shall provide one (1) parking space for every six hundred (600) square feet of gross floor area devoted to such use.
- (4) The parking lot setback requirements of Sec. 2A-25(F) (2) are not applicable in the "R-HD" District. In this District, all public or private parking lots shall satisfy the following setback requirements:

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- (a) A two (2) foot setback shall be maintained along an alley line, except that no setback is required where the parking lot is accessory to a single-family or two-family dwelling use or where the property across the alley either is another parking lot or is in a "C" District.
  - (b) Where no screening is provided, a ten (10) foot setback shall be maintained along adjoining "R" District property lines; where screening is provided, this requirement shall be reduced to a three (3) foot setback.
  - (c) No setback is required between adjoining parking lots.
  - (d) No parking shall be permitted in a minimum front yard setback area; on corner lots, a front yard setback requirement shall apply to any yard which adjoins a street.
  - (e) Except along an alley line, the setback area shall consist of a permeable material and shall be landscaped.
  - (f) No vehicle shall be permitted to encroach into a required setback area.
- (5) The screening requirements of Sec. 2A-25(F) (4) (a) (1) shall be modified to the extent that prior approval of the City Historic District Commission shall be required before the Planning Director shall have the authority to reduce the height of a required opaque screen to four (4) feet.
- (E) Signs. Signs as permitted in Sec. 2A-11 ("R-3") shall be permitted, except that no free standing sign in the "R-HD" District shall be permitted to exceed two (2) square feet in area per sign face and that no other sign in the "R-HD" District shall be per-

BOOK 5698 PAGE 210

mitted to exceed (16) square feet in area per sign face.

Section 2. That the Municipal Code of Des Moines 1985, adopted by Ordinance No. 10,736, passed December 2, 1985, is hereby amended by repealing Section 2A-4 as it heretofore existed and by adding a new Section 2A-4, as follows:

**2A-4. ESTABLISHMENT OF DISTRICTS.**

In order to carry out the purpose and intent of this Ordinance the area of the City of Des Moines, Iowa, is hereby divided into twenty (20) zoning district classifications as follows:

- "R-1" One Family Residential District
- "R-2" One and Two Family Residential District
- "R-2A" General Residential District
- "R-3" Multiple Family Residential District
- "R-4" Multiple Family Residential District
- "R-5" Mobile Home Park Residential District
- "R-6" Planned Residential Development District
- "PUD" Planned Unit Development District
- "R-HD" Residential Historic District
- "C-0" Commercial-Residential District
- "C-1" Neighborhood Retail Commercial District
- "C-2" General Retail and Highway Oriented Commercial District
- "C-3" Central Business District Commercial District
- "C-3A" Central Business District Support Commercial District
- "C-4" Shopping Center Commercial District
- "M-1" Light Industrial District
- "M-2" Heavy Industrial District

"M-3" Limited Industrial District

"M-4" Flood Plain District

"FW" Floodway District

Section 3. That the Municipal Code of Des Moines 1985, adopted by Ordinance No. 10,736, passed December 2, 1985, is hereby amended by repealing subsection 2A-8(A) as it formerly existed and by adding a new subsection 2A-8(A), as follows:

(A) Non-Conforming Use of Land, Use of Structures, and Structures in any "R" District.

(1) Non-Conforming Uses of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes non-conforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

(b) No such non-conforming 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 adoption or amendment of this Ordinance.

(c) If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is

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located.

(2) **Non-Conforming Uses of Structures.** If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
- (b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a similar nature within the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

(d) In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(e) Any structure devoted to a use made non-conforming by this ordinance that is destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six (6) months of such happening, and be built of like or similar materials. This subparagraph does not apply to non-conforming structures within a "R-HD" Residential Historic District.

(3) Non-Conforming Structures. Where a structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains other-

wise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or altered in a way which increases its non-conformity.
- (b) Should such structures be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. This subparagraph does not apply to non-conforming structures within a "R-HD" Residential Historic District.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

*James E. Nervig*  
 \_\_\_\_\_  
 James E. Nervig  
 Assistant City Attorney

Passed February 24, 1986  
Signed February 24, 1986

*Pete Crivaro*  
 Pete Crivaro, Mayor

Attest:

I, Donna V. 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. 738) passed by the City Council of said City at a meeting held February 24, 1986, signed by the Mayor February 24, 1986, and published as provided by law in the Des Moines Register on March 6, 1986.

*Donna V. Boetel-Baker*  
 Donna V. Boetel-Baker  
 City Clerk

BOOK 5698 PAGE 215