



Roll Call Number

Agenda Item Number

481

Date October 5, 2020

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 Chapter 2, Article IV, Division 3, Subdivision I, Sections 2-201, 2-203, and Article V, Division 6, Sections 2-921, 2-922, 2-923, 2-924, and Article VII, Sections 2-1233, 2-1234, 2-1235, 2-1236; repealing Division 3, Subdivision II, Section 2-231; and adding Article V, Division 8, Section 2-1001, 2-1002, 2-1003, and 2-1004, relating to the reorganization and replacement of the Community Development Department with the Neighborhood Services Department and the Development Services Department,"

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 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 Chapter 2, Article IV, Division 3, Subdivision I, Sections 2-201, 2-203, and Article V, Division 6, Sections 2-921, 2-922, 2-923, 2-924, and Article VII, Sections 2-1233, 2-1234, 2-1235, 2-1236; repealing Division 3, Subdivision II, Section 2-231; and adding Article V, Division 8, Section 2-1001, 2-1002, 2-1003, and 2-1004, relating to the reorganization and replacement of the Community Development Department with the Neighborhood Services Department and the Development Services Department,"

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, by amending Chapter 2, Article IV, Division 3, Subdivision I, Sections 2-201, 2-203, and Article V, Division 6, Sections 2-921, 2-922, 2-923, 2-924, and Article VII, Sections 2-1233, 2-1234, 2-1235, 2-1236; repealing Division 3, Subdivision II, Section 2-231; and adding Article V, Division 8, Section 2-1001, 2-1002, 2-1003, and 2-1004, relating to the reorganization and replacement of the Community Development Department with the Neighborhood Services Department and the Development Services Department, as follows:

Article IV. Officers and Employees

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DIVISION 3. MANAGER

Subdivision I. In General

Sec. 2-201. Powers and duties.

- (a) The city manager shall be the administrative head of the municipal government and shall have and exercise all the powers and perform all the duties prescribed by I.C. § 372.1 et seq., except as otherwise provided by ordinance, resolution, or motion of the city council. Except as otherwise provided in this Code or by state law, the city manager shall have the power and duty to provide for the issuance and revocation of such licenses and permits as are authorized by law or ordinance. The manager shall supervise and administer the offices of ~~economic development and~~ public affairs.

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- (4) Documents releasing the city's interest in promissory notes and loan agreements for loans given by the city and administered by the city's office of economic development division of the development services department or the neighborhood conservation services division of the ~~community development~~neighborhood services department, and in mortgages, deeds of trust, and similar liens given as security for such loans, in the event that the underlying loan has been paid in full in accordance with the terms thereof. Notwithstanding the foregoing, execution of documents releasing the city's interest that involve partial or full loan forgiveness or amended loan or collateral terms require prior city council approval by resolution.

Sec. 2-203. Organization of city departments and offices.

The administrative services and functions of the city, under the city manager, are organized into 10 separate departments as follows:

- (1) *Department of engineering.* The department of engineering shall be under the supervision of the city engineer.
- (2) ~~*Department of community development*~~ *Development services department.* The ~~department of community~~ development *services department* shall be under the direction of the ~~planning~~ *development services* director.
- (3) *Department of finance.* The department of finance shall be under the supervision of the director of finance.
- (4) *Fire department.* The fire department shall be under the supervision of the fire chief.
- (5) *Human resources department.* The human resources department shall be under the supervision of the human resources director.
- (6) *Park and recreation department.* The park and recreation department shall be under the supervision of the park and recreation director.
- (7) *Police department.* The police department shall be under the supervision of the chief of police.
- (8) *Department of public works.* The department of public works shall be under the supervision of the director of public works.
- (9) *Neighborhood services department.* The neighborhood services department shall be under the supervision of the neighborhood services director. ~~*Department of housing*~~

~~services. The department of housing services shall be under the supervision of the director of housing services.~~

- (10) *Information technology department.* The information technology department shall be under the supervision of the information technology director.

Subdivision II. Office of Economic Development *Repealed by Ord. No. 15,---

~~*Cross reference(s) Urban renewal board, § 82-336 et seq.~~

~~State law reference(s) Powers regarding economic development, I.C. §§ 15A.1, 364.18, 403.2, 403.5, 403.6.~~

~~Sec. 2-231. Supervision; duties.~~

~~The deputy city manager shall supervise the office of economic development which will be responsible for planning, implementing, and administering economic development programs for businesses and individuals, including development and redevelopment projects.~~

~~(C85, § 2-32.01; O.11,557; C91, § 2-32.01; O.13,449)~~

Secs. 2-~~232~~231--2-260. Reserved.

Article V. Departments

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DIVISION 6. ~~COMMUNITY DEVELOPMENT~~NEIGHBORHOOD SERVICES

Sec. 2-921. Supervision.

The ~~community development~~neighborhood services director shall supervise the ~~community development~~neighborhood services department. All references to neighborhood services director or to ~~planning director~~community development director contained in other chapters of this code shall mean community development neighborhood services director for the purposes set forth in this division. All references to the community development department contained in other chapters of this code shall mean neighborhood services department for the purposes set forth in this division.

Sec. 2-922. Appointment of ~~community development~~ neighborhood services director.

The city manager shall appoint the ~~community development~~neighborhood services director.

Sec. 2-923. Duties of ~~community development~~ neighborhood services director.

The ~~community development~~neighborhood services director shall be responsible in the ~~community development~~neighborhood services department for the following:

- (1) The enforcement of vector, sanitation, nuisance housing ~~and~~; zoning, ~~planning and design, building, electrical, plumbing, mechanical, and steam power equipment~~ codes and the issuance of all permits and the inspection of all work done under the provisions of such codes and the safety inspection of all premises.
- (2) ~~Planning activities~~Neighborhood inspections.
- (3) Providing assistance to the city ~~plan and zoning commission in accordance with section 82-40 of this Code~~housing appeals board, housing services board, neighborhood revitalization board, continuum of care board, homeless coordinating council, and similar additional or substituted boards and commissions.
- (4) Housing rehabilitation, housing counseling and loan services, public housing, housing choice voucher and family self-sufficiency programs.
- (5) The administration ~~and enforcement of energy and water use benchmarking~~of federal community development-related funds.

Sec. 2-924. Divisions enumerated.

The ~~community development~~neighborhood services department shall be composed of the following divisions:

- (1) ~~Neighborhood development~~Housing services division.
- (2) ~~Permit and development center~~Zoning enforcement division.
- (3) Neighborhood inspections ~~and zoning~~ division.
- ~~(4) — Planning and urban design division.~~
- ~~(5)~~ ~~Neighborhood conservation services~~Federal funds administration division.

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DIVISION 8. DEVELOPMENT SERVICES

Sec. 2-1001. Supervision.

The development services director shall supervise the development services department. All references to development services director or to director of the office of economic development contained in other chapters of this code shall mean development services director for the purposes set forth in this division. All references to the office of economic development or to the community development department contained in other chapters of this code shall mean development services department for the purposes set forth in this division.

Sec. 2-1002. Appointment of development services director.

The city manager shall appoint the development services director.

Sec. 2-1003. Duties of development services director.

The development services director shall be responsible in the development services department for the following:

- (1) The enforcement of planning and design, building, electrical, plumbing, mechanical, and steam power equipment codes and the issuance of all permits and the inspection of all work done under the provisions of such codes.
- (2) Planning and subdivision activities.
- (3) Providing assistance to the city plan and zoning commission, zoning board of adjustment, historic preservation commission, urban design review board, building and fire board of appeals, and similar additional or substituted boards and commissions.
- (4) The administration and enforcement of energy and water use benchmarking.
- (5) Planning, implementing, and administering economic development programs for businesses and individuals, including development and redevelopment projects.

Sec. 2-1004. Divisions enumerated.

The development services department shall be composed of the following divisions:

- (1) Permit and development center division.
- (2) Planning and urban design division.
- (3) Office of economic development.

Secs. 2-1005--2-1045. Reserved.

ARTICLE VII. REQUESTS FOR REASONABLE ACCOMMODATION

Sec. 2-1233. Application.

- (a) A person seeking reasonable accommodation in rules, policies, practices or services of the city shall file an application with the **community** development services department.

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Sec. 2-1234. Consideration and decision by administrative panel.

- (a) *Membership of administrative panel.* For the purposes of this article, the administrative panel shall be comprised of the **community** development [services](#) director or the director's designee, the executive director of the human rights commission or the director's designee, and the deputy city manager or the deputy's designee, unless waived by the deputy city manager.

- (b) *Notice.* Notice of an application assigned to the administrative panel shall be given to all abutting and diagonally opposite (front and rear) property owners if the application seeks an accommodation to permit new construction or exterior alterations to existing improvements that would otherwise be prohibited by chapter 134 of this Code. No notice need be given of any other application assigned to the administrative panel. If notice is required to be given, the **community** development [services](#) department shall cause written notice to be mailed by ordinary mail within four business days of receipt of the application. The notice shall identify the name of the applicant and the rule, policy, practice or service of the city for which a waiver is requested. The notice shall contain a copy of the factors to be considered by the city in ruling upon any such application. The notice shall also state that the application has been assigned to an administrative panel for consideration and decision; that any person interested in the application may submit written comments to the **community** development [services](#) department; and that any comments received within ten days of the notice will be considered by the administrative panel.

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- (d) *Appeal to board of adjustment.* The applicant or any other person with a specific, personal and legal interest in the subject matter of the decision that is injuriously affected by the decision may appeal the order by timely filing a notice of appeal with the **community** development [services](#) department. The decision of the administrative panel shall be subject to appeal to the board of adjustment in accordance with the established procedures for considering appeals from the decisions of the zoning enforcement officer.

Sec. 2-1235. Consideration and decision by board of adjustment.

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- (b) The **community** development [services](#) department in cooperation and consultation with the human rights commission shall investigate the facts and circumstances of the case; consult the staff members responsible for the administration and enforcement of the rule, policy, practice or service addressed by the application; consider any comments and information regarding the application received prior to the hearing before the board; and prepare a staff report and recommendation containing suggested findings of fact with regard to each of the factors and a recommended decision for consideration by the board at the public hearing.

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Sec. 2-1236. Application of order.

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- (c) If a requirement imposed as a condition of granting an accommodation is violated, the zoning enforcement officer may initiate an application with the ~~community~~ services development department to reconsider the accommodation. The application shall be considered in the same manner as an original application for accommodation, except that no action to amend or repeal a prior accommodation shall be taken unless it is first found that the requirement imposed as a condition of granting the accommodation is being violated and that such violation materially affects the basis for which the accommodation was originally granted.

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