



Roll Call Number

20-0867

Agenda Item Number

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Date May 18, 2020

RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENTS TO SECTIONS 134-3.5.12, 134-6.4.8, AND 134-6.4.10 OF THE ZONING ORDINANCE

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

WHEREAS, on October 16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance effective December 15, 2019, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; and

WHEREAS, on December 16, 2019, by Roll Call No. 19-2044, and on February 10, 2020, by Roll Call No. 20-0282, the City Council approved Ordinance Nos. 15,844 and 15,865, respectively, amending the Zoning Ordinance, including amendments to the short-term commercial rental provisions set forth therein; and

WHEREAS, in early 2020, the City Manager and City staff received comments at a public meeting and drafted further amendments to Sections 134-3.5.12, 134-6.4.8 and 134-6.4.10 of the Zoning Ordinance, which amendments are intended to permit additional flexibility in assembly use and in reporting and residency requirements relating to short-term rental uses while addressing the needs of residential neighborhoods where short-term rental uses may occur, including the health, safety, morals, and general welfare of the community, the preservation of historically significant areas in the City, and the preservation and improvement of the peace, safety, health, welfare, comfort, and convenience of Des Moines residents; and

WHEREAS, on January 27, 2020, by Roll Call No. 20-0143, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 16, 2020, its members voted 12-1 in support of a motion to recommend **APPROVAL** of the proposed amendments to the Zoning Ordinance; and

WHEREAS, on January 27, 2020, by Roll Call No. 20-0143, it was duly resolved by the City Council that the proposed amendments to the Zoning Ordinance be set down for public hearing on February 24, 2020 at 5:00 p.m. in the City Council Chambers at City Hall; and

WHEREAS, on February 24, 2020, by Roll Call No. 20-0376, the City Council opened and continued the public hearing to May 18, 2020, and directed the City Manager to schedule a work session with the City Council regarding the amendments to the short-term commercial rental sections of the Zoning Ordinance; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 7, 2020, its members voted 11-1 in support of a motion to recommend **APPROVAL** of an update to the proposed amendments to the Zoning Ordinance including adding off-street parking



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requirements for short-term commercial rental uses, reinserting owner-occupancy or tenant-occupancy requirements for the NX2a zoning district which includes the Sherman Hill neighborhood, and adding separation distance requirements of 700 linear feet between short-term commercial rental uses for single-household structures and structures containing between two and nine households, subject to reduction of the limitation on duration of short-term commercial rental uses, as presented in the recommendation from the City Council workshop and from City staff, from ten years to five years from date of conditional use approval by decision and order of the board of adjustment with renewal option; and

WHEREAS, the proposed amendments to the Zoning Ordinance, as presented in the recommendation from the City Council workshop and from City staff, are on file in the office of the City Clerk and are available to the public for viewing electronically via the internet; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance; and

WHEREAS, in accordance with the notices published prior to the February 24, 2020 hearing and prior to the continuation thereof to May 18, 2020, respectively, those interested in the proposed amendments in form consistent with the recommendation of the City Council workshop and City staff, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that:

1. The communication from the Plan and Zoning Commission of its May 7, 2020 meeting is hereby received and filed.
2. Upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendments to Sections 134-3.5.12, 134-6.4.8, and 134-6.4.10 of the Zoning Ordinance, be and the same are hereby overruled, and the hearing is closed.
3. The City Council hereby makes the following findings in support of the proposed amendments to Sections 134-3.5.12, 134-6.4.8, and 134-6.4.10 of the Zoning Ordinance:
 - a. Said amendments are necessary to protect and preserve the rights, privileges, and property of the city and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, for the reasons stated herein.
 - b. The amendments are further necessary to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the community.
 - c. Said amendments are consistent with PlanDSM: Creating Our Tomorrow Plan, the comprehensive plan for the City of Des Moines, and meet the multiple goals thereof including but not limited to the following:

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- i. Land Use (LU) Goal 1: Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.
 - LU1.3: Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses.
 - ii. Land Use (LU) Goal 4: Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.
 - LU 4.25: Require new development and redevelopment to be compatible with the existing neighborhood character.
 - iii. Housing (H) Goal 1: Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.
 - H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.
 - H4: Promote accessible, affordable, and age-friendly housing alternatives in all neighborhoods to accommodate persons with disabilities and allow seniors to age in place, in proximity to known services, and with easily accessible quality open space.
 - H5: Address availability and affordability of housing options for all families.
 - iv. Housing (H) Goal 2: Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.
 - H16: Streamline permit and development processes to encourage development in accordance with applicable regulations.
 - v. Housing (H) Goal 4: Support development of and access to quality housing affordable to all income level households.
 - H23: Support and promote a regional approach to provision of affordable housing.
 - vi. Community Character and Neighborhoods (CCN) Goal 1: Embrace the distinct character offered in each of Des Moines' neighborhoods.
 - CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character.
 - CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.
 - vii. Community Character and Neighborhoods (CCN) Goal 2: Further Des Moines' revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.
4. The proposed amendments to Sections 134-3.5.12, 134-6.4.8, and 134-6.4.10 of the Zoning Ordinance, in form on file in the office of the City Clerk, are hereby approved, subject to final passage of the respective enacting ordinances.

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MOVED by Gatto to adopt and change the amnesty date to July 1, 2020; change the duration of the permit to five years with an additional five year renewal option granted by the Zoning Board of Adjustment; and owner occupied definition of six months as the primary residence for the Sherman Hill Neighborhood.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(10-2020-5.02)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (5 YEAS, 2 NAYS).

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.

J. M. Frankha Cownie Mayor

P. Kay Cmelik City Clerk