



Roll Call Number

22-0732

Agenda Item Number

56

Date May 9, 2022

RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENT TO ZONING ORDINANCE, DES MOINES MUNICIPAL CODE SECTION 134-3.9.2, RELATING TO ACCESSORY HOUSING UNITS (AHUs) AND PERMITTED ZONING DISTRICTS AND REGULATIONS, AND APPROVING SAME

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16, 2019, by Roll Call No. 19-1683, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City’s Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, and certain ordinances amending the City’s Zoning Ordinance have been approved by City Council thereafter; and

WHEREAS, the Neighborhood Services Department and Development Services Department and staff have prepared a further amendment to Section 134-3.9.2 of the Zoning Ordinance, which amendment identifies and expands permitted zoning districts that allow Accessory Household Units (AHUs) by right and conditionally; and

WHEREAS, on March 17, 2022, the City Plan and Zoning Commission voted 10-0 to find the proposed amendment in conformance with PlanDSM: Creating Our Tomorrow comprehensive plan and to **APPROVE** the proposed amendment to Section 134-3.9.2 of the Zoning Ordinance; and

WHEREAS, the proposed amendment to the Zoning Ordinance is on file and available to the public for viewing in the office of the City Clerk; and

WHEREAS, on April 4, 2022, by Roll Call No. 22-0533, it was duly resolved by the City Council that the proposed amendment to the Zoning Ordinance be set down for public hearing on April 18, 2022 at 5:00 p.m. in the City Council Chambers at City Hall; 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 amendment to the Zoning Ordinance; and

WHEREAS, on April 18, 2022, by Roll Call No. 22-0636, the City Council opened and continued said hearing to May 9, 2022, at 5:00 pm in the City Council Chambers at City Hall; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



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

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendment to Section 134-3.9.2 of the Zoning Ordinance, be and the same are hereby overruled, and the hearing is closed.

2. The City Council hereby makes the following findings in support of the proposed amendment to Section 134-3.9.2 of the Zoning Ordinance:

a. Said amendment is 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 amendment is further necessary to promote the health, safety, morals, and general welfare of the community.

c. Said amendment is consistent with PlanDSM: Creating Our Tomorrow Plan, the comprehensive plan for the City of Des Moines, and meets the multiple goals thereof including but not limited to the following:

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: Develop a new Zoning Ordinance and other land development regulations consistent with the goals and policies of PlanDSM.
- LU2: Develop regulations sensitive to adjoining development and potential development to promote unique land use objectives including neighborhood centers and transit-oriented development (TOD).
- LU6: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

ii. Land Use (LU) Goal 2: Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

- LU8: Encourage continued redevelopment and enhancement of regional nodes emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential.
- LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.



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- iii. Land Use (LU) Goal 4: Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.
 - LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.
- iv. Transportation (T) Goal 4: Make transit a more attractive option for all City residents.
 - T18: Increase neighborhood connectivity to transit corridors and bus stops.
 - T22: Encourage higher densities and mixed-use transit oriented development (TOD) to locate on transit corridors.
- v. 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.
 - H2: 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.
- vi. Housing (H) Goal 2: Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.
 - H15: Evaluate existing occupancy standards, zoning codes, and design standards to remove barriers that impact access, development, and maintenance of safe and affordable housing for all residents.
- vii. Housing (H) Goal 3: Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.
 - H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.
 - H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.



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- viii. Housing (H) Goal 4: Support development of and access to quality housing affordable to all income level households.
 - H21: Ensure availability of rental and owner occupied housing that meets the needs of households with all income levels in the city.
 - H22: Distribute affordable housing broadly throughout the City to avoid concentrations in neighborhoods or one sector of the City.
 - ix. Community Character and Neighborhood (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.
 - x. Community Character and Neighborhood (CCN) Goal 5: Expand opportunities for healthy and active living for all residents.
 - CCN29: Design and construct infrastructure and the built environment that enables a healthier community that walks, bikes, and is physically active.
3. The proposed amendment to Section 134-3.9.2 of the Zoning Ordinance, in form on file in the office of the City Clerk, is hereby approved, subject to final passage of the enacting ordinance.

MOVED by Voss to adopt.
 SECOND by Sheumaker.

FORM APPROVED:

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

(ZONG2022-000018)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO		✓		
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6	1		

MOTION CARRIED APPROVED
John Fubell
 MAYOR PRO TEM

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.

P. Kay Cmelik City Clerk