



Council Communication

Office of the City Manager

Date October 13, 2008

Agenda Item No. 56
Roll Call No. 08-
Communication No. 08-623
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Second Reading of an Ordinance to rezone a portion of River Bend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential).

SYNOPSIS:

On September 22, 2008 the City Council held a public hearing and approved the first reading of an ordinance to rezone portions of the Riverbend Neighborhood Association from “R-3” and “M-1” to “R1-60”, subject to amendments. The ordinance has been amended per the Council’s directive. Staff recommends approval of the amended ordinance.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

On September 22, 2008 the Council considered multiple requests to have individual properties removed from the rezoning. They are as follows:

- 1233 7th Street— The existing duplex on the subject property was originally built as a two-family dwelling. The lot width of 50-feet does not conform to the “R-3” District regulations so the property is currently legal non-conforming. Since the property was originally built as a two-family dwelling, staff recommended that the property be rezoned to a “limited R-3” Multiple-Family Residential District that restricts use of the property to either a single-family or two-family dwelling. Use of the property would continue to be legal non-conforming under the “limited R-3” zoning. The property owner signed a letter of zoning acceptance for the limited rezoning. The Council approved “limited R-3” zoning for this property during first reading of the ordinance.
- 1243 7th Street—The existing duplex conforms to the “R-3” District regulations. Because the property was converted to a duplex after December 31, 1996, it would become a non-conforming use in the “R1-60” District. The Council approved the removal of this property from the rezoning during first reading of the ordinance.

- 1804 Arlington Avenue— The existing duplex conforms to the “R-3” District regulations. Because the property was converted to a duplex after December 31, 1996, it would become a non-conforming use in the “R1-60” District. The Council approved the removal of this property from the rezoning during first reading of the ordinance.
- 1310 7th Street – The building was originally constructed as a single-family dwelling. The lot area of 9,975 square feet and lot width conform to the requirements for a single-family dwelling in both the “R-3” and “R1-60” zoning districts. The zoning enforcement officer has determined that existing use of the structure as the Catholic Worker House could be considered a legal, non-conforming accessory use of the single-family dwelling if the use is confined to no more than one-half of the area of one floor level of the building (i.e. the existing activities of the Catholic Worker House exceed the current definition of an accessory use but could be considered grandfathered upon agreement to limit the area use for accessory activities). The Catholic Worker House is not classified as an “institution of religious, educational, or philanthropic nature as the property does not meet the minimum 10,000 square feet of lot area. Such a designation would also require the use to comply with Building Code Occupancy requirements for a place of assembly (commercial construction standards versus residential construction standards including a commercial kitchen, parking, etc.). Rezoning to the “R1-60” District does not impact the present use of the property. The Council supported the rezoning of the subject property to the “R1-60” District during first reading of the ordinance.
- 713 Indiana Avenue – The building was originally constructed as a single-family dwelling. The lot width of 56 feet and lot area of 2,835 square feet do not conform to the “R-3” District regulations so the property is currently legal non-conforming. Use of the property would continue to be legal non-conforming under the “R1-60” District designation. Future accessory use of the subject property would have to conform to the current definition of an accessory use. The Council supported rezoning of the subject property to the “R1-60” District during first reading of the ordinance.
- 1301 8th Street – The building was originally constructed as a single-family dwelling. The lot width of 50 feet and lot area of 3,750 square feet do not conform to the “R-3” District regulations so the property is currently legal non-conforming. Use of the property would continue to be legal non-conforming under the “R1-60” District designation. Future accessory use of the subject property would have to conform to the current definition of an accessory use. The Council supported rezoning of the subject property to the “R1-60” District during first reading of the ordinance.
- 1317 8th Street - The building was originally constructed as a single-family dwelling. The lot width of 50 feet does not conform to the “R-3” District regulations so the property is currently legal non-conforming. Use of the property would continue to be legal non-conforming under the “R1-60” District designation. Future accessory use of the subject property would have to conform to the current definition of an accessory use. The Council supported rezoning of the subject property to the “R1-60” District during first reading of the ordinance.

The Council also received a complaint from the Riverbend Neighborhood Association regarding the non-conforming status of 1712 8th Street. The building was previously utilized as an 8-unit conversion dwelling and was enforced upon as a public nuisance. While rights to a rental certificate for 8-units ceased under the terms of the Rental Housing Code, the non-conforming rights for a multiple-unit conversion dwelling were preserved under the terms of the Zoning Code. The property owner took a

tangible action to preserve multiple-unit use of the property while the building was vacant by obtaining required building permits and diligently completing renovation of the structure to a six-unit conversion dwelling. Therefore, the property is now a legal non-conforming six-unit conversion dwelling under the zoning code. The applicant is entitled to apply for a rental certificate for 6-dwelling units.

PREVIOUS COUNCIL ACTION(S):

Date: September 22, 2008

Roll Call Number: 08-1694

Action: First consideration of ordinance above. Moved by Vlassis that this ordinance be considered and given first vote for passage, and directing that the ordinance be amended before the second reading to reflect the changes noted in the hearing roll call. Motion Carried 7-0.

Date: September 8, 2008

Roll Call Number: 08-1580

Action: On Council-initiated request to rezone a portion of Riverbend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential), (9-22-08). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: July 14, 2008

Roll Call Number: 08-1275

Action: Resolution initiating the rezoning of a portion of the River Bend Neighborhood to R1-60 (One-Family Low-Density Residential). (Council Communication No. 08-418) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: April 21, 2008

Roll Call Number: 08-697

Action: From Council Member Tom Vlassis to discuss Riverbend down-zoning to R-1. Moved by Vlassis to refer to the City Manager and City Attorney to work with the Riverbend Neighborhood Association regarding the down-zoning. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: August 21, 2008

Roll Call Number: N/A

Action: The Plan and Zoning Commission recommended approval of a Council-initiated request (Roll Call 08-1275) to rezone a portion of the River Bend Neighborhood from “R-3” Multiple Family

Residential District and “M-1” Light Industrial District to “R1-60” One-Family Low-Density Residential District.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Final consideration of the amended rezoning ordinance.

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