

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> July 24, 2017
	<b>Agenda Item No.</b> 53 <b>Roll Call No.</b> <u>17-1275</u> <b>Communication No.</b> <u>17-546</u> <b>Submitted by:</b> Phillip Delafield, <b>Community Development Director</b>

**AGENDA HEADING:**

Amendments to Chapter 26 of the Municipal Code regarding building code regulations.

**SYNOPSIS:**

The proposed building code amendments achieve the following:

- Enable overtime inspections and plan checking services to be dedicated to developers willing to cover overtime expenses.
- Recognize “no-build” easements and “lot-tie” covenants as an option to resolve code complications associated with property lines.
- Relax requirements for floor joist protection in single-family dwellings.
- Increase efficiency of enforcement for work without permits or inspections. Investigations leading to such enforcement are initiated by complaints.
- Include retaining walls installed as part of public improvement projects in the list of items exempt from building permits. This reduces redundant permits and inspections for projects managed by the Engineering Department.
- Align permit timeframes and snow load calculations with other metro area communities.
- Clarify what swimming pool regulations are applicable in Des Moines.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- Overtime Inspection & Plan Checking- The Permit and Development Center is often asked to expedite the plan checking process for projects. Expedited plan checking is currently identified in Chapter 26, but it does not clearly identify what the expedited plan checking fee provides developers. The proposed change to this code section provides a more straightforward approach to dedicating additional resources to projects willing to pay the associated overtime expenses. This code language allows greater flexibility to decrease permitting timeframes, reduces costs, and results in less impact on other projects.

Similar language is proposed for overtime inspections. Inspections are frequently requested by plumbing contractors for afterhours work in the City right of way. Conducting these inspections after hours results in lower impacts to traffic.

- No-Build Easements & Lot-Tie Covenants - The number of projects that must be developed in close proximity to property lines, or across multiple parcels continues to increase. Building code complications accompany these projects. The proposed code language provides developers another option to resolve such complications.

The proposed language will also resolve issues with parcels that cannot be combined due to differences in Polk County tax classification. The Polk County Auditor's Office supports code language that will decrease the need to combine such parcels.

- Floor Joist Protection - The latest building codes adopted by the City of Des Moines included a Central Iowa Code Consortium (CICC) amendment for more restrictive floor joist protection in single-family dwellings. As other metro area communities have adopted the codes, floor joist protection provisions have continued to be inconsistent.

Due to this inconsistency, on June 8, 2017 the City of Des Moines Building and Fire Code Board of Appeals reviewed the status of code adoption across the metro and recommended striking the CICC amendment. This results in reverting back to the straight code language for floor joist protection, implemented in Des Moines during the previous code cycle.

The Board's recommendation relaxes the requirement, increases the number of options available to homebuilders, and yet maintains an acceptable level of floor joist protection for firefighters. At the time, several other communities were moving forward with code adoption.

Ankeny has adopted floor joist protection provisions, but delayed them until 2018 and West Des Moines has since deleted the floor joist protection provisions in its code adoption process.

Due to the resulting inconsistency of these provisions across the metro area, communities have been categorized into one (1) of two (2) categories: those that have adopted floor joist protection requirements and those that have not.

Communities that have adopted some form of floor joist protection requirement include Ankeny, Clive, Des Moines, and Pleasant Hill.

Communities that have not adopted them include Altoona, Johnston, Norwalk, Urbandale, Waukee, West Des Moines, and Windsor Heights.

Communities yet to adopt the recent codes include Altoona, Norwalk, Pleasant Hill, Urbandale, and Windsor Heights.

- Enforcement Language - The recommended enforcement language is intended to make the enforcement process more efficient for achieving compliance when work has been conducted without permits, or covered without inspection. Investigations leading to such enforcement are typically generated by complaints. The proposed language will make the enforcement process more efficient when these instances occur by holding property owners and contractors more accountable.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S):**

Board: Building and Fire Code Board of Appeals

Date: June 8, 2017

Resolution Number: N/A

Action: Recommend adoption of amendments to Municipal Code Chapter 26.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

New building codes are published every three (3) years. As new editions of the codes are recommended for adoption, Council will be presented with revisions to Municipal Code Chapter 26.

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