

COUNCIL COMMUNICATION

	Number:	20-081	Meeting:	February 24, 2020
	Agenda Item:	51 AB	Roll Call:	[_____]
	Submitted by:	Chris Johansen, Community Development Director		

AGENDA HEADING:

On proposed amendments to the approved Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-term Commercial Rental uses.

- A. First consideration of ordinance above.
- B. First consideration of an ordinance amending Sections 60.25 and 60.35, relating to short-term rental inspections.

SYNOPSIS:

The amendments to Chapter 134 would remove the requirement that an owner must reside in the dwelling to lease it as a short-term rental, and clarify the requirement for a rental certificate and a local management agent.

The second item, part (B), would require short-term rentals to comply with the City rental code. This amendment will amend the rental code to require a short-term rental to be inspected on an annual basis.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- The current short-term rental ordinance requires:
 - The owner to live in the structure 275 days a year, and
 - Requires a rental certificate, and
 - Requires Board of Adjustment use approval, and
 - Caps the number of units at 10% in a multi-family structure, and
 - Rental party must have a least one (1) person 18 years or older, and
 - Cannot produce sound more than allowed limits (65DbA at the property line); and
 - Guest must be provided with local information (parking restrictions, garbage days, emergency information).
- The code provides standards for Board of Adjustment review that includes:
 - Safe guard the safety and general welfare of the neighbors, and
 - Not unduly increase congestion in the neighborhood, and
 - Not constitute a nuisance, and
 - Occupancy limits based on square footage, and
 - Reconsidered if deemed to be nuisance, and

- Tenant must get approval of the owner to use a dwelling as a short-term rental; and
- For multi-family use approval will be first come first approved.
- The proposed amendments would:
 - Not require the owner to reside in the structure, and
 - Not allow more than one (1) short-term rental per structure, and
 - Require a rental certificate, and
 - Require Board of Adjustment use approval, and
 - Caps the number of units at 10% in a multi-family structure, and
 - Rental party must have a least one (1) person 18 years or older, and
 - Cannot produce sound more than allowed limits (65DbA at the property line), and
 - Guest must be provided local information (parking restrictions, garbage days, emergency information), and
 - Requires a local management agent; and
 - Requires the use approval be reviewed by the Board of Adjustment 10 years after being granted.
- There are no proposed changes to what the Board of Adjustment will consider when granting a use approval.
- The proposed amendments to the rental code in Chapter 60 will require short-term rentals to be inspected yearly and be granted a rental certificate as a requirement to have a use permit as approved by the Board of Adjustment. If a rental certificate is not in place, the Community Development Department can refer the matter to the Board of Adjustment. The failure to have a rental certificate would be grounds for the approved use to be revoked by the Board of Adjustment under Chapter 134.

PREVIOUS COUNCIL ACTION(S):

Date: October 16, 2019

Roll Call Number: [19-1683](#)

Action: On proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment, and revision to the Des Moines Municipal Code reflecting adoption. (Continued from October 14, 2019 Council Meeting)

- (A) Final consideration of ordinance amending Chapter 134 - Zoning Ordinance. Moved by Boesen that this ordinance do now pass, #[15,816](#). Direct the City Manager to bring back amendments as scheduled and presented. Motion Carried 6-1. Nays: Westergaard.

Date: February 11, 2019

Roll Call Number: [19-0219](#) and [19-0220](#)

Action: [Amending](#) Chapter 60 of the Municipal Code regarding the Housing Code. ([Council Communication No. 19-060](#)) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Final consideration of ordinance above, requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #[15,746](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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