

COUNCIL COMMUNICATION

	Number:	21-077	Meeting:	February 22, 2021
	Agenda Item:	50	Roll Call:	21-0322
	Submitted by:	Erin Olson-Douglas, Development Services Department Director		

AGENDA HEADING:

Public hearing regarding City initiated request for amendment to the text of Chapter 134 of the City Code, to allow minor expansion of legal non-conforming one (1) and two (2) household residential uses and to allow new detached accessory structures associated with those uses.

SYNOPSIS:

Staff recommends approval of the proposed ordinance that would:

- Allow a nonconforming residential use within a one (1) household or two (2) household residential structure to be expanded subject to a Type 1 zoning exception (administrative) or Type 2 zoning exception (Zoning Board of Adjustment).
- Allow an outbuilding or detached private garage to be constructed on a lot containing a nonconforming residential use within a one (1) household or two (2) household structure subject to issuance of a building permit.

The Plan and Zoning Commission held a public hearing on these proposed amendments to the text of Chapter 134 of the City Code on February 18, 2021. The Commission made a motion to recommend approval of the proposed amendments, which was approved by a 14-0 vote.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- The following is a summary of the proposed amendments:
 - New Section 134-7.2.3.B allows a nonconforming residential use within a one (1) household or two (2) household residential structure to be expanded subject to a Type 1 zoning exception (administrative) or Type 2 zoning exception (Zoning Board of Adjustment).
 - Per revised Section 134-6.5.2, staff can grant a Type 1 zoning exception to allow a nonconforming residential use within a one (1) household or two (2) household residential structure to expand, provided that the expansion has an estimated cost for building permit purposes that does not exceed 30% of the assessed value of the existing residential structure. The valuation of expansions will be measured cumulatively from the effective date of the proposed code amendment.

- Per revised Section 134-6.6.2, the Zoning Board of Adjustment can grant a Type 2 zoning exception to allow a nonconforming residential use within a one (1) household or two (2) household residential structure to expand, provided that the expansion has an estimated cost for building permit purposes that is between 31-50% of the assessed value of the existing residential structure. The valuation of expansions will be measured cumulatively from the effective date of the proposed code amendment.
 - New Section 134-7.2.3.C allows an outbuilding or detached private garage to be constructed on a lot containing a nonconforming residential use within a one (1) household or two (2) household structure. The outbuilding or detached garage would need to comply Section 134-3.9 of this chapter and Section 135-2.22.2.C of the code. The outbuilding or detached private garage would be treated as if it were located on a lot zoned Neighborhood (N) or Neighborhood Mix (NX) for purposes of determining lot coverage limits. Construction of an outbuilding or garage would not require a Type 1 or Type 2 Design Alternative and would not count towards the cumulative permit total for the principal structure under Sections 134-6.5.2 or 134-6.6.2.
- The proposed revisions provide a pathway for limited expansions of legal nonconforming one (1) and two (2) household living dwelling uses that is more reasonable than requiring the property owner to seek a rezoning or a use variance for the property.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: February 18, 2021

Resolution Number: 10-2021-5.01

Action: Motion to recommend approval of the proposed amendments to the text of Chapter 134 of the City Code, approved by a 14-0 vote.*

*The Plan and Zoning Commission will review and approve the minutes with the above action at their next meeting.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- Second and third considerations of the ordinance unless waived by the City Council.

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