

ORDINANCE NO. 15,844

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the City of Des Moines, as well as to protect and preserve the rights, privileges, and property of the City of Des Moines and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 134-2.2.5, 134-3.5.12, 134-3.5.16, 134-3.8.3, 134-6.4.8, Tables 134-3.1-1, 134-3.1-2, and Figure 134-6.5-A, as follows:

Chapter 134 ZONING

Sec. 134-2.2.5 NEIGHBORHOOD (N) DISTRICTS

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- C. **N2a District.** N2a is intended for contemporary, large size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.
 - D. **N2b District.** N2b is intended for contemporary, mid-size lots for single- and two-household residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.
 - E. **N3a District.** N3a is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.
 - F. **N3b District.** N3b is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135-2.14 of this code and House C in section 135-2.15 of this code.

- G. **N3c District.** N3c is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in section 135-2.15 of this code.
- H. **N4 District.** N4 is intended to preserve the scale and character of residential neighborhoods developed predominantly with a mix of cottages, constructed mainly of masonry or stone pursuant to House C building type in section 135-2.15 of this code.
- I. **N5 District.** N5 is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.
- J. **NM District.** NM is intended to accommodate mobile home parks in specific locations within the city.

Sec. 134-3.5.12 LODGING

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- C. Short-Term Commercial Rental.** The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental. A household unit, or part of a household unit, other than a restaurant, motel, temporary shelter, or bed and breakfast, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days. All short-term rentals are subject to the following supplemental regulations, together with such additional special conditions as may be reasonably required by the board of adjustment:
1. The owner or authorized management agent of a short-term rental and all short-term rental guests may not use, or allow another to use, a short-term rental for any assembly use.
 2. The owner of a short-term rental shall provide the community development director with the name, physical address, email address, tax identification number, and telephone number of the owner and any individual over the age of 18 who shall be designated as the “authorized management agent” responsible for maintenance of the property and for responding to communications during the duration of a short-term rental. If there is a change related to an authorized management agent, the owner must provide updated or new information to the community development director in writing within three business days following such change.
 3. Short-term rentals shall include one or more adults 21 years of age or older in the renting party, and shall be limited to a single party of individuals.
 4. The owner or authorized management agent of a short-term rental and all short-term rental guest may not produce sound in excess of the city’s noise control ordinance, including the use of sound equipment.
 5. The owner or authorized management agent of a short-term rental shall provide a packet for all short-term rental guests with the following information, and provide an updated copy that remains in the unit:

- a. Emergency contact information for the owner and authorized management agent.
 - b. Emergency and non-emergency numbers for City of Des Moines police and fire.
 - c. Trash pickup schedule
 - d. Any parking restrictions for on-street and off-street parking, including the city's snow ordinance
 - e. Occupancy limits for the household unit or structure.
6. The owner or authorized management agent of a short-term rental shall annually provide owners and occupants of immediately adjoining properties, and of adjacent properties separated from the short-term rental unit by public right-of-way, with emergency contact information for the owner and authorized management agent.
 7. Each owner and authorized management agent of a short-term rental shall have a duty to comply with all applicable federal, state and local laws and regulations, including but not limited to hotel/motel licensing, and collection and payment of taxes such as hotel accommodation taxes and property taxes, and shall be required to show proof of payment of such taxes within 15 days of request by the community development director.
 8. The owner and authorized management agent of a short-term rental shall maintain current guest registration records which contain the following information about each guest:
 - a. Name;
 - b. Address;
 - c. Signature;
 - d. Copy of driver's license; and
 - e. Dates of accommodation.
 9. A short-term rental may not be occupied by more persons than as allowed per bedroom or sleeping area in the occupancy limitations set forth in the International Property Maintenance Code.
 10. A maximum of one short-term rental may be allowed per single-household detached structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the single-household detached structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.
 11. A maximum of one short-term rental may be allowed per two-household attached structure or per condominium within a structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal

residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the two-household attached structure or condominium within a structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.

12. A maximum of 10% of the total number of household units located in a multi-household attached structure consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be owner-occupied, or tenant-occupied with the signed written consent of the condominium owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the condominium containing the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.
13. A maximum of 10% of the total number of household units located in a multi-household attached structure not consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be applied for and operated by the owner of the multi-household attached structure, or the owner's authorized management agent.
14. Short-term renters shall be provided, at a minimum, the exclusive use of a bedroom and shared use of a full bathroom for the duration of any such rental.
15. Renting of each approved short-term rental shall be limited to no more than 120 days' cumulative annual rentals, with each annual rental period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use. The 120-day cumulative annual rental limit is applicable across any and all hosting platforms or other means of advertising the short-term rental, rather than per hosting platform or advertising method. Notwithstanding the foregoing, short-term rentals located within owner-occupied single-household detached structures, and short-term rentals located on the same lot as and associated with an owner-occupied principal residential structure, are not subject to the 120-day cumulative annual rental limitation provided that the owner-occupant is present for the duration of any short-term rental(s) occurring after said 120-day limitation has been reached within each annual rental period.
16. The owner or authorized management agent of a short-term rental shall post a clearly printed sign inside the short-term rental unit on the inside of the front

- door that provides information regarding the location of all fire extinguishers in the unit and building, gas shut off valves, fire exits, and pull fire alarms.
17. The owner of a short-term rental shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$500,000 (U.S. dollars) or shall conduct each short-term rental transaction through a hosting platform that provides equal or greater coverage. Such coverage shall defend and indemnify the owner, as named additional insured, and any tenants in the building for their bodily injury and property damage arising from the short-term rental use.
 18. In the event that a short-term rental unit or the property on which it is located is subject to any unresolved building, electrical, plumbing, mechanical, fire, health, housing, police, or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices, the short-term rental use shall be prohibited until such enforcement is complete and all violations are corrected to the approval of the community development director.
 19. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is prohibited until a conditional use is approved by the board of adjustment. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is further prohibited at any time that the short-term rental use is not in full compliance with one or more of the general requirements for short-term rentals stated herein or with one or more conditions established in the board of adjustment conditional use approval.
 20. The owner or authorized management agent of a short-term rental shall maintain records demonstrating compliance with this section. Records shall be made available to the community development director upon request.

Sec. 134-3.5.16 SELF-SERVICE STORAGE

A. Supplemental Use Regulations.

Self-service storage uses are subject to the following in MX2 and MX3 districts:

1. The self-storage use shall be permitted only within the interior of converted pre-existing buildings or the interior of building types allowed in the applicable zoning district, in accordance with chapter 135 of this code.
2. No external storage or additional buildings shall be permitted as part of the self-storage use.
3. The landscape regulations of chapter 135 of this code shall be required of any self-storage use of property, whether associated with a pre-existing building or an allowed building type.

Sec. 134-3.8.3 REPEALED.

Sec. 134-6.4.8 STANDARDS AND REVIEW CRITERIA

B. Short-Term Rentals

A conditional use may not be approved for a short-term rental unless the board of adjustment determines that the proposed use or activity complies with all applicable short-term rental regulations of subsection C of section 134-3.5.12 of this chapter and that the applicant has demonstrated that all of the following general standards and review criteria are met:

Table 134-3.1-1

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) move “Short-Term Rental” to the Commercial – Lodging category from the Other Use category and revise title to “Short-Term Commercial Rental”; and
- (ii) add a “O*” designation in columns for zoning districts MX2 and MX3 under the Commercial – Self-Service Storage category.

Table 134-3.1-2

Revising Table as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) remove erroneous shading for “Other Uses with Sales for On-Premise Consumption” row in both “DX1, DX2, MX1, MX2, DXR” columns.

Figure 134-6.5-A

Revise Figure as shown on attachment hereto, and by this reference made a part hereof, to:

- (i) Delete erroneous text bubble regarding “Notice of Filing/Intent to Approve”.

Section 2. This ordinance shall be in full force and effect from and after the later of (i) its passage and publication as provided by law, or (ii) December 16, 2019.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 19-2044), passed by the City Council

of said City at a meeting held December 16, 2019 signed by the Mayor on December 16, 2019 and published and provided by law in the Business Record on January 3, 2019. Authorized by Publication Order No.10971.

P. Kay Cmelik, City Clerk