

Date June 26, 2017

RESOLUTION URGING CAUTION BY THE ZONING BOARD OF
ADJUSTMENT IN CONSIDERING APPLICATIONS FOR VARIANCES AND
EXCEPTIONS TO ALLOW NEW DWELLINGS AND TRANSIENT LODGING
WITHIN ACCESSORY BUILDINGS IN THE RESIDENTIAL DISTRICTS

WHEREAS, City of Des Moines has historically allowed "[t]he taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two per building", as a permitted accessory use in all residential zoning districts; and,

WHEREAS, the conversion of existing accessory buildings and the construction of new accessory buildings in residential districts to contain dwelling units, lodging rooms and transient lodging has become a matter of concern in the City of Des Moines because of the potential for such uses to adversely affect the character of the neighborhood by increasing the transient population, traffic and the competition for the available on-street parking, and evening and nighttime noise; and,

WHEREAS, the appropriate zoning regulations to be imposed upon the conversion of existing accessory buildings and the construction of new accessory buildings in residential districts to contain dwelling units, lodging rooms and transient lodging is now being addressed as part of the recent adoption of *Plan DSM, Creating our Tomorrow* and the pending writing and adoption of a new Zoning Ordinance and the associated Site Plan Regulations; and,

WHEREAS, the approval of additional dwelling units, lodging rooms and transient lodging in accessory buildings in residential districts before adoption of the new Zoning Ordinance will inevitably result in the creation of legal non-conforming uses that do not conform to the conditions and restrictions determined to be appropriate through the process of writing and adoption of the new Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby requests that the Zoning Board of Adjustment exercise caution in the consideration of applications for variances and exceptions to the requirements of the Zoning Ordinance when sought to allow new dwellings, lodging rooms or transient lodging within an accessory buildings within the residential zoning districts. Although the Board must grant an exception or variance when the applicant has satisfied the conditions for approval of such relief under Iowa law and the City of Des Moines Zoning Ordinance, each applicant seeking such relief should be strictly required to bear their burden of demonstrating that all such conditions have been satisfied.



Roll Call Number

Agenda Item Number

EX. 2A

Date June 26, 2017

- 2. The City Manager is hereby authorized and directed to provide a copy of this resolution and to convey the City's request to the Zoning Board of Adjustment at its next meeting.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

(Sponsored by Council Member Christine Hensley)

Roger K. Brown
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk