



**Date** November 18, 2019

**RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO ZONING ORDINANCE, PLANNING AND DESIGN ORDINANCE AND CITYWIDE ZONING MAP**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

**WHEREAS**, on October 16, 2019, by Roll Call Nos. 19-1683, 19-1684, and 19-1685, respectively, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; Ordinance No. 15,817 adopting the Planning and Design Ordinance, which repealed and replaced portions of Chapter 82 and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004 with a new Chapter 135 of the Des Moines Municipal Code; and Ordinance No. 15,818 adopting the updated Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as defined in the proposed Zoning Ordinance; and

**WHEREAS**, at the time of adoption of said Ordinances, the City Council directed the City Manager to submit specified amendments thereto; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on November 7, 2019, its members voted 15-0 in support of a motion to recommend **APPROVAL** of the proposed amendments to the Zoning Ordinance, the Planning and Design Ordinance, and the updated Citywide Zoning Map; and

**WHEREAS**, the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map, all are on file and available to the public for viewing in the office of the City Clerk.

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

1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, and ordinance updating the Citywide Zoning Map at a public hearing to be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on December 2, 2019, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said hearing in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.





Roll Call Number

Agenda Item Number

27

Date November 18, 2019

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
BOESEN				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

### CERTIFICATE

I, P. Kay Cmelik, 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



**ADDITIONAL REVISIONS:**

**1. Replace existing “N2” district with new “N2a” and “N2b” districts.**

- Replace existing Section 134-2.2.5.C with new Section 134-2.2.5.C as follows:

**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.

- Renumber existing Section 134-2.2.5.C to Section 134-2.2.5.D and revise as follows:

**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.

- Revise numbering/lettering for remainder of subsequent subsections in Section 134-2.2.5.
- Revise “N2” column heading of Table 135-2.2-2 to “N2a, N2b”.
- Delete “N2” column heading cell of Section 135-2.13.3 and replace with two separate column heading cells “N2a | N2b”.
- Revise Section 135-2.13.3.A.8 to create two separate cells for “N2a” and “N2b” columns as follows:

	<u>N2a</u>	<u>N2b</u>
<b>Minimum Lot Width (ft.)</b>	75	60
<b>Minimum Lot Area (sq. ft.)</b>	9,000	7,500

- Revise Section 135-2.13.3.D.21 to provide a single cell for “N2a” and “N2b” columns to state “Parapet, pitched, flat; Tower permitted”.
- Revise Section 135-2.13.3.E.2.b to delete “and in N2” and state “in N2a is 100 feet, and in N2b is 80 feet”.
- Revise Section 135-2.13.3.E.3.a to delete “in N2” and state “in N2a and N2b”.
- Revise Section 135-2.13.3.E.3.b to delete “in N2” and state “in N2a is 100 feet and in N2b is 80 feet”.
- Revise Section 135-2.13.3.E.6.a to state:

**6. Minimum House Size.**

a. In zoning districts N1a, A, and N1b and N2a, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill



single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- i. Single-story unit shall be a minimum of 1,400 square feet.
  - ii. One-and-a-half story unit shall be a minimum of 1,600 square feet.
  - iii. Two-story unit shall be a minimum of 1,800 square feet.
- Revise Section 135-2.13.3.E.6.b to state:
    - b. In zoning district N2b, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:
      - i. Single-story unit with a full basement shall be a minimum of 1,300 square feet.
      - ii. Single-story unit without a full basement shall be a minimum of 1,400 square feet.
      - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,400 square feet.
      - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
      - v. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
      - vi. Two-story unit without a full basement shall be a minimum of 1,600 square feet.
  - Revise “N2” column in Table 135-5.5-3 to reference “N2a” and “N2b” districts.

## **2. Clarify basement requirement and basement design alternative options for House Type A.**

- Revise Section 135-2.13.3.E.5 to state:

5. ~~RESERVED~~. Basement Requirement. A full basement shall be required for each House A building and each unit of a 2-unit House A building for property located in an A, N1a, N1b or N2a district. The minimum house size required by Section 135-2.13.3.E.6 shall exclude the area of the full basement. A Type 2 design alternative is required for reduction in size of basement or waiver of full depth basement requirement; however, a Type 1 design alternative is available in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.
- Add Section 135-9.2.3.A.10 as follows:

10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district in the event of topography,



soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.

- Rely on Type 2 design alternative set forth in Section 135-9.2.4.A.9 to authorize reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district for any other reason not covered as a Type 1 design alternative by Section 135-9.2.3.A.10.

**3. Clarify decision-making criteria for Type 1 design alternatives related to reduction in size of garage or waiver of garage requirement for House Types B, C and D.**

- Revise Section 135-2.14.3.E.3 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House B building and each unit of a 2-unit House B. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House B building, and each unit of a 2-unit House B, thereon.

- Revise Section 135-2.15.3.E.4 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House C building and each unit of a 2-unit House C. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:



- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House C building, and each unit of a 2-unit House C, thereon.

- Revise Section 135-2.16.3.E.5 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House D building and each unit of a 2-unit House D. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House D building, and each unit of a 2-unit House D, thereon.

- Revise Section 135-9.2.3.A.9 to state:

9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:



- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each applicable House building, and each unit of a 2-unit applicable House building, thereon.

**4. Revise measurement standard for garage door projection.**

- Revise Section 135-4.3.8.A.1 to state:
  1. No garage door may project more than ten feet from the entrance facade or a covered porch or covered stoop protruding from the entrance facade, whichever is closer to the street frontage, on the same building facing the same street.

**5. Clarify decision-making criteria for all design alternatives.**

- Revise Section 135-9.2.2.B, “Design Alternatives Generally”, to state:

**B. Intent and Criteria.**

1. The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan.
2. Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
  - a. An evaluation of the character of the surrounding neighborhood, such as:
    - i. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
    - ii. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character



determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

- b. The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
- c. Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- d. Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
- e. Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- f. Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

**6. Allow finished square footage of basement to apply to minimum house size; add Type 1 design alternative for half-story requirements.**

- Revise Section 135-2.14.3.E.5 to create subsections, to delete reference to “above grade” in subsection 135-2.14.3.E.5.a, and to add new subsection 135-2.14.3.E.5.b as follows:
  - b. For House B building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.
- Revise Section 135-2.15.3.E.6 to create subsections, to delete reference to “above grade” in subsection 135-2.15.3.E.6.a, and to add new subsection 135-2.15.3.E.6.b as follows:
  - b. For House C building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.
- Revise Section 135-2.16.3.E.7 to create subsections, to delete reference to “above grade” in subsection 135-2.16.3.E.7.a, and to add new subsection 135-2.16.3.E.7.b as follows:
  - b. For House D building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.
- Revise Section 135-9.2.3.A.8 to state:
  - 8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of



above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.

- Revise Section 135-9.2.4.A.10 to state:

10. Reduce applicable minimum square footage requirements for House Types A, B, C or D (i) by more than 18%, or (ii) to allow any House Type A building to contain less than 1,000 square feet of above grade finished floor area or any House Type B, C or D building to contain less than 1,000 square feet of finished floor area.

- Add new Type 1 design alternative as Section 135-9.2.3.A.11 to state:

11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to section 135-9.2.3.A.8 or requested pursuant to section 135-9.2.4.A.10 of this article for the same project or property.

- Revise Section 135-12.8 to add the following definition:

**Finished floor area:** areas with finished ceilings, floors, and walls, that are used for living, sleeping, eating, or cooking, including living rooms, bedrooms containing egress windows, bathrooms, closets, and hallways.

**7. Allow self-service storage as a conditional use in zoning districts “MX2” and “MX3”, subject to supplemental regulations, to provide for internal conversion of pre-existing buildings or construction of a building type allowed in said zoning districts with no external storage.**

- Revise Table 134-3.1-1 to add a “O\*” designation in columns for zoning districts “MX2” and “MX3” under the “Commercial – Self-Service Storage” category.
- Add the following subsection to Section 134-3.5.16:

**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.

**8. Revise appropriate standard of vinyl siding as a minor facade material; add Type 1 design alternative for options on House building types.**

- Revise Table 135-4.1-2 “Allowed Minor Facade Materials” to state:



Vinyl Siding minimum 0.042 inches thick; where <b>not</b> prohibited by local historic district regulations	All House Types, except those in N4 or NX2 districts	All	65% of <u>first story of</u> street facade, 100% on all other facades
	All Commercial Cottage, General Buildings, Flat Buildings, and Row Buildings, containing 3 or more household units, located in MX1, MX3, RX1, RX2, NX1, NX2 and NX3 districts	All	40%

- Revise Section 135-4.3.11 to state:

#### **RESERVE HOUSE BUILDING TYPE FACADE REQUIREMENTS**

Vinyl siding may be allowed on more than 65% of the first story of the street facade for House building types, except those in N4 or NX2 districts, as a Type 1 design alternative as follows:

**A. Architectural Options.** A design that does not meet the requirements of allowed minor facade materials for vinyl siding pursuant to Table 135-4.1-2 of this article may be approved as a Type 1 design alternative if it is determined by the community development director that the overall building design adds emphasis to other facade elements and articulation that reduce attention, visibility, or dominance of single materials, including elements pursuant to Figure 135-4.3-H such as:

1. A front porch of not less than 60 square feet;
2. Appropriate size and number of gables, defined by accent, shake, or similar architectural elements;
3. Appropriate size and design of finished columns; and
4. Other appropriate change in articulation or pattern of materials.

**B. Design Alternative.** A Type 1 design alternative may also be submitted for approval as otherwise allowed by this article.

#### **9. Incorporate corrective minor revisions.**

- Table 134-3.1-1 – Move “Short-Term Rental” row to “Commercial – Lodging” category and revise title to “Short-Term Commercial Rental”.
- Table 134-3.1-2 – Remove erroneous shading for “Other Uses with Sales for On-Premise Consumption” row in both “DX1, DX2, MX1, MX2, DXR” columns.
- Section 134-3.5.12 – Add new subsection (C) to state the text from current Section 134-3.8.3; revise title to “Short-Term Commercial Rental”; revise first sentence to



✓


state “The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental.”; revise page numbering for remainder of Article to reflect insertion of subsection (C).

- Section 134-3.8.3 – Move title and text of Section 134-3.8.3 to new subsection 134-3.5.12.C, and delete Section 134-3.8.3.
- Section 134-6.4.8.B – Delete “134-3.8.3” and replace with “subsection C of section 134-3.5.12”.
- Figure 134-6.5-A – Delete erroneous text bubble regarding “Notice of Filing/Intent to Approve”.
- Section 135-2.13.3 – A.2 - Revise to state “minimum 288 square feet” instead of “minimum 12 ft. by 24 ft.”; B.12 – not including “plus full basement required” in zoning district N2b.
- Section 135-2.14.3.B.12 – Delete “plus full basement required”.
- Section 135-2.15.3 – A.2 – Delete extra word “minimum”; B.12 – Deleted “plus full depth basement required” for all zoning districts.
- Section 135-2.16.3.B.12 – Delete “plus full depth basement required” for all zoning districts.
- Section 135-2.17 – Correct page numbering from this Section throughout remainder of Chapter 135, Article 2.
- Section 135-4.3.12 – Correct reference to figure numbering.
- Article 135-9, pages 135-9-10 to 135-9-11 – Correct section numbering.
- Section 135-9.1.4.B – Revise to state “Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the design alternative percentages and measurement numbers set forth in this article or elsewhere in this chapter; and”.
- Section 135-9.2.3 – Delete all references to “Article 11” and replace with references to “Article 2”.
- Section 135-9.2.4 – Delete all references to “Article 11” and replace with references to “Article 2”.
- Section 135-10.1.3.D – Delete subsection due to conflict with Section 135-9.3.9.A.1 (updated numbering), “Request for Review – Review of Community Development Director Interpretations and Decisions”.
- Section 135-10.6 – Delete “Structures” and revised to state “Site Elements”.

#### 10. Revise draft zoning map as follows:

- A. **Rezoning necessitated by creation of “N2a” and “N2b” zoning districts (see #1 above):**
  - Revise designation of all real property zoned “N2” by Ordinance No. 15,818 approved on October 16, 2019, from “N2” to “N2b”, except those real properties specifically identified as follows for which designations will be revised from “N2” to “N2a”:



- 
- i. Area generally bounded by E. Watrous Avenue on the north; E. McKinley Avenue on the south; Easter Lake on west; and SE 36<sup>th</sup> (extended north) on the east.
    - ii. Area generally bounded by Briggs Street (extended) on the north; Carpenter Street / E. Cardinal Avenue (extended) on the south; SE 29<sup>th</sup> Street extended on the west and SE 34<sup>th</sup> / 135<sup>th</sup> Avenue on the east.
  - Revise designation for the following real property zoned “N1a” by Ordinance No. 15,818 approved on October 16, 2019, from “N1a” to “N2a”:
    - i. Area generally bounded by Acorn Street on the north; Beardsley Street / Border Street on the south; SW 28<sup>th</sup> Street on the west; and Fleur Drive on the east.
    - ii. Area generally bounded by Buchanan Trail (extended east) on the north; Carpenter Street on the south; Fleur Drive / 85<sup>th</sup> Avenue (extended south) on the west; and SW 14<sup>th</sup> Street (extended south) on the east.
    - iii. Area generally bounded by Acorn Street on the north; Beardsley Street (extended west) on the south; SE 27<sup>th</sup> Street (extended south) on the west; and SE 34<sup>th</sup> Street on the east.
  - Revise designation for the following real property zoned “N1a” by Ordinance No. 15,818 approved on October 16, 2019, from “N1a” to “N2b”:
    - i. Area generally bounded by E. County Line Road on the north; Highway 5 on the south; SE 14<sup>th</sup> Street (extended south) on the west; and SE 16<sup>th</sup> (extended south) on the east.
    - ii. Area generally bounded by Southridge Boulevard on the north; E. County Line Road on the south; SE 17<sup>th</sup> Court (extended south) on the west; and SW 19<sup>th</sup> Court extended on the east.
    - iii. Area generally bounded by Moonlight Drive on the north; E. County Line Road on the south; Indianola Avenue on the west; and SE 29<sup>th</sup> Court on the east.
    - iv. Areas generally bounded by Hartford Avenue on the north; E. Watrous on the south; SE 18<sup>th</sup> Street on the west and SE 34<sup>th</sup> Street on the east.
  - Revise designation for the following real property zoned “N1b” by Ordinance No. 15,818, approved on October 16, 2019, from “N1b” to “N2a”:
    - i. Area generally bounded by E. Phillips Street on the north; Hart Avenue and E. Southlawn Drive on the south; SE 34<sup>th</sup> on the west and SE 36<sup>th</sup> (extended north) on the east.
    - ii. Area generally bounded by Interstate 80 on the north; NE Aurora Avenue (extended east) on the south; E. 38<sup>th</sup> Street on the west and E. 46<sup>th</sup> Street on the east.
    - iii. Area generally bounded by Village Run Avenue (extended east) on the north; Hull Avenue (extended east) on the south; E 56<sup>th</sup> Street on the west and the midpoint between E. 56<sup>th</sup> Street and Highway 65 on the east.





**B. Additional Recommendations:**

- Revise designation for property locally known as 3851 Delaware Avenue from “I1” to “RX1”, to allow use of the existing residential structure for residential purposes, if a resolution to amend the PlanDSM: Creating Our Tomorrow Plan future land use designation for the subject property is approved.





Date November 18, 2019

Agenda Item 27

Roll Call # \_\_\_\_\_

November 12, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their November 7, 2019 meeting, the following action was taken regarding proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map.

- A) Determination as to whether the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map area in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Request from Tiffany Allison (purchaser) for approval of an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters Local 106. (21-2019-4.23)
- C) Adoption of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance, and Citywide Zoning Map amendment. (10-2019-5.02)

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 15-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			



William Page	X
Mike Simonson	X
Rocky Sposato	X
Steve Wallace	X
Greg Wattier	X
Emily Webb	X

**APPROVAL** of Part A) the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment and PlanDSM Future Land Use Map are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, Part B) **Approval** of a request from Tiffany Allison (purchaser) for an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters Local 106 and Part C) **Approval** of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment.

(21-2019-4.23) & (10-2019-5.02)

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends the following:

A) Approval of a finding that the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment and PlanDSM Future Land Use Map are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

B) Approval of a request from Tiffany Allison (purchaser) for an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters Local 106.

C) Approval of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

On October 16, 2019 the Des Moines City Council voted 6-1 to approve final consideration of Ordinance #15,816 (Chapter 134 - Zoning Ordinance), Ordinance #15,817 (Chapter 135 – Planning and Design Ordinance), Ordinance #15,818 (Zoning Map) and Ordinance #15,819 (Cross references in multiple code chapters). These ordinances will be in full force and effect on December 15, 2019.

Attached is a list of proposed amendments to the newly approved Chapter 134 (Zoning), Chapter 135 (Planning and Design Code), Zoning Map and PlanDSM Future Land Use Map that City Council directed staff to prepare for the City Council's consideration and approval by December 16, 2019. The proposed amendments address comments that were received during the public hearing and readings of the recently approved ordinances. However, the amendments were determined to be beyond the scope of the published



notice for the recently approved ordinances. Therefore, a separate hearing and recommendation by the Plan and Zoning Commission is required on these proposed amendments. A separate notice of hearing by the City Council regarding these proposed amendments is also required to be published pursuant to Iowa Code and the Des Moines Municipal Code.

## **II. CONSISTENCY WITH STATE CODE**

The proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment, and PlanDSM Future Land Use Map have been prepared in consideration of Iowa Code Chapter 18B and in accordance with Iowa Code Chapter 414 as applicable.

## **III. CONSISTENCY WITH PlanDSM**

PlanDSM is the City's Comprehensive Plan. The proposed amendments to the recently approved Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map and proposed amendment to the PlanDSM Future Land Use Map are consistent with the following Goals and Policies of PlanDSM:

### **Land Use Goal 1**

**Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.**

LU1: Develop a new Zoning Ordinance and other land development regulations consistent with the goals and policies of PlanDSM.

LU2: Develop regulations sensitive to adjoining development and potential development to promote unique land use objectives including neighborhood centers and transit-oriented development (TOD).

LU3: Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses.

LU5: Develop regulations to reduce blight and visual clutter including, but not limited to, signage, overhead power lines, telecommunications equipment, and other utilities. Regulations will be consistent with federal and state code and case law.

### **Land Use Goal 2**

**Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.**

LU8: Encourage continued redevelopment and enhancement of regional nodes



emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential.

LU10: Prioritize new mixed-use development and redevelopment along proposed high capacity transit corridors and nodes.

L11: Identify nodes appropriate for Transit Oriented Development (TOD). Prioritize nodes identified along high capacity transit corridors.

LU13: Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.

LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

LU16: Require new development in recently annexed areas to work with the city to evaluate the cost of providing city infrastructure and services to ensure development has a positive financial return on any city investment.

LU17: Establish requirements for the existence or provision of adequate public facilities prior to allowing new development in recently annexed areas. Consider cost-sharing agreements when development occurs in targeted areas.

#### **Land Use Goal 4**

**Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.**

LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.

LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.

#### **Land Use Goal 6**

**Recognize the value of Des Moines' historic building stock and landscapes and ensure their preservation for future residents.**

LU33: Promote preservation, restoration, and reuse of historical structures and landmarks.

LU34: Continue to refine design guidelines and develop standards that protect the historical integrity and architectural character in identified Historic Districts.

#### **Housing Goal 1**



**Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.**

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.

H2: Identify and explore the applicability of creative and innovative housing solutions such as Accessory Dwelling Units (ADUs), Single Room Occupancy (SRO), and smaller housing units through flexible zoning to meet the demand for smaller and affordable housing.

H3: Achieve a balanced mix of subsidized rental housing, income restricted, and market rate rentals in all neighborhoods and across the city.

H4: Promote accessible, affordable, and age friendly housing alternatives in all neighborhoods to accommodate persons with disabilities and allow seniors to age in place, in proximity to known services, and with easily accessible quality open space.

H5: Address availability and affordability of housing options for all families.

## **Housing Goal 2**

**Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.**

H6: Maintain sufficient residentially designated land to accommodate growth over the life of PlanDSM.

H15: Evaluate existing occupancy standards, zoning codes, and design standards to remove barriers that impact access, development, and maintenance of safe and affordable housing for all residents.

H16: Streamline permit and development processes to encourage development in accordance with applicable regulations.

## **Housing Goal 3**

**Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.**

H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.

H19: Encourage mixed use development that incorporates affordable and market rate housing along transit corridors and in neighborhood nodes.

H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.

## **Housing Goal 4**



**Support development of and access to quality housing affordable to all income level households.**

H21: Ensure availability of rental and owner-occupied housing that meets the needs of households with all income levels in the city.

H22: Distribute affordable housing broadly throughout the City to avoid concentrations in neighborhoods or one sector of the City.

H23: Support and promote a regional approach to provision of affordable housing.

H29: Continue to pursue and efficiently distribute financial resources to provide subsidized and affordable housing to low-income residents.

**Economic Development Goal 3**

**Recognize livability as a key aspect to economic development.**

ED15: Expect quality in the creation of public places and private development.

**Economic Development Goal 4**

**Foster a sustainable economy.**

ED18: Assist redevelopment and infill development on sites with adequate infrastructure through incentives, intergovernmental coordination, and facilitated processes.

**Public Infrastructure and Utilities Goal 1**

**Provide safe and reliable public infrastructure and utilities for current residents as well as future development needs.**

PIU2: Require new development to provide adequate public infrastructure to serve the needs of the development and ensure facilities are sized and staged to provide for additional development beyond its boundaries.

**Community Character and Neighborhoods Goal 1**

**Embrace the distinct character offered in each of Des Moines' neighborhoods.**

CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character

CCN4: Adopt high quality development standards, such as zoning district and site plan regulations, and design guidelines related to form, massing, and materials that lead to the development of attractive, walkable neighborhoods.

CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.

**Community Character and Neighborhoods Goal 2**

**Further Des Moines' revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.**



CCN14: Ensure neighborhood edges and corridors are attractive and inviting through effective planning and revitalization strategies.

**Community Character and Neighborhoods Goal 3**

**Promote the redevelopment and revitalization of neighborhood nodes and corridors.**

CCN17: Encourage commercial development that meets the service, retail, and entertainment needs of area residents.

CCN18: Promote compact, mixed-use development to provide adequate density to support neighborhood commercial viability.

**Community Character and Neighborhoods Goal 4**

**Protect Des Moines' historic and cultural assets that contribute to neighborhood and community identity.**

CCN26: Partner with the historic preservation community to identify historic districts also ensuring context sensitive infill and redevelopment.

**Community Character and Neighborhoods Goal 6**

**Strengthen the walkability and connectivity within and between neighborhoods.**

CCN35: Emphasize transit usage in street design and land use on corridors with bus routes.

**Social Equity Goal 2**

**Ensure that all residents have convenient access to healthy food, health care, safe environments, and choices for an active lifestyle.**

SE9: Ensure healthy, safe, and sanitary housing for all residents.

**Social Equity Goal 3**

**Ensure all city services, projects, programs, and events represent and encourage participation of a cross section of the city's cultural diversity and geography.**

SE22: Effectively engage the public and city partners/organizations/entities when making decisions that create, remove, or change a city service, project, or policy.

**IV. CONSISTENCY WITH GuideDSM**

The GuideDSM Strategic Plan was approved by City Council in August of 2016. The Council's stated vision for Des Moines in 2031 is as follows:

**DES MOINES 2031 is a *VIBRANT CAPITAL CITY – the PRIDE of IOWA* (1)  
with  
*GREAT NEIGHBORHOODS*(2),  
*ALIVE DOWNTOWN*(3),  
and**



**THRIVING REGIONAL ECONOMY(4),  
and is a  
RECOGNIZED LEADER IN COMMUNITY SUSTAINABILITY(5).**

**DES MOINES 2031 has  
ABUNDANT OPPORTUNITIES FOR LEISURE(6),  
and an  
EFFECTIVE TRANSPORTATION SYSTEM CONNECTING THE REGION(7).**

**In 2031, residents and businesses take tremendous PRIDE IN THE DES MOINES  
COMMUNITY (8)!**

The Council's stated mission for Des Moines City Government is to be

**FINANCIALLY STRONG(1)  
and to provide  
EXCEPTIONAL MUNICIPAL SERVICES(2)  
in a  
CUSTOMER FRIENDLY MANNER(3)  
with an  
INVOLVED COMMUNITY – RESIDENTS AND BUSINESSES(4).**

Under Goal #3 "Sustainable Community: Our Neighborhoods, Our Downtown", the first/top priority of the City Council's Action Agenda is adoption of the new zoning ordinance.

## **SUMMARY OF DISCUSSION**

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

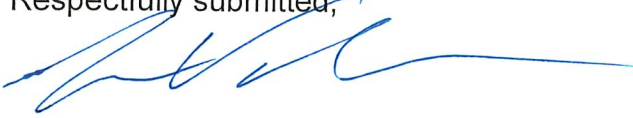
## **COMMISSION ACTION:**

Greg Jones made a motion for approval of Part A) **Approval** of a finding that the proposed amendments to the Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment and PlanDSM Future Land Use Map are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, Part B) **Approval** of a request from Tiffany Allison (purchaser) for an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation for property located 3851 Delaware Avenue from Industrial to Neighborhood Mixed Use. The subject property is owned by Carpenters Local 106 and Part C) **Approval** of proposed amendments to the approved Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map amendment.

Motion Carried: 15-0



Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'JVE', with a long horizontal flourish extending to the right.

Jason Van Essen, AICP  
Senior City Planner

JVE:tjh

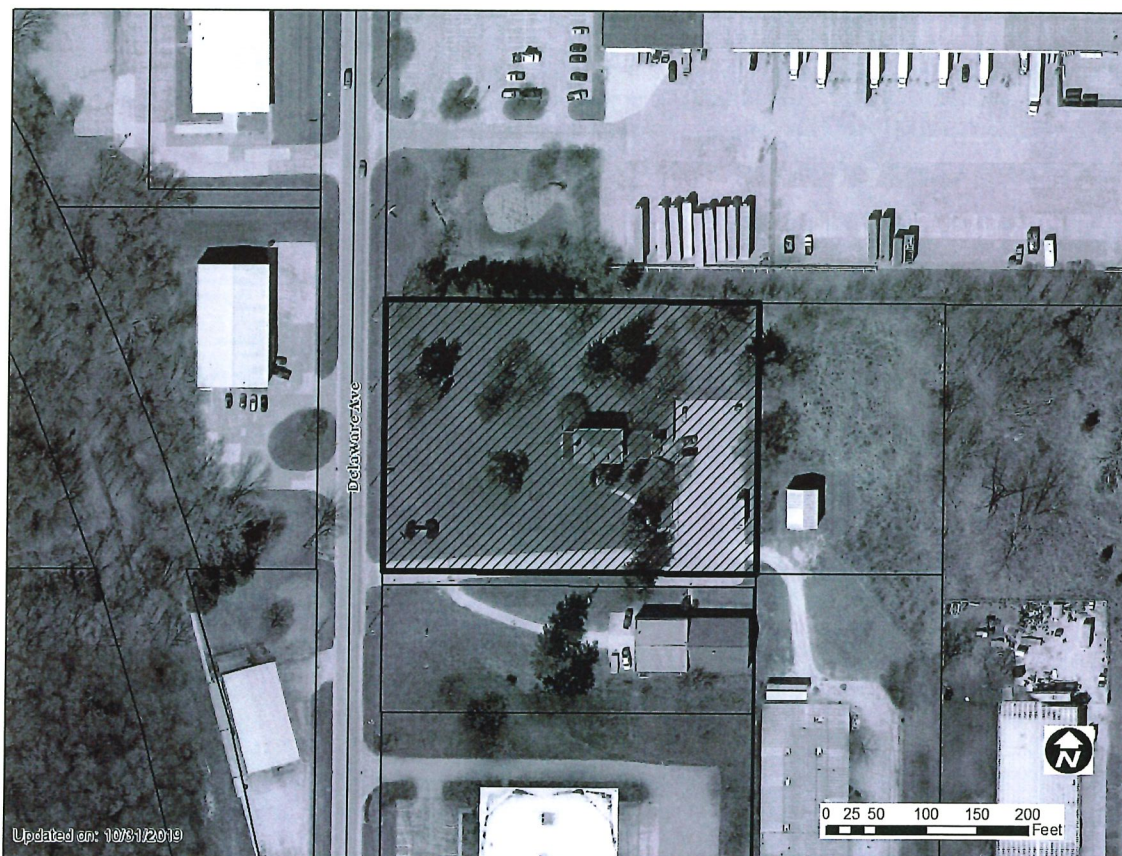


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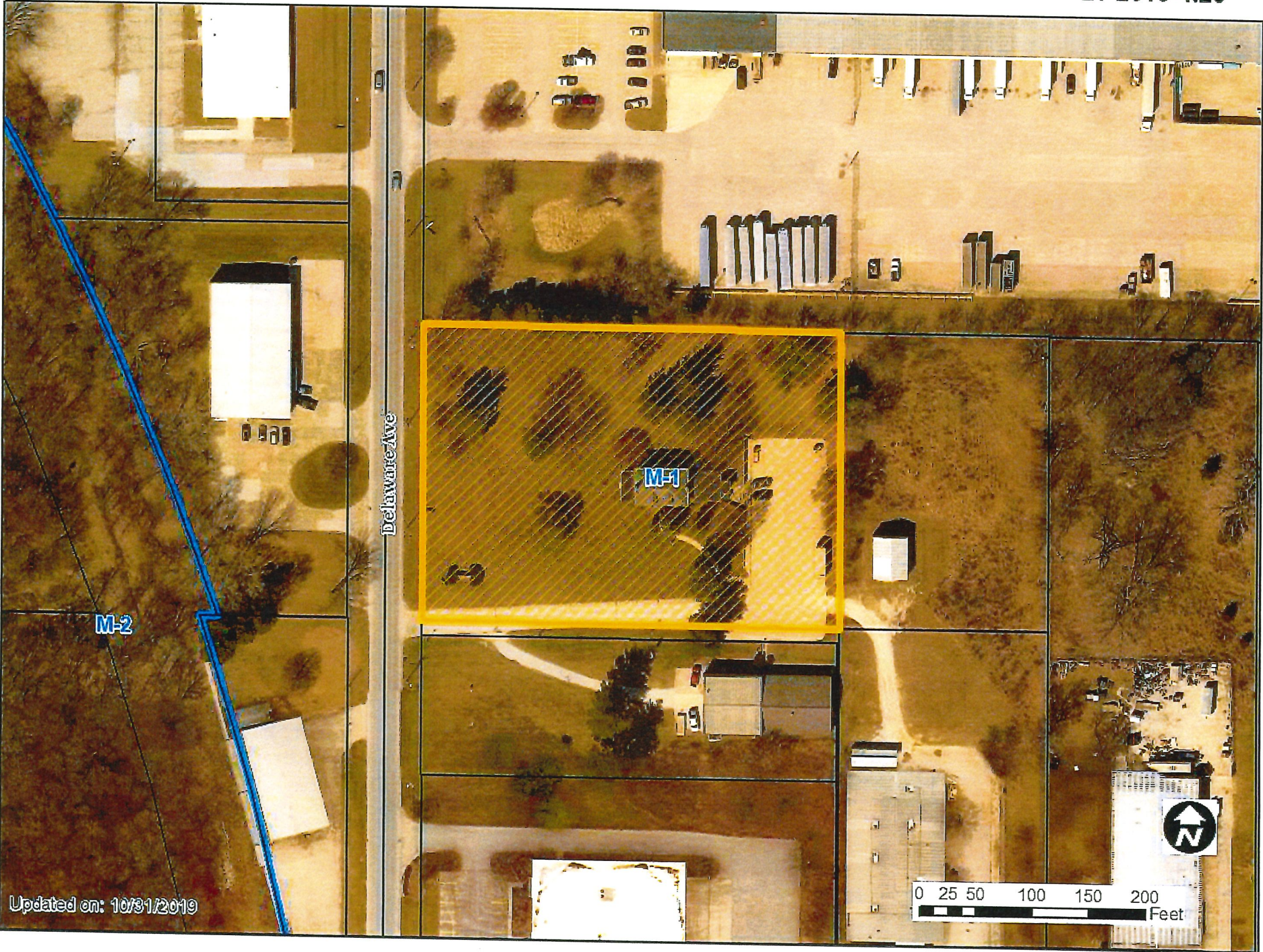
Tiffany Allison (purchaser) for property located 3851 Delaware Avenue The subject property is owned by Carpenters Local 106.				File #		
				21-2019-4.23		
Description of Action	Approval of an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan Future Land Use Map to revise the future land use designation from Industrial to Neighborhood Mixed Use.					
PlanDSM Future Land Use		Current: Industrial. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan		No planned improvements.				
Current Zoning District		"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District		"RX1" Mixed-Use District (parallel track Zoning Map amendments).				
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)		0	0			
Within Subject Property						
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	Yes	
		Denial			No	X

Tiffany Allison, 3851 Delaware Avenue

21-2019-4.23









# ADDITIONAL REVISIONS:

## 1. Replace existing “N2” district with new “N2a” and “N2b” districts.

- Replace existing Section 134-2.2.5.C with new Section 134-2.2.5.C as follows:

**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.

- Renumber existing Section 134-2.2.5.C to Section 134-2.2.5.D and revise as follows:

**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.

- Revise numbering/lettering for remainder of subsequent subsections in Section 134-2.2.5.
- Revise “N2” column heading of Table 135-2.2-2 to “N2a, N2b”.
- Delete “N2” column heading cell of Section 135-2.13.3 and replace with two separate column heading cells “N2a | N2b”.
- Revise Section 135-2.13.3.A.8 to create two separate cells for “N2a” and “N2b” columns as follows:

	<u>N2a</u>	<u>N2b</u>
<b>Minimum Lot Width (ft.)</b>	75	60
<b>Minimum Lot Area (sq. ft.)</b>	9,000	7,500

- Revise Section 135-2.13.3.D.21 to provide a single cell for “N2a” and “N2b” columns to state “Parapet, pitched, flat; Tower permitted”.
- Revise Section 135-2.13.3.E.2.b to delete “and in N2” and state “in N2a is 100 feet, and in N2b is 80 feet”.
- Revise Section 135-2.13.3.E.3.a to delete “in N2” and state “in N2a and N2b”.
- Revise Section 135-2.13.3.E.3.b to delete “in N2” and state “in N2a is 100 feet and in N2b is 80 feet”.
- Revise Section 135-2.13.3.E.6.a to state:

## 6. Minimum House Size.

a. In zoning districts N1a, A, and N1b and N2a, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill

single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- i. Single-story unit shall be a minimum of 1,400 square feet.
- ii. One-and-a-half story unit shall be a minimum of 1,600 square feet.
- iii. Two-story unit shall be a minimum of 1,800 square feet.
- Revise Section 135-2.13.3.E.6.b to state:
  - b. In zoning district N2b, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:
    - i. Single-story unit with a full basement shall be a minimum of 1,300 square feet.
    - ii. Single-story unit without a full basement shall be a minimum of 1,400 square feet.
    - iii. One-and-a-half story unit with a full basement shall be a minimum of 1,400 square feet.
    - iv. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
    - v. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
    - vi. Two-story unit without a full basement shall be a minimum of 1,600 square feet.
- Revise “N2” column in Table 135-5.5-3 to reference “N2a” and “N2b” districts.

**2. Clarify basement requirement and basement design alternative options for House Type A.**

- Revise Section 135-2.13.3.E.5 to state:

5. ~~RESERVED~~. Basement Requirement. A full basement shall be required for each House A building and each unit of a 2-unit House A building for property located in an A, N1a, N1b or N2a district. The minimum house size required by Section 135-2.13.3.E.6 shall exclude the area of the full basement. A Type 2 design alternative is required for reduction in size of basement or waiver of full depth basement requirement; however, a Type 1 design alternative is available in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.
- Add Section 135-9.2.3.A.10 as follows:

10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district in the event of topography,

soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer.

- Rely on Type 2 design alternative set forth in Section 135-9.2.4.A.9 to authorize reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district for any other reason not covered as a Type 1 design alternative by Section 135-9.2.3.A.10.

**3. Clarify decision-making criteria for Type 1 design alternatives related to reduction in size of garage or waiver of garage requirement for House Types B, C and D.**

- Revise Section 135-2.14.3.E.3 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House B building and each unit of a 2-unit House B. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House B building, and each unit of a 2-unit House B, thereon.

- Revise Section 135-2.15.3.E.4 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House C building and each unit of a 2-unit House C. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House C building, and each unit of a 2-unit House C, thereon.

- Revise Section 135-2.16.3.E.5 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House D building and each unit of a 2-unit House D. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each House D building, and each unit of a 2-unit House D, thereon.

- Revise Section 135-9.2.3.A.9 to state:

9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property, and subject to determination by the community development director that the character of the surrounding neighborhood allows for a reduction in size or waiver of the required garage based on the following:

- a. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
- b. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s).

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination by the community development director will be based upon the assumption that such lots, as if developed, contain the required minimum 288 square feet garages for each applicable House building, and each unit of a 2-unit applicable House building, thereon.

**4. Revise measurement standard for garage door projection.**

- Revise Section 135-4.3.8.A.1 to state:
  1. No garage door may project more than ten feet from the entrance facade or a covered porch or covered stoop protruding from the entrance facade, whichever is closer to the street frontage, on the same building facing the same street.

**5. Clarify decision-making criteria for all design alternatives.**

- Revise Section 135-9.2.2.B, “Design Alternatives Generally”, to state:

**B. Intent and Criteria.**

1. The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan.
2. Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
  - a. An evaluation of the character of the surrounding neighborhood, such as:
    - i. Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
    - ii. Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);

For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character

determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;

- b. The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
- c. Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
- d. Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
- e. Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- f. Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

**6. Allow finished square footage of basement to apply to minimum house size; add Type 1 design alternative for half-story requirements.**

- Revise Section 135-2.14.3.E.5 to create subsections, to delete reference to “above grade” in subsection 135-2.14.3.E.5.A, and to add new subsection 135-2.14.3.E.5.B as follows:

B. For House B building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

- Revise Section 135-2.15.3.E.6 to create subsections, to delete reference to “above grade” in subsection 135-2.15.3.E.6.A, and to add new subsection 135-2.14.3.E.6.B as follows:

B. For House C building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

- Revise Section 135-2.16.3.E.7 to create subsections, to delete reference to “above grade” in subsection 135-2.16.3.E.7.A, and to add new subsection 135-2.16.3.E.7.B as follows:

B. For House D building types, 50% of the total finished floor area of a basement may be used to calculate minimum house size square footages.

- Revise Section 135-9.2.3.A.8 to state:

- 8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of

above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.

- Revise Section 135-9.2.4.A.10 to state:

10. Reduce applicable minimum square footage requirements for House Types A, B, C or D (i) by more than 18%, or (ii) to allow any House Type A building to contain less than 1,000 square feet of above grade finished floor area or any House Type B, C or D building to contain less than 1,000 square feet of finished floor area.

- Add new Type 1 design alternative as Section 135-9.2.3.A.11 to state:

11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to Section 135-9.2.3.A.8 or requested pursuant to Section 135-9.2.4.A.10 of this article for the same project or property.

- Revise Section 135-12.8 to add the following definition:

**Finished floor area:** areas with finished ceilings, floors, and walls, that are used for living, sleeping, eating, or cooking, including living rooms, bedrooms containing egress windows, bathrooms, closets, and hallways.

**7. Allow self-service storage as a conditional use in zoning districts “MX2” and “MX3”, subject to supplemental regulations, to provide for internal conversion of pre-existing buildings or construction of a building type allowed in said zoning districts with no external storage.**

- Revise Table 134-3.1-1 to add a “O\*” designation in columns for zoning districts “MX2” and “MX3” under the “Commercial – Self-Service Storage” category.
- Add the following subsection to Section 134-3.5.16:

**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.

**8. Revise appropriate standard of vinyl siding as a minor facade material; add Type 1 design alternative for options on House building types.**

- Revise Table 135-4.1-2 “Allowed Minor Facade Materials” to state:

Vinyl Siding minimum 0.042 inches thick; where <b>not</b> prohibited by local historic district regulations	All House Types, except those in N4 or NX2 districts	All	65% of <u>first story of</u> street facade, 100% on all other facades
	All Commercial Cottage, General Buildings, Flat Buildings, and Row Buildings, containing 3 or more household units, located in MX1, MX3, RX1, RX2, NX1, NX2 and NX3 districts	All	40%

- Revise Section 135-4.3.11 to state:

#### **RESERVE HOUSE BUILDING TYPE FACADE REQUIREMENTS**

Vinyl siding may be allowed on more than 65% of the first story of the street facade for House building types, except those in N4 or NX2 districts, as a Type 1 design alternative as follows:

**A. Architectural Options.** A design that does not meet the requirements of allowed minor facade materials for vinyl siding pursuant to Table 135-4.1-2 of this article may be approved as a Type 1 design alternative if it is determined by the community development director that the overall building design adds emphasis to other facade elements and articulation that reduce attention, visibility, or dominance of single materials, including elements pursuant to Figure 135-4.3-???? such as:

1. A front porch of not less than 60 square feet;
2. Appropriate size and number of gables, defined by accent, shake, or similar architectural elements;
3. Appropriate size and design of finished columns; and
4. Other appropriate change in articulation or pattern of materials.

**B. Design Alternative.** A Type 1 design alternative may also be submitted for approval as otherwise allowed by this article.

#### **9. Incorporate corrective minor revisions.**

- Table 134-3.1-1 – Move “Short-Term Rental” row to “Commercial – Lodging” category and revise title to “Short-Term Commercial Rental”.
- Table 134-3.1-2 – Remove erroneous shading for “Other Uses with Sales for On-Premise Consumption” row in both “DX1, DX2, MX1, MX2, DXR” columns.
- Section 134-3.5.12 – Add new subsection (C) to state the text from current Section 134-3.8.3; revise title to “Short-Term Commercial Rental”; revise first sentence to

state “The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental.”; revise page numbering for remainder of Article to reflect insertion of subsection (C).

- Section 134-3.8.3 – Move title and text of Section 134-3.8.3 to new subsection 134-3.5.12.C, and delete Section 134-3.8.3.
- Section 134-6.4.8.B – Delete “134-3.8.3” and replace with “134-3.5.12.C”.
- Figure 134-6.5-A – Delete erroneous text bubble regarding “Notice of Filing/Intent to Approve”.
- Section 135-2.13.3 – A.2 - Revise to state “minimum 288 square feet” instead of “minimum 12 ft. by 24 ft.”; B.12 – not including “plus full basement required” in zoning district N2b.
- Section 135-2.14.3.B.12 – Delete “plus full basement required”.
- Section 135-2.15.3 – A.2 – Delete extra word “minimum”; B.12 – Deleted “plus full depth basement required” for all zoning districts.
- Section 135-2.16.3.B.12 – Delete “plus full depth basement required” for all zoning districts.
- Section 135-2.17 – Correct page numbering from this Section throughout remainder of Chapter 135, Article 2.
- Section 135-4.3.12 – Correct reference to figure numbering.
- Article 135-9, pages 135-9-10 to 135-9-11 – Correct section numbering.
- Section 135-9.1.4.B – Revise to state “Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the design alternative percentages and measurement numbers set forth in this article or elsewhere in this chapter; and”.
- Section 135-10.1.3.D – Delete subsection due to conflict with Section 135-9.3.9.A.1 (updated numbering), “Request for Review – Review of Community Development Director Interpretations and Decisions”.
- Section 135-10.6 – Delete “Structures” and revised to state “Site Elements”.

## **10. Revise draft zoning map as follows:**

- A. Rezoning necessitated by creation of “N2a” and “N2b” zoning districts (see #1 above):**
- Revise designation of all real property zoned “N2” by Ordinance No. 15,818 approved on October 16, 2019, from “N2” to “N2b”, except those real properties specifically identified as follows for which designations will be revised from “N2” to “N2a”:
    - i. Area generally bounded by E. Watrous Avenue on the north; E. McKinley Avenue on the south; Easter Lake on west; and SE 36<sup>th</sup> (extended north) on the east.

- ii. Area generally bounded by Briggs Street (extended) on the north; Carpenter Street / E. Cardinal Avenue (extended) on the south; SE 29<sup>th</sup> Street extended on the west and SE 34<sup>th</sup> / 135<sup>th</sup> Avenue on the east.
- Revise designation for the following real property zoned “N1a” by Ordinance No. 15,818 approved on October 16, 2019, from “N1a” to “N2a”:
  - i. Area generally bounded by Acorn Street on the north; Beardsley Street / Border Street on the south; SW 28<sup>th</sup> Street on the west; and Fleur Drive on the east.
  - ii. Area generally bounded by Buchanan Trail (extended east) on the north; Carpenter Street on the south; Fleur Drive / 85<sup>th</sup> Avenue (extended south) on the west; and SW 14<sup>th</sup> Street (extended south) on the east.
  - iii. Area generally bounded by Acorn Street on the north; Beardsley Street (extended west) on the south; SE 27<sup>th</sup> Street (extended south) on the west; and SE 34<sup>th</sup> Street on the east.
- Revise designation for the following real property zoned “N1a” by Ordinance No. 15,818 approved on October 16, 2019, from “N1a” to “N2b”:
  - i. Area generally bounded by E. County Line Road on the north; Highway 5 on the south; SE 14<sup>th</sup> Street (extended south) on the west; and SE 16<sup>th</sup> (extended south) on the east.
  - ii. Area generally bounded by Southridge Boulevard on the north; E. County Line Road on the south; SE 17<sup>th</sup> Court (extended south) on the west; and SW 19<sup>th</sup> Court extended on the east.
  - iii. Area generally bounded by Moonlight Drive on the north; E. County Line Road on the south; Indianola Avenue on the west; and SE 29<sup>th</sup> Court on the east.
  - iv. Areas generally bounded by Hartford Avenue on the north; E. Watrous on the south; SE 18<sup>th</sup> Street on the west and SE 34<sup>th</sup> Street on the east.
- Revise designation for the following real property zoned “N1b” by Ordinance No. 15,818, approved on October 16, 2019, from “N1b” to “N2a”:
  - i. Area generally bounded by E. Phillips Street on the north; Hart Avenue and E. Southlawn Drive on the south; SE 34<sup>th</sup> on the west and SE 36<sup>th</sup> (extended north) on the east.
  - ii. Area generally bounded by Interstate 80 on the north; NE Aurora Avenue (extended east) on the south; E. 38<sup>th</sup> Street on the west and E. 46<sup>th</sup> Street on the east.
  - iii. Area generally bounded by Village Run Avenue (extended east) on the north; Hull Avenue (extended east) on the south; E 56<sup>th</sup> Street on the west and the midpoint between E. 56<sup>th</sup> Street and Highway 65 on the east.

**B. Additional Recommendations:**

- Revise designation for property locally known as 3851 Delaware Avenue from “I1” to “RX1”, to allow use of the existing residential structure for residential purposes,

if a resolution to amend the PlanDSM: Creating Our Tomorrow Plan future land use designation for the subject property is approved.



1.5 story w/out basement		1400	0	1400	1300	1300	1300
2 story w/ basement	1800	1400	0	1400	1300	1300	1300
2 story w/out basement		1500	0	1500	1400	1400	1400
<b>House Type C</b>	<i>Min SF<sup>1</sup></i>	<i>Min SF<sup>2</sup></i>	<i>Min SF</i>	<i>Min SF<sup>3</sup></i>	<i>Min SF<sup>4</sup></i>	<i>Min SF<sup>4</sup></i>	<i>Min SF<sup>4,5</sup></i>
1 story w/ basement	1400	1150	0	1150	1100	1100	1100
1 story w/out basement		1250	0	1250	1200	1200	1200
1.5 story w/ basement	1600	1300	0	1300	1250	1250	1250
1.5 story w/out basement		1400	0	1400	1300	1300	1300
2 story w/ basement	1800	1400	0	1400	1300	1300	1300
2 story w/out basement		1500	0	1500	1400	1400	1400
<b>House Type D</b>	<i>Min SF<sup>1</sup></i>	<i>Min SF<sup>2</sup></i>	<i>Min SF</i>	<i>Min SF<sup>3</sup></i>	<i>Min SF<sup>4</sup></i>	<i>Min SF<sup>4</sup></i>	<i>Min SF<sup>4,5</sup></i>
1 story w/ basement	1400	1150	0	1150	1100	1100	1100
1 story w/out basement		1250	0	1250	1200	1200	1200

	5/17/2019 Draft	Steering Committee Recommendation	P&Z Recommendation	8/19/2019 Draft	8/26/2019 CMO Recommendation	10/16/2019 Approved Square Footages		11/1/2019 Proposed Square Footages as Directed by City Council	
House Type A	<i>Min SF</i> <sup>1</sup>	<i>Min SF</i> <sup>2</sup>	<i>Min SF</i>	<i>Min SF</i> <sup>3</sup>	<i>Min SF</i> <sup>4</sup>	<i>Min SF for N2 District</i> <sup>4</sup>	<i>Min SF for A, N1a and N1b Districts</i> <sup>4</sup>	<i>Min SF for N2b District</i> <sup>4,5</sup>	<i>Min SF for A, N1a, N1b and N2a Districts</i> <sup>4,6</sup>
1 story w/ basement	1400	1300	0	1300	1300	1300	1400	1300	1400
1 story w/out basement		1400	0	1400	1400	1400	1400	1400	N/A <sup>6</sup>
1.5 story w/ basement	1600	1500	0	1500	1400	1400	1600	1400	1600
1.5 story w/out basement		1600	0	1600	1500	1500	1600	1500	N/A <sup>6</sup>
2 story w/ basement	1800	1700	0	1700	1600	1500	1800	1500	1800
2 story w/out basement		1800	0	1800	1700	1600	1800	1600	N/A <sup>6</sup>
House Type B	<i>Min SF</i> <sup>1</sup>	<i>Min SF</i> <sup>2</sup>	<i>Min SF</i>	<i>Min SF</i> <sup>3</sup>	<i>Min SF</i> <sup>4</sup>	<i>Min SF</i> <sup>4</sup>		<i>Min SF</i> <sup>4,5</sup>	
1 story w/ basement	1400	1150	0	1150	1100	1100		1100	
1 story w/out basement		1250	0	1250	1200	1200		1200	
1.5 story w/ basement	1600	1300	0	1300	1250	1250		1250	

1.5 story w/ basement	1600	1300	0	1300	1250	<b>1250</b>	<b>1250</b>
1.5 story w/out basement		1400	0	1400	1300	<b>1300</b>	<b>1300</b>
2 story w/ basement	1800	1400	0	1400	1300	<b>1300</b>	<b>1300</b>
2 story w/out basement		1500	0	1500	1400	<b>1400</b>	<b>1400</b>

- <sup>1</sup> Up to 30% variation in minimum square feet allowed as Type 1 Design Alternative. More than 30% variation in minimum square feet allowed as Type 2 Design Alternative.
- <sup>2</sup> Up to 15% variation in minimum square feet allowed as a Type 1 Design Alternative. More than 15% variation in minimum square feet allowed as Type 2 Design Alternative.
- <sup>3</sup> Up to 15% variation in minimum square feet allowed as a Type 1 Design Alternative, provided, however, that no House building shall be allowed by a Type 1 Design Alternative to contain less than 1,000 square feet of above grade finished floor area. More than 15% reduction or allowance for a House building of less than 1,000 square feet requires a Type 2 Design Alternative.
- <sup>4</sup> Up to 18% variation in minimum square feet allowed as a Type 1 Design Alternative, provided, however, that no House building shall be allowed by a Type 1 Design Alternative to contain less than 1,000 square feet of above grade finished floor area. More than 18% reduction or allowance for a House building of less than 1,000 square feet requires a Type 2 Design Alternative.
- <sup>5</sup> Up to 50% of finished floor area in a basement may be counted toward the minimum square footage requirement. Finished floor area: areas with finished ceilings, floors, and walls that are used for living, sleeping, eating, or cooking, including living rooms, bedrooms containing egress windows, bathrooms, closets and hallways.
- <sup>6</sup> Full basement required. Type 1 Design Alternative is available in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the City Engineer. Otherwise Type 2 Design Alternative is required.

