



Roll Call Number

Agenda Item Number

56A

Date May 9, 2022

An Ordinance entitled, "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 Section 134-3.9.2 and Table 135-2.22.1, relating to Accessory Household Units (AHUs) and permitted zoning districts and regulations",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| SHEUMAKER | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | APPROVED | | | |

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.

Mayor

City Clerk

56A

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 Section 134-3.9.2 and Table 135-2.22.1, relating to Accessory Household Units (AHUs) and permitted zoning districts and regulations.

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 Section 134-3.9.2 and Table 135-2.22.1, relating to Accessory Household Units (AHUs) and permitted zoning districts and regulations, as follows:

134.3.9 Accessory Uses

....

3.9.2 ACCESSORY HOUSEHOLD UNITS (AHU)

A. Where Allowed.

- 1. Accessory household units (AHUs) that comply with this section 134-3.9.2, and with all other applicable sections of this code, are permitted in the following zoning districts:
 - a. as of right in A, DXR, RX1 and RX2 districts;
 - b. as of right in N and NX districts that allow two, three or four household units on a single lot;
 - c. as of right in N and NX districts, regardless of number of household units on the lot, if the lot is within 0.25 miles of a bus transit route established and used by a public regional transit agency and in accordance with section 134-3.9.2.D.3 of this chapter;
and
 - d. in N districts that allow one household unit on a single lot subject to conditional use approval by the board of adjustment pursuant to section 134-6.4 of this chapter.
- 2. On all lots where AHUs are permitted, an owner of the property shall reside in one of the household units on the property.

B. Number Allowed.

- 1. ~~No more than one AHU is permitted on a single lot.~~
- 2. ~~The total number of principal and accessory households on the subject lot may not exceed the permitted number of households allowed on the lot by the applicable zoning district.~~

C. Location. AHUs may be located internally within the principal dwelling unit or in a detached accessory outbuilding pursuant to section 135-2.22 of this code.

D. Other Regulations

- 1. Only one entrance to a house containing an accessory household unit (AHU) may be located on a facade that faces a street.
- 2. The floor area of an AHU may not exceed 50% of the floor area within the principal household unit.
- 3. Lots within N and NX districts upon which AHUs are permitted by right pursuant to section 134-3.9.2.A.1.c are further subject to the following:

- a. For purposes of measuring compliance with the distance requirement between a lot and a bus transit route, measurements must be taken on a direct line following the shortest distance from the property line of the lot containing the AHU to the nearest bus transit route(s).
- b. The Neighborhood Services Director shall review and determine compliance with the distance requirement between a lot and a bus transit route prior to issuance of building permit(s) for, and construction of, an AHU.
- c. An AHU that meets the distance requirement between a lot and a bus transit route at the time of issuance of the building permit(s), and thereafter fails to meet said requirement due to a change in the applicable bus transit route, shall constitute a non-conforming accessory use.

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135-2.22 Accessory Structures

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Table 135-2.22-1. ACCESSORY STRUCTURE TABLE

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

- (i) Delete “2-~~3~~”=permitted with development standards where district includes “-2” or “-4” extension” from the Table Key.
- (ii) Revise “Accessory Buildings” section, “Accessory Household Unit” row, as follows:
 - a. delete “ - ” and replace with “4* ” in the “A”, “DXR”, “RX1” and “RX2” columns; and
 - b. delete “2-~~3~~” and replace with “4*” in the “N1, N2, N3, N4” and “N5” columns.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank
Assistant City Attorney