CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: December 27, 2017

ITEM: Ordinance Amendment – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) to update definitions and regulations pertaining to alternative residential structures – City Initiated (AO-003705-2017)

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines requests an amendment to several chapters of Title 9 (Zoning) to update definitions and regulations pertaining to alternative residential structures. These changes are intended to further define and develop performance standards for structures that could serve as dwellings outside of traditional single and multi-family buildings. (See Exhibit II – Proposed Ordinance).

Plan and Zoning Commission Action:
Vote: 6-0 Approval, Commissioner Brown absent
Date: December 18, 2017
Motion: Approve a resolution recommending the City Council approve the first reading of the amendment to Title 9, Zoning

OUTSTANDING ISSUES: There are no outstanding issues.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- City Council Subcommittee
- Staff Review and Comment
- Noticing Information
- Staff Recommendation and Conditions of Approval

RECOMMENDATION: Based upon the preceding review, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to update definitions and regulations pertaining to alternative residential structures.

Lead Staff Member: Linda Schemmel, AIA LS

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	December 11, 2017	
Letter sent to surrounding property owners	N/A	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 27, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
  - Attachment A - Plan & Zoning Commission Resolution
    - Exhibit A - Proposed Ordinance (*moved to Exhibit II*)
    - Exhibit B - Visual Examples
- Exhibit II - Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION

Meeting Date: December 18, 2017

Item: Ordinance Amendment – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), and Chapter 10 (Performance Standards) to update definitions and regulations pertaining to alternative residential structures – City Initiated (AO-003705-2017)

Request Action: Approval of an amendment to the City Code

Case Advisor: Linda Schemmel, AIA

Applicant's Request: The City of West Des Moines requests an amendment to several chapters of Title 9 (Zoning) to update definitions and regulations pertaining to alternative residential structures. These changes are intended to further define and develop performance standards for structures that could serve as dwellings outside of traditional single and multi-family buildings. (See Attachment A, Exhibit A – Proposed Ordinance).

City Council Subcommittee: This item was discussed at the November 27, 2017, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

Staff Review and Comment: There are no outstanding issues. Staff summarizes the following key points of interest:

- *Zoning Definitions (Title 9, Chapter 2, Section 2):* With the recent popularity of tiny homes and mobile dwellings, there is a need to further define these alternative residential structures in code. In addition, residential structures that are manufactured off-site are referred to by several different terms (factory built, modular home, manufactured home, mobile home, trailer home, etc.). To avoid confusion when regulating these structures, staff is recommending updates or new definitions of these structures. The proposed amendment is:
    - Adding definitions for: Factory Built or Modular Structure, Modular or Mobile Home Park, Park Home or Park Model and Tiny Home;
    - Updating definitions for: Manufactured or Mobile Home, Recreational Vehicle and Trailer.
    - Dwelling and Dwelling Unit are to be combined into one definition with updated language.
    - Removing the following definitions: Factory Built Home, Factory Built Home Park.

  Please see Exhibit B for visual examples of these definitions.

- *Agricultural/Open Space and Residential Zoning District, Specific Use Regulations (Title 9, Chapter 5, Section 4):* A new subsection for alternative residential structures will be added to the residential specific use regulations outlining the type of occupancy (short or long term), required parking, required garage space and allowed use in residential zoning districts.

- *Performance Standards, Specific Use Regulations (Title 9, Chapter 10, Section 4):* Performance standards are being added for Factory Built Structures related to bulk regulations and design standards.

Noticing Information: On December 11, 2017, notice of the December 18, 2017, Plan and Zoning Commission and December 27, 2017, City Council public hearings for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Plan and Zoning Commission Resolution

Exhibit A – Proposed Ordinance

Exhibit B – Visual Examples

ATTACHMENT A

RESOLUTION NO. PZC-17-R15

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), SECTION 2 (DEFINITIONS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), SECTION 4 (SPECIFIC USE REGULATIONS), AND CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS) TO UPDATE DEFINITIONS AND REGULATIONS PERTAINING TO ALTERNATIVE RESIDENTIAL STRUCTURES

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Section 2 (Definitions), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 4 (Specific Use Regulations, and Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations) to update definitions and regulations pertaining to alternative residential structures;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003705-2017) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on December 18, 2017.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 18, 2017, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Brown

ATTEST:
Recording Secretary

S:__Development Projects\Ordinance Amendments\Alternative Residential Structures\AO-003705-2017_SR_Alt Res Structures_PZ_12-18-2017.doc

Manufactured Home

Mobile Home

Park Home or Park Model

Park Home (Tiny Home)

Tiny Homes

Recreational Vehicles

Factory Built or Modular Structures

EXHIBIT II

Prepared by: LSchemmel, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), SECTION 2 (DEFINITIONS), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), SECTION 4 (SPECIFIC USE REGULATIONS), AND CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS) TO UPDATE DEFINITIONS AND REGULATIONS PERTAINING TO ALTERNATIVE RESIDENTIAL STRUCTURES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Section 2 (Definitions) is hereby amended by adding the text in bold italic lettering in alphabetical order and deleting the highlighted strikethrough text:

~~DWELLING: A building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple-family dwellings, but not including hotels, motels, and nursing homes.~~

~~DWELLING UNIT: One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.~~

DWELLING OR DWELLING UNIT: A building, a portion of a building or one or more habitable rooms providing living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, but do not include hotels, motels, and nursing or convalescent homes.

~~FACTORY BUILT HOME: Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this title, factory built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.~~

FACTORY BUILT OR MODULAR STRUCTURE: A structure, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this title, a Factory Built or Modular Structure would not include a Manufactured or Mobile Home constructed under the authority of 42 U.S.C. § 5403 (United States Code – Manufactured Home Construction and Safety Standards).

~~FACTORY BUILT HOME PARK: A parcel or contiguous parcels of land divided into two (2) or more factory built home lots for rent or sale.~~

MANUFACTURED OR MOBILE HOME: ***A structure which is manufactured or constructed under the authority of 42 U.S.C. § 5403 (United States Code – Manufactured Home Construction and Safety Standards) and is intended to be long term living quarters, permitted and taxed as real property. It is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A Manufactured or Mobile Home must be on a permanent foundation with permanent connections to utility services. Mobile Homes constructed prior to 1976 shall be considered this type of structure.***

MANUFACTURED OR MOBILE HOME PARK: ***A parcel or contiguous parcels of land under common ownership upon which two (2) or more Manufactured or Mobile Homes reside as a land-leased community. A Manufactured or Mobile Home Park does not include Manufactured or Mobile Homes or Park Homes placed on a temporary basis due to a disaster emergency.***

PARK HOME OR PARK MODEL: ***A trailer which is 400 or less square feet in gross trailer area, certified by their manufacturers as complying with the ANSI A119.5 standard for recreational park trailers or constructed to comply with 2018 International Residential Code, Appendix V, and is intended for long term placement of temporary living quarters for recreational, camping or seasonal use purposes only, permitted and taxed as a trailer. A Park Home may have wheels and is not placed on a permanent foundation, however must be anchored to the ground to resist code designated wind forces. Park Homes will not have permanent connections to utility services.***

~~RECREATIONAL VEHICLE: A vehicle which is:~~

~~A. Built in single chassis;~~

~~B. Four hundred (400) square feet or less when measured at the largest horizontal projection;~~

~~C. Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.~~

RECREATIONAL VEHICLE: ***A single chassis trailer or motor vehicle which is 400 or less square feet when measured at the largest horizontal projection and is designed to be self-propelled or permanently towable, permitted and taxed as a trailer or motor vehicle. Recreational Vehicles are designed to provide temporary living quarters for recreational or camping, travel or seasonal use purposes only. Recreational Vehicles will not have permanent connections to utility services.***

TINY HOME: ***A structure which is 400 or less square feet in floor area excluding any lofts, constructed to comply with the 2018 International Residential Code, Appendix V and is intended to be a single family dwelling, permitted and taxed as real property. A Tiny Home must be on a permanent foundation with permanent connections to utility services. A structure of 400 or less square feet in floor area excluding any lofts that has any wheels or axles attached to its body or frame would be defined as a Park Home.***

~~TRAILER: Any structure used for sleeping, living, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, sawhorses, or skirtings, or being attached to a permanent foundation, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.~~

TRAILER: ***Any structure used for temporary human habitation, business or storage purposes, having no permanent foundation, but is supported by wheels, blocks, or jacks, and which is or was equipped with wheels or other devices for transporting the structure from place to place.***

Section 2. Amendment. Title 9: (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District), Section 4 (Specific Use Regulations) is hereby amended to place in alphabetical order the following subsection in bold italic lettering:

E. Alternative Dwelling Units: The following may serve as dwellings on a short term or long term basis:

1. MANUFACTURED OR MOBILE HOME: Is to be used as a place for long term residential occupancy: greater than 180 consecutive days in any calendar year.

a. Use Matrix:

Zoning:	***OS***	***RE***	***RS***	***R-1***	***SF-CR***	***SF-VJ***	***MH***	***RM***	***RH***	***VJHB***
Manufactured or Modular Home	***P***	***P***	***P***	***P***	***P***	***P***	***P***			
- ***Second Dwelling Unit***										

b. Units located outside of a Manufactured or Mobile Home Park:

i. Must meet the bulk regulations and setbacks of the zoning district where they are located.

ii. The appearance of the foundation must be visually compatible with the surrounding residential structures.

iii. Must meet the specific use regulations for residential districts related to enclosed garage space (Chapter 10, Section 4B of this title).

iv. Must meet the off street parking regulations for single-family detached dwellings (Chapter 15 of this title)

2. PARK HOME OR PARK MODEL: Is to be used for long term placement of a trailer intended for temporary residential occupancy for recreational, camping or seasonal use: no more than 180 (non-consecutive) days in any calendar year.

a. Use Matrix:

Zoning:	***OS***	***RE***	***RS***	***R-1***	***SF-CR***	***SF-VJ***	***MH***	***RM***	***RH***	***VJHB***
Park Home or Park Model	***Pc***									
- ***Second Dwelling Unit***	***P***	***P***	***Pc***	***Pc***						
- ***Short term rental as part of an approved campground or recreational vehicle park***	***Pc***									
- ***Short term rental not part of an approved campground or recreational vehicle park***										

b. ***Parking and Drives:***
   i. ***Must meet the off street parking regulations for single-family detached dwellings (Chapter 15 of this Title)***

3. ***RECREATIONAL VEHICLE:***
   a. ***Occupancy of a Recreational Vehicle is not an allowed use unless located in an approved campground or recreational vehicle park.***
   b. ***Recreational Vehicles may be used for sleeping purposes only, for a time period of no more than thirty (non-consecutive) days in any calendar year, and only for non-paying guests of the occupant of a single family dwelling. A Recreational Vehicle must be located in conformance with all City regulations governing parking and storage. Vehicles cannot be used for sleeping purposes when parked on any public or private street, off street parking lot or loading area.***

4. ***TINY HOME: Is to be used as a place for long term residential occupancy: greater than 180 consecutive days in any calendar year.***
   a. ***Use Matrix:***

Zoning:	*OS*	*RE*	*RS*	*R-1*	*SF-CR*	*SF-VJ*	*MH*	*RM*	*RH*	*VJHB*
Tiny Home	*P*	*P*	*P*	*P*	*P*	*P*	*P*			
- *Second Dwelling Unit*	*P*	*P*	*Pc*	*Pc*						

   b. ***Parking and Drives:***
      i. ***Must meet the specific use regulations for residential districts related to enclosed garage space (Chapter 10, Section 4B of this title).***
      ii. ***Must meet the off street parking regulations for single-family detached dwellings (Chapter 15 of this title)***

Section 3. Amendment. Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A is hereby amended to place in numerical order the following paragraph in bold lettering:

25. ***Factory Built Structures: All Factory Built Structures not designated as a Manufactured or Mobile Home or a trailer for temporary business or storage use must meet all bulk regulations and design standards of their respective zoning district.***

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 5. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 6. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 7. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2018, and approved this _____ day of _____, 2018.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2018, and was published in the Des Moines Register on _____, 2018.

_____
Ryan T. Jacobson
City Clerk