NO CHANGES TO PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 19, 2019

ITEM: Amendment to City Code Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards), Amend city code to eliminate garage requirement for multi-family condominium regime developments – City Initiated (AO-004123-2018)

ORDINANCE: Approval of Third Reading and Adoption of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: At the February 4, 2019 City Council meeting, Development Services Staff requested an amendment to the following in Title 9, Zoning to eliminate city code regulations which require the construction of a garage in conjunction with multi-family developments under a condominium regime:

- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 7, *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsections B-2-c; B-3-d; and B-4-d; and,
- Chapter 10, *Performance Standards*, Section 4, *Special Use Regulations*, Subsection B of City Code

The February 4th consideration of the amendment by the City Council related to the garage requirement for only multi-family condominium regime developments. All proposed city code changes related to requirements for a garage for single-family dwellings previously presented (November 26, 2018 and January 21, 2019 City Council meetings) were removed from the February 4th proposed ordinance amendment. In approximately 60 days, Staff will bring forward a new ordinance pertaining to single-family garage requirements with a waiver option to the Plan and Zoning Commission and City Council for consideration.

City Council Action

Vote: 4-0 approval, Council member Sandager absent

Date: February 4, 2019

Motion: Approve the second reading of the amendment to Title 9, Zoning, Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) eliminating garage requirements for multi-family condominium regime developments.

OUTSTANDING ISSUES: There are no outstanding issues. As noted above, the attached ordinance amendment will only eliminate the garage requirement for multi-family developments under a condominium regime.

RECOMMENDATION: Staff recommends the City Council approve the third reading and adopt the amendment to City Code to eliminate regulations which require the construction of a garage in conjunction with multi-family condominium regime developments.

Lead Staff Member: Lynne Twed

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	November 9, 2018	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 12, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Proposed Ordinance

EXHIBIT I

Prepared by: L. Twedt, 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 BY AMENDING TITLE 9 (ZONING), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT) AND CHAPTER 10 (PERFORMANCE STANDARDS) TO ELIMINATE GARAGE REQUIREMENT FOR MULTI-FAMILY CONDOMINIUM REGIME DEVELOPMENTS

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

Section 1. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District)*; Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts)*, Subsection B-2-c is hereby amended by deleting the highlighted strikethrough text:

B. Building Type:

2. Multi-Family Detached (MF-D):

a. Unit Arrangements: One unit, no attachment.

b. Property Regime: May have ownership of unit structure and real property or just unit envelope. Will have common property providing services to units (i.e., utilities, access). Maintenance and management provided by an association.

~~c. Garages: Minimum of one and one-half (11/2) car garage required (attached or detached).~~

Section 2. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District)*; Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts)*, Subsection B-3-d is hereby amended by deleting the highlighted strikethrough text:

B. Building Type:

3. Multi-Family Attached Horizontal (MF-AH):

a. Unit Arrangements: Units are attached only horizontal, no stacked units. Units may be attached along side walls or attached along the side and rear wall.

b. Property Regime:

(1) May have ownership of unit structure and real property (this is the typical ownership form for townhomes) or just unit envelope (this is the typical ownership form for condominiums). Has common property providing services to units (i.e., utilities, access). Maintenance and management provided by an association.

(2) One owner of building and property with no property ownership associated with the units (this is the typical ownership form for apartments). Maintenance and management provided by the property manager.

c. Entry Type: Individual unit entry, no common entry element.

~~d. Garages: Minimum of one car garage per unit required (attached or detached) for the property regime in subsection B3b(1) of this section. No garage requirement for the property regime in subsection B3b(2) of this section.~~

Section 3. Amendment. Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District)*; Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts)*, Subsection B-4-d is hereby amended by deleting the highlighted strikethrough:

B. Building Type:

4. Multi-Family Attached Vertical (MF-AV):

a. Unit Arrangements: Units attached vertically. Units may be attached along side wall or rear wall.

b. Property Regime:

(1) Ownership of unit envelope (this is the typical ownership form for condominiums). Has common property providing services to units (i.e., utilities). Maintenance and management provided by an association.

(2) One owner of building and property with no property ownership associated with unit (this is the typical ownership form for apartments). Maintenance and management provided by the property manager.

c. Entry Type:

(1) Individual: Individual unit entry, no common entry element.

(2) Shared: Some type of common entry element either conditioned or nonconditioned space.

~~d. Garages: Minimum of one car garage per unit required (attached or detached) for the property regime in subsection B4b(1) of this section. No garage requirement for the property regime in subsection B4b(2) of this section.~~

Section 4. Amendment. Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Special Use Regulations*) Subsection B is hereby amended by deleting the highlighted strikethrough text and renumbering subsequent subsections accordingly:

B. The Following Standards Shall Apply to All Residential Districts:

1. For the purpose of this subsection an "enclosed parking space" or reference to a "garage" shall mean a covered space fully surrounded by walls, including windows, doors and similar openings or architectural features.

2. For any detached single-family residential dwelling, a minimum of one enclosed garage parking space shall be required for the use. This garage may be attached or detached but shall be of a minimum twenty foot by fourteen foot (20' x 14') size to accommodate one vehicle and additional storage.

3. ~~For any single-family attached dwelling intended as owner occupied, a minimum of one enclosed parking space shall be required for each unit. This parking space shall be a minimum of nineteen feet by nine feet (19' x 9') and may be designed as a freestanding garage, attached garage or multiple garage spaces within an enclosure.~~

4. Any existing detached single-family residence ~~and any single-family attached dwelling intended as owner occupied~~ shall be required to comply with the enclosed garage space if the residence is proposed to be remodeled, enlarged, expanded or modified and the cumulative value of the alterations of the structure since the adoption date hereof exceeds fifty percent (50%) of the current valuation of the structure.

   For the purpose of determining the valuation of the building, the current assessor's tax roll shall be used. The valuation shall be measured on a cumulative basis for all alterations made since the adoption date hereof rather than evaluating each alteration independently against the current valuation.

5. Any existing detached single-family residence ~~and any single-family attached dwelling intended as owner occupied~~ which is damaged or destroyed by catastrophe or act of God to the extent equaling fifty percent (50%) or more of its total assessed value, shall be exempt from the provisions of this Code regarding the garage requirement as a part of the reconstruction of the damage to the residential structure due to the catastrophe or act of God.

6. Any existing single-family attached dwelling which has not previously been operated as owner occupied and intends to convert to an owner-occupied program shall be required to comply with the provisions of this subsection.

7. For single family zoning districts in or adjacent to developed areas, buildings should be designed to be consistent with its surrounding architectural context or historic character of the area with comparable architectural design, materials and details, including building mass and roof slope.

Section 5. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 6. 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 7. 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 8. 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 9. 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 _____, 2019, and approved this _____ day of _____, 2019.

_____
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 _____, 2019, and was published in the Des Moines Register on _____, 2019.

_____
Ryan T. Jacobson
City Clerk