

Proposed Substantive Revisions to Public Hearing Draft as of August 8, 2019*

1. Revise Chapter 135, Article 4, Section 4.3.8 to state:

“4.3.8. Garage Doors

The following applies to all garage doors on principal buildings located on street-facing facades.

A. Row and House Building Types. On any Row or House building, garage doors located on street facades, where permitted, shall meet the following requirements:

1. No garage door may project more than eight feet from the entrance facade on the same building facing the same street.
2. Any ~~third~~ garage door to a third non-tandem parking space on a front façade or primary frontage facade of a household shall be recessed a minimum of three feet from the adjacent garage facade or the building facade adjacent to the ~~third~~ garage door to a third non-tandem parking space.

B. Other Building Types. For all building types except all Row buildings, House buildings, and the Workshop/Warehouse located in EX and I districts, garage doors shall meet the following requirements:

1. Garage doors are permitted on any street facade for patio access or open-air dining where such use is allowed under chapter 134 of this code. Garage doors for such use located on the primary facade shall have a minimum transparency of 55%, as measured between 2 and 8 feet.
2. Garage doors located on non-primary streets shall be clad with materials consistent with the design of the building.

C. A design that does not meet the above standards may be approved as a Type 1 design alternative if it is determined that the overall building design adds emphasis to other facade elements that reduce attention, visibility or dominance of the garage doors.”

2. Delete existing text for Chapter 135, Article 4, Section 4.3.11 and add text “[RESERVE]”.
3. Revise Table Chapter 135, Article 2, Section 2.13.3 regarding the minimum interior side yard setback for House Type A in a N1a or A district to state “10, 25 total for both”.

*Revisions to July 31, 2019 Draft Shown as [Redlined](#)

4. Revise Chapter 135, Article 4, Section 135-4.1.3B regarding design alternatives to Article 4 Design Requirements to state:

“B. Alternatives to Other Requirements.

Modifications to other design regulations in this article are eligible for Type 1 design alternatives unless otherwise expressly specified.”

5. Delete existing Chapter 135, Article 9, Section 135-9.2.4(A)(10) requiring Type 2 review for reduction in size or waiver of full depth basement.
6. Revise **and renumber** existing Chapter 135, Article 9, Section 135-9.2.4 (A) (11) regarding Type 2 Design Alternatives to state “135-9.2.4(A)(10) Any other design alternatives identified in this chapter as a Type 2 design alternative and any other variations from the regulations of this Chapter unless explicitly prohibited herein that are not expressly identified as a Type 1 alternative.”
7. Revise Chapter 134, Article 7, Section 7.3.4 B (3) regarding earned credits for removal of billboards to state “two credits are earned for each non-electronic or non-multivision display (static) sign face that was at least 600 square feet in area.”
8. Revise Chapter 134, Article 7, Section 7.3.4 B (4) regarding earned credits for removal of billboards to state “one credit is earned for each non-electronic or non-multi-vision display (static) sign face that was at least 300 square feet in area and less than 600 square feet in area.”
9. No change to code text but verbally clarify that the 50% threshold in Chapter 134, Article 7, Section 7.3.6 A is not cumulative and therefore accommodates independent maintenance actions.
10. Revise Chapter 134, Article 3, Table 134-3.1-1 to allow Industrial – Fabrication and Production – Limited as a conditional use in the DX2, DXR, MX1 and MX2 districts and subject to supplemental use regulations.
11. Revise Section 135-9.2.3 (B) (2) regarding allowed Type 1 Design Alternatives to state: “Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included building type regulations of article 2 of the is chapter and design regulations of article 4 of this chapter that are expressed as a dimension or distance.”
12. Revise Chapter 135, Article 2 Section 2.13.3 E (House A Additional Regulations/Notes) as follows:

Delete 2.13.3(E)(2)(c) which currently requires a 2-unit house A to have a minimum height of 1.5 stories. Minimum story height is allowed per House A regulations by district.

Add new 2.13.3(E)(2)(c) which states “For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for inside side yard setback for the lot line associated with a common wall.”

Amend 2.13.3(E)(3)(a) to state “The four units shall be incorporated into a single-house design in N1a and N1b districts. The four units shall be incorporated into a single-house design or side-by-side design in N2 Districts.”

Delete 2.13.3(E)(3)(d) which currently prohibits garages from being located on the front façade of a 4-unit House A.

Add new 2.13.3(E)(3)(d) which states “For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for minimum interior setbacks for the lot lines associated with common walls.”

Delete 2.13.3(E)(3)(e) which currently requires a 4-unit house to have a minimum height of 2 stories. Minimum story height is allowed per House A regulations by district.

Revise 2.13.3(E)(4) to state “Garage Requirement. A minimum 288 square feet garage is required for each House A building and each unit of a 2-unit House A. A Type 2 design alternative is required for reduction in garage size or waiver of the garage requirement.”

Delete 2.13.3(E)(5) which currently requires a full depth basement for each House A building.

~~Revise 2.13.3(E)(6) to provide the underlined text: “Minimum House Size. Single and Two-unit houses constructed after the effective date.....shall meet the minimum above grade finished floor areas. Design alternatives are available.....”~~

13. Revise Chapter 135, Article 2 Section 2.14.3 E (House B Additional Regulations/Notes) as follows:

Add new 2.14.3(E)(2)(g) which states “For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for inside side yard setback for the lot line associated with a common wall.”

Revise 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 2 design alternative is required for reduction in garage size or waiver of the garage requirement.”

Delete 2.14.3(E)(4) which currently requires a full depth basement for each House B building

~~Revise 2.14.3(E)(5) to provide the underlined text: “Minimum House Size. Single and Two-unit houses constructed after the effective date.....shall meet the minimum above grade finished~~

~~floor areas. Design alternatives are available.....”~~

14. Revise Chapter 135, Article 2 Section 2.15.3 E (House C Additional Regulations/ Notes) as follows:

Delete 2.15.3(E)(3)(c) which currently requires a 2-unit house C to have a minimum height of 1.5 stories. . Minimum story height is allowed per House C regulations by district

Add new 2.15.3(E)(3)(c) which states “For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for inside side yard setback for the lot line associated with a common wall.”

Revise 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 2 design alternative is required for reduction in garage size or waiver of the garage requirement.”

Delete 2.15.3(E)(5) which currently requires a full depth basement for each House C building.

~~Revise 2.15.3(E)(6) to provide the underlined text: “Minimum House Size. Single and Two-unit houses constructed after the effective date.....shall meet the minimum above grade finished floor areas. Design alternatives are available.....”~~

15. Revise Chapter 135, Article 2 Section 2.16.3 E (House D Additional Regulations/ Notes) as follows:

Add new 2.16.3(E)(4)(l) which states “For fee simple configurations, where each unit is located on its own lot, the building (comprised of all the connected units) shall meet the building type requirements except for minimum interior setbacks for the lot line associated with a common wall.”

Revise 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 2 design alternative is required for reduction in garage size or waiver of the garage requirement.”

Delete 2.16.3(E)(6) which currently requires a full depth basement for each House D building.

~~Revise 2.16.3(E)(7) to provide the underlined text: “Minimum House Size. Single and Two-unit houses constructed after the effective date.....shall meet the minimum above grade finished floor areas. Design alternatives are available.....”~~

16. Revise Section 135-9.2.3 (B) regarding the list of Type 1 Design Alternatives to state:

“10. Design alternatives to minimum or maximum ~~parking~~ motor vehicle off-street parking ratio pursuant to Section ~~135~~-6.1 of this chapter.

11. Design alternatives to parking lot geometrics not to exceed 30% of a numerical standard

subject to review by the CD Director and City Engineer.

12. Design alternatives to the landscape regulations of Article 7 of this chapter.

~~13. Reduction in size of basement or waiver of full depth basement requirement for house types A, B, C and D, in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the City Engineer.~~

13. Any other design alternatives identified in this chapter as a Type 1 design alternative.”

17. Revisions to Allowed Major Façade Materials per attached redlined Table 135-4.1-1.

18. Revisions to Allowed Minor Façade Materials per attached redlined Table 135-4.1-2.

19. Revisions regarding mobile homes:

134-7.2.9 NONCONFORMING USE WITHIN MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

- A. This section applies to replacement of a preexisting manufactured, modular, or mobile home, or a preexisting site-built household unit, within a manufactured home community or a mobile home park.
- B. Unless subsection D of this section applies, a preexisting manufactured, modular, or mobile home may be replaced with another manufactured, modular, or mobile home, containing no more than the original number of dwelling units, within a manufactured home community or a mobile home park, and the property owner may continue the lawful nonconforming use that had existed relating to the preexisting home.
- C. Unless subsection D of this section applies, a preexisting site-built household unit (dwelling) may be replaced with a manufactured, modular, or mobile home or site-built household unit (dwelling) within a manufactured home community or a mobile home park, and the property owner may continue the lawful nonconforming use that had existed relating to the preexisting home.
- D. A preexisting manufactured, modular, or mobile home or site-built household unit (dwelling) may not be replaced, and the lawful nonconforming use that had existed relating to the preexisting home may not be continued, as set forth in this section if any of the following conditions apply:
 - 1. A discontinuance of the preexisting use is necessary for the safety of life or property;
 - 2. The nonconforming use of the preexisting manufactured, modular, or mobile home, or preexisting site-built household unit, has been discontinued for at least one year for any reason whatsoever, unless such discontinuance is caused by circumstances outside the control of the property owner;
 - 3. The replacement results in the overall nature and character of the present use being substantially or entirely different ~~from~~ from the original lawful preexisting nonconforming use; or
 - 4. The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes

modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

If any of said conditions apply, sections 134-7.1-5 and 134-7.2.1-8 of this article are applicable to the nonconforming use.

135-2.21 MOBILE HOME PARKS

The following applies to any mobile home development in the NM district, other than to preexisting manufactured, modular, or mobile homes, or preexisting site-built household units, when the continuation of the lawful nonconforming use is required under section 134-7.2.9 of this code.

135-10.1.76 PRE-EXISTING SITUATIONS WITHIN MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

This article applies to preexisting manufactured, modular, or mobile homes, and preexisting site-built household units, within a manufactured home community or a mobile home park if any of the conditions set forth in section 134-7.2.9.D of this code apply to said homes and units.

20. Revisions to Section 135-4.5.5 regarding rooftop mechanical equipment:

135-4.5.5 ROOFTOP MECHANICAL EQUIPMENT

Any rooftop mechanical equipment, such as but not limited to vents, ventilators, heating and cooling systems, and excluding solar energy and wind energy conversion systems, shall be screened and located consistent with one of the following methods:

- A. Incorporate equipment into the roof design consistent with the applicable standards of section 135-2.20 of this chapter.
- B. Provide architectural quality metal screening material that is equal to the height of the equipment on all sides, such as louvered or mesh panels, and set the equipment back from the edge of the roof so that it and the screening material are not visible from any adjoining right-of-way.
- C. Rooftop mechanical equipment less than three feet in all dimensions may be painted to blend with the structural roof and set back from the edge of the roof so that it is not visible from any adjoining right-of-way, so long as it is separated from any other mechanical equipment by at least 30 feet.

21. Revise draft zoning map designation for Salisbury House located at 4025 Tonawanda Drive from "N1a" to "P2".

22. Revise draft zoning map designation for portions of the Fort Des Moines Parade Grounds generally bounded by Dickman Road, Gruber Street, Buttner Street and Howze Street extended

from “P-1” to “MX2” and “NX2”. The proposal would still leave a central portion of the parade ground designated “P-1” per attached draft map.

23. ~~The PlanDSM Steering Committee has recommended revisions to the proposed minimum square footage requirements for House Type A, B, C and D based on applicable zoning district. Staff is still analyzing the committee’s recommendation and drafting proposed text amendments. Staff will present recommended changes at or before the August 1, 2019 Plan and Zoning Commission meeting for consideration. The following text changes implement the PlanDSM Steering Committee’s recommended revisions to the proposed minimum square footage requirements for House Type A, B, C and D based upon the applicable zoning district.~~

House Type A (allowed in A, N1a, N1b and N2 districts). **Replace existing section 135-2.13.3 [E][6] Additional Regulations / Notes for House Type A as follows:**

“6. Minimum House Size. Single-unit and two-unit House Type A buildings constructed after the effective date of this code as defined in section 135-1.2 shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2.

- a. *Single-story unit with a full basement shall be a minimum of 1,300 square feet.*
- b. *Single-story unit without a full basement shall be a minimum of 1,400 square feet.*
- c. *One-and-a-half story unit with a full basement shall be a minimum of 1,500 square feet.*
- d. *One-and-a-half story unit without a full basement shall be a minimum of 1,600 square feet.*
- e. *Two-story unit with a full basement shall be a minimum of 1,700 square feet.*
- f. *Two-story unit without a full basement shall be a minimum of 1,800 square feet.*

House Type B (allowed in N3a and N3b districts). **Replace existing section 135-2.14.3 [E][5] Additional Regulations / Notes for House Type B as follows:**

“5. Minimum House Size. Single-unit and two-unit House Type B buildings constructed after the effective date of this code as defined in section 135-1.2 shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2.

- a. *Single-story unit with a full basement shall be a minimum of 1,150 square feet.*
- b. *Single-story unit without a full basement shall be a minimum of 1,250 square feet.*
- c. *One-and-a-half story unit with a full basement shall be a minimum of 1,300 square feet.*
- d. *One-and-a-half story unit without a full basement shall be a minimum of 1,400 square feet.*
- e. *Two-story unit with a full basement shall be a minimum of 1,400 square feet.*
- f. *Two-story unit without a full basement shall be a minimum of 1,500 square feet.*

House Type C (allowed in N3b, N3c, N4 and NX1 districts). **Replace existing section 135-2.15.3 [E][6] Additional Regulations / Notes for House Type C as follows:**

“6. Minimum House Size. Single-unit and two-unit House Type C buildings constructed after the effective date of this code as defined in section 135-1.2 shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2.

- a. Single-story unit with a full basement shall be a minimum of 1,150 square feet.
- b. Single-story unit without a full basement shall be a minimum of 1,250 square feet.
- c. One-and-a-half story unit with a full basement shall be a minimum of 1,300 square feet.
- d. One-and-a-half story unit without a full basement shall be a minimum of 1,400 square feet.
- e. Two-story unit with a full basement shall be a minimum of 1,400 square feet.
- f. Two-story unit without a full basement shall be a minimum of 1,500 square feet.

House Type D (Allowed in N5, NX1, NX2 and NX2a districts). Replace existing section 135-2.16.3 [E][7] Additional Regulations / Notes for House Type D as follows:

“7. Minimum House Size. Single-unit and two-unit House Type D buildings constructed after the effective date of this code as defined in section 135-1.2 shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2.

- a. Single-story unit with a full basement shall be a minimum of 1,150 square feet.
- b. Single-story unit without a full basement shall be a minimum of 1,250 square feet.
- c. One-and-a-half story unit with a full basement shall be a minimum of 1,300 square feet.
- d. One-and-a-half story unit without a full basement shall be a minimum of 1,400 square feet.
- e. Two-story unit with a full basement shall be a minimum of 1,400 square feet.
- f. Two-story unit without a full basement shall be a minimum of 1,500 square feet.

Type 1 Design Alternatives.

Add the following new text as Section 135-9.2.3[A][8] regarding Type 1 Design Alternatives for specific building types:

“8. Reduce applicable minimum square footage requirement for House Types A, B, C or D by up to 15%.”

Type 2 Design Alternatives.

Add the following new text as Section 135-9.2.4[A][10] regarding Type 2 Design Alternatives:

“10. Reduce applicable minimum square footage requirement for House Types A, B, C or D by more than 15%.”

24. Revise draft zoning map to extend MX1 zoning along portions of an area on the East side of 6th Avenue between Indiana Avenue and Jefferson Avenue. Map to be provided at the August 1 Plan and Zoning Commission hearing.

25. Revisions regarding phased development projects (in lieu of PUD zoning):

135-9.3.3, APPLICATION SUBMITTAL, Subsection B – Add a new item 10 (then renumber existing 10 and 11 to numbers 11 and 12) to state:

10. For properties containing two or more acres or 10 or more combined household, commercial, or other similar units allowed by the zoning district, proposed construction phasing if applicable, including (i) identification of phased areas by mapping and phase number, and (ii) commencement and completion dates listed per phase number, which completion dates may not exceed 10 years after original submittal of the site plan or alternate design documentation;

135-9.3.6, LAPSE OF APPROVAL – Revise to state:

- A. The approval of any site plan or alternate design documentation required by this article that does not contain proposed construction phasing, and the approval of the first phase of any site plan or alternate design documentation that contains proposed construction phasing, remains valid for two years after the date that the site plan or alternate design documentation is certified as approved, after which time the site plan or alternate design documentation lapses and is of no further effect unless the development has been established or actual construction has commenced. A site plan or alternate design documentation containing proposed construction phasing for which approval has lapsed for its first phase shall no longer be valid for any subsequent phase thereof.
- B. The approval of any second or subsequent phase included in a site plan or alternate design documentation required by this article remains valid for two years after the completion date of the applicable phase as stated in the certified and approved plan or documentation, after which time the site plan or alternate design documentation lapses and is of no further effect unless the applicable phase of the development has been established or actual construction has commenced. A site plan or alternate design documentation containing proposed construction phasing for which approval has lapsed for any second or subsequent phase shall no longer be valid for any subsequent phase thereof. In no event shall a completion date for a phase identified in a site plan or alternate design documentation exceed 10 years from the date that said plan or documentation is certified as approved.
- C. For the purpose of this section, “actual construction” means that the installation of permanent construction materials has commenced and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading and excavation, or stockpiling of materials on the site does not constitute actual construction.