

## **ADDITIONAL REVISIONS:**

### **1. Allow Type 1 design alternative to garage requirement for House Types B, C and D, subject to provision of storage shed.**

- Revise first sentence of Section 135-2.14.3.A.2, “Required Accessory Building; Accessory Building Locations”, to state “Garage for single-unit houses, minimum 288 square feet” rather than “minimum 12 ft. by 24 ft.”
- 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 if it is determined by the community development director that the character of the surrounding neighborhood is absent of garages and 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.

- Revise first sentence of Section 135-2.15.3.A.2, “Required Accessory Building; Accessory Building Locations”, to state “Garage for single-unit houses, minimum 288 square feet” rather than “minimum 12 ft. by 24 ft.”
- 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 if it is determined by the community development director that the character of the surrounding neighborhood is absent of garages and 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.

- Revise first sentence of Section 135-2.16.3.A.2, “Required Accessory Building; Accessory Building Locations”, to state “Garage for single-unit houses, minimum 288 square feet” rather than “minimum 12 ft. by 24 ft.”
- 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 if it is determined by the community development director that the character of the surrounding neighborhood is absent of garages and 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.

- Revise Section 135-9.2.4.A.8, “Type 2 Design Alternatives”, to state “Reduction in size of garage or waiver of garage requirement for House Type A.”
- Add new Section 135-9.2.3.A.9, “Type 1 Design Alternatives”, as follows:

Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to determination by the community development director that the character of the surrounding neighborhood is absent of garages and 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.

**2. Clarify definition and intent of reference to “improved alley.”**

- Revise Section 135-12.3, “Terms Beginning with ‘A’”, “Alley, improved” as follows:

Alley, improved: an existing or planned public alley right-of-way improved to the standards of the city’s public works department (i.e. traversable surface of either gravel or paving) that the public works director certifies will be maintained by the city for new or continued vehicular access.

**3. Require window trim only on street-facing facades.**

- Revise Section 135-4.3.2.D, “Windows”, to state:

Trim. For all House buildings, a minimum four inches wide, nominal, trim is required surrounding windows that are located on all street-facing facades and that abut any material other than masonry.

**4. Allow vinyl siding as a minor facade material for multi-household buildings, subject to an increased standard of siding.**

- Revise Table 135-4.1-2 “Allowed Minor Facade Materials”, as follows:

Vinyl Siding minimum 0.044 inches thick; where <u>not prohibited by local historic district regulations</u>	<u>All House Types, except those in N4 or NX2 districts</u>	All	65% of street facade, 100% on all other facades
	<u>All Commercial Cottage, General Buildings, Flat Buildings, and Row Buildings, containing 3 or more household</u>	All	40%

	units, located in MX1, MX3, RX1, RX2, NX1, NX2 and NX3 districts		
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**5. Increase allowed projection in front of house for attached garages from 8 feet to 10 feet.**

- Revise Section 135-4.3.8.A.1, “Garage Doors”, to state: “No garage door may project more than ten feet from the entrance facade on the same building facing the same street.”

**6. Revise short-term rental requirements to allow owner-occupants of single-household dwellings to rent on a short-term basis for more than 120 cumulative days annually, if the owner-occupants are present for all short-term rentals beyond said 120-day limit.**

- Revise Section 134-3.8.3.10-12, “Short-Term Rental”, to delete “275 days annually” and replace with “245 days annually” to account for the increase in short-term rentals from 90 days to 120 days’ cumulative annual rentals.
- Revise Section 134-3.8.3.15, “Short-Term Rental”, to state:

15. Renting of each approved short-term rental shall be limited to no more than 120 days’ cumulative annual rentals, with each annual rental period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use. The 120-day cumulative annual rental limit is applicable across any and all hosting platforms or other means of advertising the short-term rental, rather than per hosting platform or advertising method. Notwithstanding the foregoing, short-term rentals located within owner-occupied single-household detached structures, and short-term rentals located on the same lot as and associated with an owner-occupied principal residential structure, are not subject to the 120-day cumulative annual rental limitation provided that the owner-occupant is present for the duration of any short-term rental(s) occurring after said 120-day limitation has been reached within each annual rental period.

**7. Distinguish between repair and replacement of sign face types for non-conforming general advertising signs with electronic or multi-vision display sign faces and other non-conforming signs.**

- Revise Section 134-7.3.6, “Damage or Destruction”, to add language to subsection (C) and add new subsection (D) as follows:

C. For purposes of this subsection as it applies to all signs, other than general advertising signs containing electronic or multi-vision display sign faces, the phrase

“damaged or destroyed” includes removal of the sign face for repair, alteration, replacement or upgrade.

D. For purposes of this subsection as it applies to general advertising signs containing electronic or multi-vision display sign faces, the phrase “damaged or destroyed” does not include removal of the electronic or multi-vision display sign face for repair or replacement if the sign structure and the sign face type (electronic or multi-vision display) are neither modified nor altered and if the size of the repaired or replacement electronic or multi-vision sign face remains the same as the size of the previously existing electronic or multi-vision sign face.

**8. Further adjust minimum square footages for House Type Buildings, distinguish between zoning districts for House Type A square footage requirements, and include condition for variety in square footages when design alternatives are requested.**

- Revise Section 135-2.13.3.E.6, “Additional Regulations/Notes”, for House Type A as follows:

6. Minimum House Size.

A. In zoning districts N1a, A, and N1b, 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:

- a. Single-story unit shall be a minimum of 1,400 square feet.
- b. One-and-a-half story unit shall be a minimum of 1,600 square feet.
- c. Two-story unit shall be a minimum of 1,800 square feet.

B. In zoning district N2, 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:

- 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 1,400 square feet.

- d. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
  - e. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
  - f. Two-story unit without a full basement shall be a minimum of 1,600 square feet.
- Revise 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 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 B lots surrounded by existing buildings:
      - a. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
      - b. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
      - c. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
      - d. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
      - e. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
      - f. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
  - Revise 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 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 C buildings on lots surrounded by existing buildings:
      - a. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
      - b. Single-story unit without a full basement shall be a minimum of 1,200 square feet.

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

- Revise 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 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 D buildings on lots surrounded by existing buildings:

- a. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
- b. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
- c. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
- d. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
- e. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
- f. Two-story unit without a full basement shall be a minimum of 1,400 square feet.

**9. Allow up to 18% reduction in square footage requirement for House Types A, B, C and D, with a required minimum of 1,000 square feet, through a Type 1 design alternative.**

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

8. Reduce applicable minimum square footage requirement for House Types 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.

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

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

**10. Accommodate re-build requirements for financing of buildings while maintaining design standards.**

- Revise Section 135-10.3.5.A, “Damage or Destruction”, to state:

A. If a pre-existing building is damaged or destroyed by any means beyond the control of the property owner, the pre-existing building may be re-established in the same building footprint as existed before the damage or destruction, provided that a permit application to allow the re-establishment is filed within six months of the damage or destruction, and provided that the building complies with the requirements of this chapter, including any approved Type 1 or Type 2 design alternatives, other than requirements relating to the pre-existing building footprint.

**11. Clarify standards for Chapter 135 design alternative approval.**

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

Intent. 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. Consideration of requested design alternatives through the administrative and public hearing review processes will include an evaluation of the character of the surrounding neighborhood, the totality of the number and extent of design alternatives requested compared to the requirements of this chapter, and other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

**12. Revise draft zoning map as follows:**

**A. Rezoning necessitated by above-listed minimum square footage revisions to Section 135-2.13.3.E.6, “Additional Regulations/Notes”, for House Type A (see #8 above):**

- Revise designation for real property bounded by East 38<sup>th</sup> Street to the west, East Aurora Avenue to the south, East 46<sup>th</sup> Street to the east, NE 50<sup>th</sup> and the City limits to the north, from “N1a” to “N1b”.

- Revise designation for real property bounded by immediately east of East 43<sup>rd</sup> Court to the west, Boyd Street and Hull Avenue to the south, immediately west of NE 48<sup>th</sup> Street to the east, and NE 38<sup>th</sup> Avenue to the north, from “N1a” to “N2”.
- Revise designation of real property bounded by immediately east of NE 48<sup>th</sup> Street to the west, immediately north of East Douglas Avenue to the south, NE 51<sup>st</sup> Court/Brook Run Drive to the east, and NE Aurora Avenue to the north, from “N1a” to “N2”.
- Revise designation of real property bounded by SE 34<sup>th</sup> Street to the west, Hart Avenue to the south, SE 36<sup>th</sup> Street to the east, and East McKinley Avenue to the north, from “N2” to “N1b”.
- Revise designation of real property bounded by generally SW 61<sup>st</sup> street to the west, generally north of Watrous Avenue to the south, SW 56<sup>th</sup> Street to the east, and generally Wolcott Circle to the north, from “N1a” to “N2”.

**B. Additional Recommendations:**

- Revise designation of real property bounded by generally 27<sup>th</sup> Street to the west, Urbandale Avenue to the south, Martin Luther King, Jr. Parkway to the east, and generally Douglas Avenue to the north, from “CX” to “MX3”.

**C. Rezoning approved between May-August 2019:**

- Revised designation for real property locally known as 4801 Franklin Avenue from “P2” to “Legacy PUD” in accordance with Ordinance No. 15,787 adopted July 15, 2019, which rezoned said property from “C-1” Neighborhood Retail Commercial District to “PUD” Planned Unit Development District to allow property for a mix of commercial uses.
- Revised designation for real property locally known as 3301 East 56th Street from “N1a” to “N1b”, “N2”, and “NX2” in accordance with Ordinance No. 15,793 adopted August 5, 2019, which rezoned said property from “A-1” Agricultural District to “R-3” Multiple-Family Residential District to allow development of single-family and multi-family residential uses.
- Revised designation for real property locally known as 5092 East Broadway Avenue from “EX” to “I1” in accordance with Ordinance No. 15,794 adopted August 5, 2019, which rezoned said property from “A-1” Agricultural District to “M-1” Light Industrial District to allow expansion of an industrial use on an adjoining parcel.
- Revised designation for real property locally known as 1424, 1428, 1432 and 1436 East 25<sup>th</sup> Street from “PUD” to “N3c” in accordance with Ordinance No. 15,795 adopted August 5, 2019, which rezoned said properties from “PUD” Planned Unit Development District to “R1-60” One-Family Low-Density Residential District to allow development of single-family residential dwellings.
- Revised designation for real property locally known as 3908 Lower Beaver Road from “N3a” to “N3a-2” in accordance with Ordinance No. 15,800 adopted August 19, 2019, which rezoned said property from “R1-60” One-Family Low-Density



Residential District to “R-2” Two-Family Residential District to allow development of a two-family residential dwelling.

- Revised designation for real property in an area of the City generally bounded by East Livingston Avenue on the north, Edison Avenue on the south, Southeast 6th Street on the east, and Southeast 2nd Street on the west, from “N3c” to “NX1” in accordance with Roll Call No. 19-1145 adopted July 15, 2019, which amended the future land use designation for said area from Low Density Residential to Low-Medium Density Residential.

**D. Pending rezonings:**

- Revise designation for real property locally known as 3104 University Avenue and 1134 31<sup>st</sup> Street from “MX2” on the north parcel and “NX2” on the south parcel to “MX3” for both parcels, if an ordinance for the pending rezoning from “C-1” Neighborhood Retail Commercial District, “R-3” Multiple-Family Residential District, and “C-0” Commercial-Residential District to “NPC” Neighborhood Pedestrian Commercial District is approved to allow a new fueling station and convenience store.
- Revise designation for real property locally known as 2944 Des Moines Street from “N3c” to “MX1”, if an ordinance for the pending rezoning from “R1-60” One-Family Low-Density Residential District to “C-2” General Retail and Highway-Oriented Commercial District is approved to allow expansion of the existing branch financial services site.
- Revise designation for property locally known as 650 Southeast 30<sup>th</sup> Street for the additional 25 feet to the south of the property line from “I1” to “I2”, if an ordinance for the pending rezoning from Limited “M-1” Light Industrial District to “M-2” Heavy Industrial District is approved to allow extension of scrap yard under development on the property to the north.
- Revise designation for properties locally known as 601 24th Street and 602 23rd Street from “N5” to “NX1”, if an ordinance for the pending rezoning from “R1-60” One-Family Low-Density Residential District to “R-3” Multiple-Family Residential District is approved to allow for development of up to 7 units of 3-story rowhouse dwellings.
- Revise designation for properties locally known as at 720, 727 and 730 East 2nd Street, 827 – 861 East 2nd Street, 205 -221 Maple Street, 350 Maple Street, 101 – 284 East Center Street, 832 – 848 East 4th Street, 225 East Center Street, and 200 Des Moines Street from “DXR” to “Legacy PUD”, if an ordinance for the pending rezoning from “D-R” Downtown-Riverfront District to “PUD” Planned Unit Development is approved to allow establishment of a “PUD” for 121 existing and future row dwelling units within “The Banks”, 243 existing multiple-family dwelling units within the “Verve” and “Velocity” buildings, and 114 future multiple-family dwelling units within the “Level” building.
- Revise designation for property locally known as 1820 East Army Post Road from “EX” to “I1”, if an ordinance for the pending rezoning from Limited “M-1” Light

Industrial District to Limited “M-1” Light Industrial District is approved to allow for retail sales of consumer fireworks and warehousing.

- Revise designation for properties locally known as 2500 and 2710 Fleur Drive from “NX2” and “EX” to “Legacy PUD”, if an ordinance for the pending rezoning from “M-3” Limited Industrial District and “R-3” Multiple-Family Residential District to “PUD” Planned Unit Development is approved to allow reuse of the American Institute of Business campus for a mixed use development.
- Revise designation for property locally known as 2725 Southwest 30th Street from “EX” to “N1a”, if an ordinance for the pending rezoning from “M-3” Limited Industrial District to “R1-80” One-Family Residential District is approved to allow development of the property with a single-family dwelling.