CONDITIONAL USE - SHORT TERM COMMERCIAL RENTAL

PREAPPLICATION MEETING

In accordance with City Code Section 134-6.4.2, any property owner requesting a Conditional Use for consideration by the Zoning Board of Adjustment must attend a pre-application meeting before filing an application for a conditional use.

I, the signed applicant, have attended a preapplication meeting, as required.

<table>
<thead>
<tr>
<th>Date of Preapplication Meeting</th>
<th>Signature</th>
</tr>
</thead>
</table>

NEIGHBORHOOD MEETING REQUIREMENTS

In accordance with City Code Section 134-6.4.4, applicants requesting a conditional use are responsible for conducting a neighborhood meeting and providing a summary of such meeting before required public hearing, pursuant to City Code Section 134-6.1.6. The purpose of this meeting is to educate applicants and neighbors about one another's interests, and to attempt to resolve any concerns before the public hearing.

<table>
<thead>
<tr>
<th>Description</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have received a copy of the Neighborhood Meeting Requirements document, which is posted online at <a href="https://www.dsm.city/ZBOAApplication">https://www.dsm.city/ZBOAApplication</a></td>
<td></td>
</tr>
<tr>
<td>I have received, from the City, a list of property owners and Recognized Neighborhood Association representatives that I must invite to the Neighborhood Meeting.</td>
<td></td>
</tr>
<tr>
<td>I agree to conduct a Neighborhood Meeting, inclusive of property owners and Recognized Neighborhood Association representatives contained on the list provided by the City prior to the scheduled public hearing for this Conditional Use request.</td>
<td></td>
</tr>
<tr>
<td>I also agree to submit a summary of the Neighborhood Meeting to <a href="mailto:nhmeeting@dmgov.org">nhmeeting@dmgov.org</a> at least 3 days prior to the scheduled public hearing. This summary will include the following information: 1. Address of property requesting the conditional use. 2. Describe efforts to notify neighbors about the proposal, including how and when notification occurred, who was notified, and when and where the public meeting was held; 3. List who was involved in the discussions; 4. Identify suggestions and concerns raised by neighbors; and 5. Identify what specific changes, if any, were considered or made as a result of the Neighborhood Meeting.</td>
<td></td>
</tr>
</tbody>
</table>

Continued on following page
In accordance with City Code Section 134-6.4.8.B, the Zoning Board of Adjustment shall apply the following criteria when considering any application for a Conditional Use for a Short-Term Rental:

A conditional use may not be approved for a short-term rental unless the board of adjustment determines that the proposed use or activity complies with all applicable short-term rental regulations of City Code Section 134-3.5.12 (current draft is attached; please refer to official code for official regulations) and that the applicant has demonstrated that all of the following general standards and review criteria are met:

Please state how your request satisfies each requirement:

1. The proposed geographic location, design, construction and operation of the particular short-term rental adequately safeguards the health, safety and general welfare of persons in the adjoining or surrounding areas.

2. The short-term rental will not unduly increase congestion on the streets in the adjoining area or displace or impede use of parking spaces required by chapter 135 of this code.

3. The operation of the short-term rental will not constitute a nuisance.


5. A conditional use for short-term rental can be reconsidered by the board of adjustment if at any time the zoning enforcement officer determines that the conduct of the short-term rental, by its owner, authorized management agent, renter, or others, has become a nuisance, is detrimental to the neighborhood, or does not comply with one or more conditions established in the prior board of adjustment conditional use approval, in the general requirements for short-term rentals, or the conditions set forth in this section.

6. If the short-term rental of a single-household detached structure, a two-household attached structure or a condominium within a structure, is to be undertaken by a tenant-occupant rather than an owner-occupant, then the application for conditional use requires signed consent by the owner of the applicable structure. If such signed consent is not included, the application for conditional use will not be accepted by city staff or submitted to the board of adjustment for consideration.

7. For all multi-household structures and for two-household attached structures, applications for short-term rental that are deemed complete by community development department staff shall be considered and submitted to the board of adjustment in the order of submittal to the community development department.
Furthermore, in accordance with City Code Section 134-6.4.8.A, the Zoning Board of Adjustment shall apply the following criteria when considering any application for a Conditional Use:

A conditional use may not be approved unless the board of adjustment determines that the proposed use or activity complies with all applicable use-specific regulations and that the applicant has demonstrated that all of the following general standards and review criteria are met:

Please state how your request satisfies each requirement:

1. The proposed geographic location and operation of the use or activity adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;

2. The proposed use will not unduly increase congestion in the streets, or public danger of fire, safety or flooding;

3. The proposed use is consistent with the general purpose of this zoning ordinance, the planning and design ordinance, chapter 135 of this code, and the comprehensive plan and any specific purposes established in this zoning ordinance for the subject use;

4. The proposed use in an F zoning district is fully in compliance with chapter 50 of this code;

5. The proposed use shall have no significant detrimental impact on the use and enjoyment of adjoining properties;

6. Adequate setbacks shall be provided to protect adjacent residentially zoned property from nonresidential and institutional uses; and

7. No parking should be permitted in a required front yard of an N district unless shown to be compatible with the adjoining land use.

City Code Section 6.4.14, CONDITIONS AND SAFEGUARDS

A. In granting any conditional use under the terms of this division, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall result in revocation of the conditional use approval.

B. If the zoning enforcement officer determines at any time that the applicant or property owner or designee exhibits a pattern of violating the conditions set forth in the conditional use approval, the zoning enforcement officer may apply to the board to reconsider the issuance of the conditional use. A copy of such application and notice of the hearing before the board on such application shall be provided to the owner of the property and any other
applicable party at least 30 days in advance and shall also be provided to all owners of record of any property within
250 feet of the subject property. If the board finds that the operation of the property exhibits a pattern of violating
the conditions set forth in the board's conditional use approval, the board shall have the authority to amend or
revoke the conditional use approval.
134-3. USES
Commercial Use Category

1. Personal credit establishments may not be established within 1,320 feet of another personal credit use;
2. Personal credit establishments may not be established within 250 feet of an In district, NX district, or residential use;
3. For purposes of measuring compliance with these separation distance requirements, measurements must be taken on a direct line following the shortest distance from the property line of the proposed use to property line of lot occupied by the use, district or area from which separation is required.
4. The establishment of a personal credit establishment includes the opening of a new such use, the relocation of such use, the expansion of such use or the conversion of an existing use to a personal credit use.
5. Drive-in and drive-through service facilities are prohibited for personal credit establishments.

3.5.11 FUNERAL AND MORTUARY SERVICE
Uses that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries.

3.5.12 LODGING
Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

A. Bed and Breakfast. An owner-occupied household, other than a multi-household residential use, restaurant, motel, short-term rental or shelter for the homeless, where lodging and meals are provided for compensation to three or more persons in a house building type. A bed and breakfast may not be occupied by more persons than as allowed per bedroom or sleeping area in the occupancy limitations set forth in the International Property Maintenance Code. The owner-occupant shall be present and residing in the bed and breakfast for the duration of any rental of all or a part of the bed and breakfast.

B. Hotel or Motel. A lodging establishment other than a bed and breakfast and that may provide ancillary facilities and services, customary in a full-service hotel, as further regulated by the Iowa Code.

C. Short-Term Commercial Rental. The use of a household unit for commercial lodging; also referred to in this chapter as short-term rental. A household unit, or part of a household unit, other than a restaurant, motel, temporary shelter, or bed and breakfast, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days. All short-term rentals are subject to the following supplemental regulations, together with such additional special conditions as may be reasonably required by the board of adjustment:

1. The owner or authorized management agent of a short-term rental and all short-term rental guests may not use, or allow another to use, a short-term rental for any assembly use.
2. The owner of a short-term rental shall provide the community development director with the name, physical address, email address, tax identification number, and telephone number of the owner and any individual over the age of 18 who shall be designated as the "authorized management agent" responsible for maintenance of the property and for responding to communications during the duration of a short-term rental. If there is a change related to an authorized management agent, the owner must provide updated or new information to the community development director in writing within three business days following such change.
3. Short-term rentals shall include one or more adults 21 years of age or older in the renting party, and shall be limited to a single party of individuals.
4. The owner or authorized management agent of a short-term rental and all short-term rental guests may not produce sound in excess of the city's noise control ordinance, including the use of sound equipment.
5. The owner or authorized management agent of a short-term rental shall provide a packet for all short-term rental guests with the following information, and provide an updated copy that remains in the unit:
   a. Emergency contact information for the owner and authorized management agent.
   b. Emergency and non-emergency numbers for City of Des Moines police and fire.
   c. Trash pickup schedule
   d. Any parking restrictions for on-street and off-street parking, including the city's snow ordinance
   e. Occupancy limits for the household unit or structure.
6. The owner or authorized management agent of a short-term rental shall annually provide owners and occupants of immediately adjoining properties, and of adjacent properties separated from the short-term rental unit by public right-of-way, with emergency contact information for the owner and authorized management agent.

7. Each owner and authorized management agent of a short-term rental shall have a duty to comply with all applicable federal, state and local laws and regulations, including but not limited to hotel/motel licensing, and collection and payment of taxes such as hotel accommodation taxes and property taxes, and shall be required to show proof of payment of such taxes within 15 days of request by the community development director.

8. The owner and authorized management agent of a short-term rental shall maintain current guest registration records which contain the following information about each guest:
   a. Name;
   b. Address;
   c. Signature;
   d. Copy of driver’s license; and
   e. Dates of accommodation.

9. A short-term rental may not be occupied by more persons than as allowed per bedroom or sleeping area in the occupancy limitations set forth in the International Property Maintenance Code.

10. A maximum of one short-term rental may be allowed per single-household detached structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the structure containing or associated with the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.

11. A maximum of one short-term rental may be allowed per two-household attached structure or condominium within a structure. The short-term rental shall be owner-occupied or associated with an owner-occupied principal residential structure, or tenant-occupied or associated with a tenant-occupied principal residential structure with the signed written consent of the property owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the condominium containing the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.

12. A maximum of 10% of the total number of household units located in a multi-household attached structure consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be owner-occupied, or tenant-occupied with the signed written consent of the condominium owner. The owner-occupant or tenant-occupant, as applicable, shall reside in the condominium containing the short-term rental as his or her primary residence for no fewer than 245 days annually, with each annual period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use.

13. A maximum of 10% of the total number of household units located in a multi-household attached structure not consisting of individually owned condominiums may be allowed per such multi-household attached structure. Said percentage shall be rounded down to the lowest whole number including zero. Each short-term rental shall be applied for and operated by the owner of the multi-household attached structure, or the owner’s authorized management agent.

14. Short-term renters shall be provided, at a minimum, the exclusive use of a bedroom and shared use of a full bathroom for the duration of any such rental.

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
134-3. USES
Commercial Use Category

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.

16. The owner or authorized management agent of a short-term rental shall post a clearly printed sign inside the short-term rental unit on the inside of the front door that provides information regarding the location of all fire extinguishers in the unit and building, gas shut off valves, fire exits, and pull fire alarms.

17. The owner of a short-term rental shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than $500,000 (U.S. dollars) or shall conduct each short-term rental transaction through a hosting platform that provides equal or greater coverage. Such coverage shall defend and indemnify the owner, as named additional insured, and any tenants in the building for their bodily injury and property damage arising from the short-term rental use.

18. In the event that a short-term rental unit or the property on which it is located is subject to any unresolved building, electrical, plumbing, mechanical, fire, health, housing, police, or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders, or correction notices, the short-term rental use shall be prohibited until such enforcement is complete and all violations are corrected to the approval of the community development director.

19. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is prohibited until a conditional use is approved by the board of adjustment. Any form of advertising of a short-term rental, including but not limited to listing on a hosting platform, is further prohibited at any time that the short-term rental use is not in full compliance with one or more of the general requirements for short-term rentals stated herein or with one or more conditions established in the board of adjustment conditional use approval.

20. The owner or authorized management agent of a short-term rental shall maintain records demonstrating compliance with this section. Records shall be made available to the community development director upon request.

3.5.13 OFFICE
Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Examples of specific use types include:

A. Business or Professional. Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. Also includes uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products.

B. Medical. Office or clinic uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated.

3.5.14 PARKING, NON-ACCESSORY.
A. A lot that does not contain a permitted building of more than 1,000 square feet, is not used for open space, and is almost exclusively used for the parking of vehicles, whether a surface lot or a parking structure.

B. When a conditional use permit is required, a non-accessory parking facility shall meet the following requirements:

1. Two or more principal parking facilities shall not be located directly abutting one another.
2. Refer to section 135-2.17 of this code for principal use parking structure building type.

3.5.15 RETAIL SALES
Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods and building supplies...