

**BUSINESS OF THE CITY COUNCIL  
WINDSOR HEIGHTS, IOWA  
AGENDA STATEMENT**

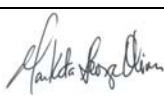
Item No. \_\_\_\_\_ 15 \_\_\_\_  
For Meeting of 07/12/2010

**ITEM TITLE:** Discussion and possible consideration of ordinance 10-10 Amending the City of Windsor Heights Code, Chapter 155, Building Code for items related to condo conversions.

**CONTACT PERSON(S):** Marketa George Oliver, City Administrator

**SUMMARY EXPLANATION**

The attached ordinance adds some language setting certain requirements for buildings that are currently apartments who may wish to convert to condominiums. Currently, no language exists in our city code. These changes will make sure that converted buildings are brought up to the most current building standards, helping to maximize public safety. The Planning and Zoning Commission is also discussing additional zoning requirements for conversions and will make recommendations to the Council in the near future.

_____ Resolution <u>  X  </u> Ordinance _____ Contract _____ Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____ <div style="text-align: right; margin-right: 100px;"> _____ City Administrator</div>

**RECOMMENDATION:** Pass ordinance on one or more readings on a roll call vote.

**COUNCIL ACTION:**

## **ORDINANCE NO. 10-10**

### **AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING CHAPTER 155 "BUILDING CODE", ADDING SECTION 155.09 PERTAINING TO THE CONVERSION OF EXISTING STRUCTURES TO A HORIZONTAL PROPERTY REGIME**

#### **LEGISLATIVE FINDINGS**

The City Council of the City of Windsor Heights finds, determines and declares that:

**WHEREAS** the City of Windsor Heights has adopted building codes and other standards for the protection of the health, welfare and safety of its citizens, and

**WHEREAS** the City Council of the City of Windsor Heights finds that the protections afforded by such ordinances should be expanded and vigorously enforced for the protection and benefit of as many people as possible, and

**WHEREAS** a change in the form of ownership of existing property to horizontal property regimes under Iowa Code chapter 499B require buildings converted to such form of ownership to meet current standards in regard to health, safety and welfare, which is in the interest of all citizens of Windsor Heights and the Council desires to amend its ordinances to be consistent with chapter 499B, and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Windsor Heights, IOWA:**

**SECTION 1.** It is the intent of the City Council by this Ordinance to provide for the health, welfare and safety of citizens and the orderly development of the City by establishing standards for property which is to be subjected to residential horizontal property regimes (condominiums). It is the Council's intent to assure that all property to be used for residential purposes must at the time a horizontal property regime is established meet currently adopted building code standards. It is the intent of the City Council in regard to the conversion of apartments to horizontal property regimes (condominiums) that such change in form of ownership should not result in the residents of such units living in buildings which do not meet current health, welfare and safety standards and this Ordinance is in part enacted to assure residents that standards herein provided will be maintained. This Ordinance is to be liberally construed to meet the purposes and intent of the City Council as herein stated.

**SECTION 2.** Any person or other entity seeking to establish a horizontal property regime (condominiums) for residential purposes, including a person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall establish and document compliance with all Building Code requirements of the City applicable upon the date the city receives the declaration of the horizontal property regime. Such compliance shall include documentation of the following.

- A. That all materials, manner and means of construction in the building proposed meet currently adopted building codes for new residential construction including current fire, building, plumbing, electrical and mechanical codes.
- B. That all plumbing in the building meets current standards for water conservation including low flow toilets and similar devices.
- C. That the building(s) have fire sprinklers, required separation (1 or 2 hour wall separation) and all other life safety systems required for new construction.
- D. That the building(s) meet all state and federal requirements for handicapped accessibility that would be required of new construction.
- E. That the building(s) meet all state energy efficiency standards that are required for new construction.

**SECTION 3.** Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall comply with all current provision for on site parking, storm water detention and retention that apply to new construction.

**SECTION 4.** Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B shall comply with all requirements of the Des Moines Water Works concerning condominiums and each unit should have a separate water meter.

**SECTION 5.** Any person or other entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to Iowa Code section 499B.3 shall at least 30 days before filing any declaration file with the City Clerk, the Public Works Director and the City Inspector a written analysis by a licensed professional engineer(s) or other appropriate licensed professional, based upon personal inspection of the building sought to be converted. The written analysis shall certify that the building meets all current city building codes that would apply to new construction. The certification will separately itemize and describe in a manner sufficient to show the factual basis of any certification that the fire, energy, life safety, structural, plumbing, electrical and mechanical systems meet current standards. The certification shall further certify compliance with current onsite parking, storm water detention and retention requirements and separately certify the building meets current standards for materials and that acceptable means and methods of construction were used that

meet current standards for new construction. Appropriate city staff will review the certification and report to the City Building Official whether said certification is sufficient to meet the requirements of this Ordinance.

**SECTION 6.** Any person or other entity seeking to convert an existing structure to condominiums shall comply with all requirements of Zoning Code of the Windsor Height City Code prior to conversion in the same manner as an applicant for new construction including, but not limited to, filing a site plan for review which shall show compliance with all set back, parking, signage, open space and all other requirements which would apply to new construction.

**SECTION 7.** No conversion of property to horizontal property regime under Iowa Code section 499B.3 shall be completed nor shall a declaration be filed until there has been full compliance with this Ordinance. Upon showing of full compliance with this Ordinance, the City Building Official shall by written notice so inform the County Recorder of the County in which any property subject to this Ordinance is located and state in said written notice that the property meets the requirements of Iowa Code section 499B.20.

**SECTION 8.** 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 9.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

**PASSED AND APPROVED** this    day of    , 2010.

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Jerry Sullivan  
Mayor

**ATTEST:**

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Marketa Oliver  
City Administrator/Clerk