

ORDINANCE NO. 13,931

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Sections 134-61, 134-62 and subsection (a) of Section 134-65 thereof and enacting new Sections 134-61, 134-62 and subsection (a) of Section 134-65, regarding the appointment and membership of the zoning board of adjustment.

Be It Ordained by the City Council of the City of Des Moines,
Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Sections 134-61, 134-62 and subsection (a) of Section 134-65 thereof and enacting new Sections 134-61, 134-62 and subsection (a) of Section 134-65, regarding the appointment and membership of the zoning board of adjustment, as follows:

Sec. 134-61. Established; composition; terms.

A board of adjustment is established, which shall consist of seven members. The terms of office of the members of the board of adjustment and the manner of their appointment shall be as provided by statute. A majority of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

Sec. 134-62. Meetings.

The meetings of the board of adjustment shall be held at the call of the chair and at such other times as the board may determine. Such chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The presence of four members shall be necessary to constitute a quorum.

Sec. 134-65. Decisions; review of use variance.

(a) In exercising the powers mentioned in section 134-64, the board of adjustment may, in

conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the zoning enforcement officer. The concurring vote of four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning enforcement officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter; provided, however, that the action of the board shall not become effective until it has filed a written decision in the board office describing the action taken, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in section 134-64. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 01-869), passed by the City Council of said City at a meeting held March 26, 2001, signed by the Mayor on March 26, 2001, and published as provided by law in the Business Record on April 9, 2001. Authorized by Publication Order No. 1680.

Donna Boetel-Baker, MMC, City Clerk