

ORDINANCE NO. 14,096

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, as heretofore amended, by repealing paragraph (b) of Section 134-1353 thereof, and enacting a new paragraph (b) of Section 134-1353 to expressly prohibit the expansion of a nonconforming structure in the Floodplain and Floodway Districts.

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, as amended by Ordinance No. 13,905 passed January 22, 2001, be and is hereby amended by repealing paragraph (b) of Section 134-1353 thereof, and enacting a new paragraph (b) of Section 134-1353, to expressly prohibit the expansion of a nonconforming structure in the Floodplain and Floodway Districts, as follows:

Sec. 134-1353. Use of land, use of structures and structures in any district other than R district.

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(b) *Nonconforming uses of structures.* The regulations governing nonconforming uses of structures in any R district as described in subsections 134-1352(b)(1) through (5) and (b)(7) shall also apply to this section with the following exception: Subject to subsection (d) of this section, any structure in any district other than an R, U-1 or FW

district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking requirements of the district in which located, provided such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the ordinance from which this section derives. Such structural alteration or enlargement shall not authorize the substitution of a nonconforming use that is less restrictive than the one to which the structure was devoted on the effective date of the ordinance from which this section derives.

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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 A. Daniels, Mayor

Attest:

I, Donna V. 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. 02-1419), passed by the City Council of said City at a meeting held June 3, 2002 signed by the Mayor on June 3, 2002 and published as provided by law in the Business Record on June 17, 2002 Authorized by Publication Order No. 3282.

Donna V. Boetel-Baker, City Clerk