

Date July 13, 2009

WHEREAS, on July 16, 2009, the City Plan and Zoning Commission will consider a proposed text amendment to the Zoning Ordinance (Chapter 134 of the City Code) to revise standards to allow non-conforming single-family dwellings to be rebuilt on the original building footprint without an increase in gross floor area; and

WHEREAS, the proposed text amendment is on file in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed text amendment is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on July 27, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of the proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(Council Communication No. 09-485)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Sec. 134-1296. Permitted.

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- (b) Use of existing lots of record. In any district where dwellings are permitted, a single-family detached dwelling may be located on any lot platted or of record as of July 16, 1965, regardless of its area or width; provided, however, that the following shall apply:
- (1) The front yard setback requirements for the district in which such lot is located shall apply, except where such lot is a corner lot, in which case the front yard setback requirement shall apply only to the shorter street side of the lot.
 - (2) The sum of the side yard widths of any such lot shall not be less than 30 percent of the width of the lot, but in no case less than ten percent of the width of the lot for any one side yard. Additionally, where such lot is a corner lot, the width of the side yard on the longer street side of the corner lot shall not be less than (i) 50 percent of the front yard required on the lot to the rear if there is reverse frontage, or (ii) the side yard setback for the district in which the corner lot is located if there is no reverse frontage.
 - (3) The depth of the rear yard of any such lot shall not be less than 20 percent of the depth of the lot, but in no case less than ten feet.
 - (4) If the application of any of the requirements of subsections (b)(1), (2) and (3) of this section to a particular lot would impose a greater setback than required under the regulations of the district in which the lot is located, the lesser setback requirements of the district regulations shall control.
 - (5) Notwithstanding the setback requirements set forth above, the minimum single-family dwelling design requirements set forth in section 134-342(1)(a) and (b), and the restrictions on nonconforming lots and structures set forth in section 134-1352, a legal non-conforming single-family dwelling on such a lot within the R1 one-family residential districts, the R-2 one- and two-family residential districts and the R-3 multiple-family residential district can be repaired or replaced provided the dwelling remains within the original building footprint without an increase in the gross floor area, and further provided the construction of such replacement is commenced within six months of the destruction of the original dwelling and diligently pursued to completion.

If two or more such lots with continuous frontage are combined under single ownership, such combined lots shall be treated as a single lot for purposes of applying the requirements of subsections (b)(1), (2), (3) and (4) of this section. Where a portion of any such lot platted or of record as of July 16, 1965 is conveyed to a governmental body for public right-of-way purposes, the regulations of this subsection shall continue to apply to the remainder of such lot.

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