



**Roll Call Number**

Agenda Item Number

**60A**

Date.....July 27, 2009.....

An Ordinance entitled, "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 adding and enacting a new paragraph (5) to subsection (b) of Section 134-1296 regarding the conditions upon which a single-family dwelling may be constructed or reconstructed upon any residentially zoned lot existing of record as of July 16, 1965",

presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

**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

MOTION CARRIED

APPROVED

.....  
Mayor

674

ORDINANCE NO. \_\_\_\_\_

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 adding and enacting a new paragraph (5) to subsection (b) of Section 134-1296 regarding the conditions upon which a single-family dwelling may be constructed or reconstructed upon any residentially zoned lot existing of record as of July 16, 1965.

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. 13,626 passed August 3, 1998, as amended by Ordinance No. 14,154 passed October 21, 2002, as amended by Ordinance No. 14,450 passed May 23, 2005, as amended by Ordinance No. 14,773 passed June 9, 2008, be and is hereby amended by adding and enacting a new paragraph (5) to subsection (b) of Section 134-1296 regarding the conditions upon which a single-family dwelling may be constructed upon any residentially zoned lot existing of record as of July 16, 1965, as follows:

**Sec. 134-1296. Permitted.**

.....  
(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:

.....  
(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 and R-4 multiple-family residential districts 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

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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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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