

ORDINANCE NO. 13,906

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 paragraph (a) of subsection (4) of Section 134-64 thereof and enacting a new paragraph (a) of subsection (4) of Section 134-64, to allow for the granting of exceptions to permit additions to be made to existing legal nonconforming buildings when such addition does not extend any further into a required yard than the existing building.

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 paragraph (a) of subsection (4) of Section 134-64 thereof and enacting a new paragraph (a) of subsection (4) of Section 134-64, to allow for the granting of exceptions to permit additions to be made to existing legal nonconforming buildings when such addition does not extend any further into a required yard than the existing building, as follows:

Sec. 134-64. Powers and duties.

The board of adjustment shall have the power
and duty to:

(4) Permit the exceptions in this subsection to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light

and air to adjacent property; shall not unduly increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas. However, nothing in this subsection shall be interpreted as authorizing the board to grant an exception to any separation requirement, such power being expressly denied the board. Any exception to a separation requirement granted for a structure for which a building permit has not been issued shall be null and void. In granting any exception, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. The board of adjustment may permit:

a. Exceptions to any setback, area, length, width, height, yard, size or projection limitation or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:

1. (a) Such exception does

not exceed 50
percent of the
particular
limitation or
number in
question; or,

(b) Such
exception is
from a yard
requirement to
permit an
addition to an
existing legal
non-conforming
building and
such addition
extends no
further into
the required
yard than the
existing
building;

2. The exception relates
entirely to a use
classified by applicable
district regulations as
either a principal
permitted use, a
permitted accessory use,
or a permitted sign, or
to off-street parking or
loading areas accessory
to such a permitted use;

3. The exception is
reasonably necessary due
to practical
difficulties related to
the land in question;

4. Such practical
difficulties cannot be
overcome by any feasible
alternative means other
than an exception; and

-
-
-
-
-
-

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. 01-245), passed by the City Council of said City at a meeting held January 22, 2001, signed by the Mayor on January 22, 2001, and published as provided by law in the Business Record on February 5, 2001. Authorized by Publication Order No. 1546.

Donna Boetel-Baker, MMC, City Clerk