

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:

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(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



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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 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