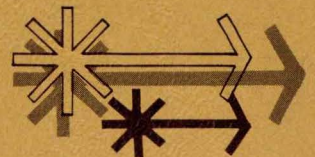


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ZONING ORDINANCE

ANKENY, IOWA



ZONING ORDINANCE

ANKENY, IOWA

Prepared under contract and financed in part by the Iowa Development Commission under the provisions of Chapter 28, State Code of Iowa, in cooperation with the City of Ankeny.

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Project No. Iowa P-21

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ZONING ORDINANCE OF THE CITY OF ANKENY, IOWA
1964

ORDINANCE NUMBER 201

ARTICLE I. TITLE AND AUTHORITY

1A-1 TITLE. AN ORDINANCE TITLED THE ZONING ORDINANCE OF THE CITY OF ANKENY, IOWA, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Chapter 414 of the Code of Iowa, and for the repeal of Ordinance No. 115, adopted March 9, 1959, and all amendments thereto.

1A-2 SHORT TITLE. This ORDINANCE shall be known and may be cited and referred to as the "Ankeny Zoning Ordinance, 1964"; to the same effect as if the full title were stated. The map herein referred to, identified by the title, "Zoning District Map, Ankeny, Iowa," dated _____ and all explanatory matter thereon is hereby adopted and made part of this Ordinance.

1A-3 PURPOSE. The zoning regulations and districts herein set forth are made in accordance with a comprehensive plan for the general welfare of the community. They are designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health, morals or the general welfare; provide adequate light and air; prevent the overcrowding of land or buildings; avoid undue concentration of population. They are made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of property and encouraging the most appropriate use of land throughout the City.

ARTICLE II. DEFINITIONS

2A-1 INTERPRETATION. The interpretation and application of the provisions in this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall control.

DEFINITIONS. Unless otherwise stated, the following words shall have the meaning herein indicated. Words used in the present tense shall include the future, the singular number shall include the plural and the plural, the singular. The word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designer, or arranged to be used or occupied.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Alley: A public way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another.

Basement: A story having part but not more than one-half (1/2) of its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.

Billboard: "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

Boarding House: A building other than a hotel, where for compensation, meals, lodging or both are provided for four (4) or more persons.

Building: Any enclosed space for human use or activities , whether stationary or movable.

Building Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs , to the deck line of mansard roofs , and to the mean height between eaves and ridge for gable , hip and gambrel roofs. Where a lot faces on two or more streets or alleys of different average established grades in front of the lot , such grades shall control only for a depth of one hundred twenty (120) feet perpendicularly back from the street line of the higher street or alley. On a corner lot the height is the mean vertical distance from the average natural grade at the building line , on the street of greatest width , or if two or more such streets are of the same width , from the higher of such grades.

Building Line: A line parallel to the front lot line over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this Ordinance , a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

Clinic , Medical or Dental: A building or buildings in which a group of physicians , dentists , or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their professions.

Day Nursery or Nursery School: A private agency , institution , establishment or place which provides supplemental parental care and/or educational work , other than board or lodging overnight , for five (5) or more unrelated children of pre-school age , for compensation.

Dwelling: A "dwelling" is a building, or portion thereof, including one-family dwellings, two-family dwellings, and multiple-family dwellings, used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.

Dwelling, Single-Family: A "single-family" dwelling is a building designed or used exclusively for occupancy by one family.

Dwelling, Two-Family: A "two-family" dwelling is a building designed or used exclusively for occupancy by two families.

Dwelling, Multiple-Family: A "multiple-family" dwelling is a building, or portion thereof, containing three or more dwelling units.

Dwelling, Condominium: A "multiple dwelling" as defined herein, the fee title to each dwelling unit is held independently of the others.

Dwelling Unit: A "dwelling unit" is one or more rooms in a residential building which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related in blood or marriage, no such family shall contain over four (4) persons.

Floor Area of Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot; except that in residential buildings, cellar, basement, and attic floor area not devoted to residential use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.

Garage, Private: An enclosed structure intended for and used for the parking of the private motor vehicle of the families resident upon the premises.

Gas Station: Any area of land, including structures thereon, that is used or designed to be used primarily for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house.

Junk Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, including automobile, tractor, or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operation.

Kennel: Any premises on which four or more dogs, six months or older, are kept.

Lot: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved, and having its frontage upon a dedicated street, or upon a private street. The boundaries of the lot shall be determined by its lot lines.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage: A lot having a frontage on two or more non-intersecting streets, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot, Lines: The lines bounding a lot.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The width of a lot measured at the building line and at right angles to its depth.

Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Mobile Home: Any vehicle used or maintained for use as a conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.

Mobile Home Park: Any lot or portion of a lot upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

Non-Conforming Use: Any use of land, buildings, or structures which does not comply with all of the regulations of this Ordinance governing use for the zoning district in which such use is located.

Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate or contagious cases.

Parking Space: A permanently surfaced area of not less than two hundred square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

Sign, Exterior: A sign which directs attention to a business profession, service, product or activity sold or offered upon the premises where such sign is located.

An exterior sign may be attached flat against a building or structure, may project out from the building or structure or may be erected upon the roof of a building or structure.

Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

Street: A public or private thoroughfare which affords the principal means of access to abutting property.

Structural Alteration: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structure: Anything constructed or erected, the sum of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used.

Yard, Front: An open space extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches.

Yard, Rear: An open space extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner

lots the rear yard minimum requirement shall apply to the open space adjacent to the two lot lines that do not front upon a street. On interior lots the opposite end of the lot from the front yard will be the rear yard.

Yard, Side: An open space extending from the front to the rear yard and measured between the side lot lines and the building.

ARTICLE III. GENERAL REGULATIONS

3A-1 CONFORMANCE. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

3A-2 NON-CONFORMING USES OR STRUCTURES. The continuance of non-conforming uses or structures shall be subject to the following limitations.

Continuation: The use of any land or structure existing at the time of the enactment of this Ordinance may be continued even though such use may not conform with the regulations of this Ordinance for the district in which it is located.

Extension: A non-conforming use shall not be extended, but the extension of a non-conforming use to any portion of a non-conforming building which existed prior to the effective date of this Ordinance shall not be deemed the extension of a non-conforming use.

Restoration: No building damaged by fire or other causes to the extent of more than sixty (60) per cent of its value shall be repaired or rebuilt except in conformity with the regulations of this Ordinance.

Abandonment: Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established, and any subsequent use shall be in conformity with the provision of this Ordinance.

Substitution: If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restrictive classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

- 3A-3 STREET FRONTAGE. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty (20) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement.
- 3A-4 ACCESSORY BUILDINGS. No accessory building shall be erected in any required court, or in any yard other than a rear yard, except as provided hereinafter. Accessory buildings shall be distant at least two (2) feet from alley lines, and from lot lines of adjoining lots which are in any "R" District, and on a corner lot they shall conform to the setback regulations of the principal building, or if at least six (6) feet therefrom, may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) per cent of the rear yard and shall not exceed twelve (12) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard.
- 3A-5 CORNER LOTS. For corner lots, platted or of record after March 9, 1959, the front yard regulation shall apply to each street side of the corner lot. The rear yard requirements for a corner lot shall apply to the open space adjacent to the two lot lines that do not front upon a street.
- On corner lots platted or of record as of March 9, 1959, the side yard regulation shall apply to the longer street

side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase as of March 9, 1959, to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

- 3A-6 REQUIRED YARD CANNOT BE REDUCED. No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure.
- 3A-7 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.
- 3A-8 PENDING APPLICATIONS FOR BUILDING PERMITS. Nothing herein contained shall require any change in the over-all layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which in conformance with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

3A-9 ZONING DISTRICTS DIVIDING PROPERTY. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification, and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

4A-1 ESTABLISHMENT OF DISTRICTS. For the purpose of this Ordinance, the City is hereby divided into nine (9) types of districts:

- "R-1" One Family Residence District
- "R-2" One and Two Family District
- "R-3" Multiple Family District
- "R-4" Mobile Home Park Residence District
- "C-1" General Commercial District
- "C-2" Central Business District Commercial District
- "C-3" Highway Oriented Commercial District
- "I-1" Light Industrial District
- "I-2" Heavy Industrial District

4A-2 BOUNDARIES. The boundaries of said districts are indicated upon the Official Zoning Map of the City of Ankeny, Iowa, and said map and all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if the notations, references and other matters set forth by said map were all fully described herein.

Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following rules shall apply:

Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public right-of-way shall be construed to be said boundary.

Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.

Boundaries that divide a lot or parcel of property, the location of any such boundary shall be determined by the use of the scale appearing on such map.

ARTICLE V. DISTRICT REGULATIONS

5A-1 "R-1" DISTRICT REGULATIONS: SINGLE-FAMILY RESIDENCE DISTRICT. The R-1 District is intended and designed to provide for low-density residential development and the following regulations shall apply:

Principal Permitted Uses:

1. One-family dwellings.
2. Churches, cathedrals, and temples.
3. Public libraries, museums, fire stations and similar community facilities.
4. Public parks, playgrounds, golf course, and recreation areas.
5. Private golf courses, country clubs, and tennis clubs, but not including commercial driving ranges or miniature golf courses.
6. Public and parochial schools but not including nursery schools or child care centers.
7. Agricultural uses, including nurseries, truck gardening and green houses; provided that no offensive odors or dust are created; and provided further, that no retail sales shall be permitted on the premises.

Accessory Uses:

1. Uses of land or structures customarily incidental and subordinate to one of the above principal uses, unless otherwise excluded.
2. Private garage or carport.
3. Professional office of a member of a recognized profession, provided that; it is his bona fide and primary residence, not more than one assistant shall be regularly employed therein, and no colleagues or associates shall use such office; not more than one-half the area of one floor shall be used for such office; no advertising sign or display shall be permitted excepting an indirectly lighted name plate not to exceed one square foot in area, attached flat against the building. It is not the intention of this paragraph to include dance studios, music studios, beauty parlors or barber shops, or other uses referred to as customary home occupations.
4. Temporary buildings for use during the construction of a permitted use, which upon completion or abandonment of the construction work shall be removed.
5. One sign not exceeding thirty-six (36) square feet in area referring to the construction, lease, hire or sale of a building, premises, or subdivision lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
6. Church and public school bulletin boards.

Area Regulations. The following area regulations shall apply for the "R-1" Residence District:

1. Lot Area: The lot area shall not be less than 10,000 square feet. Where public sewer and

water facilities are not available, the minimum lot area will be 43,560 square feet.

2. Lot Width: The lot width shall not be less than one hundred thirty (130) feet.
3. Front Yard: The front yard shall not be less than thirty-five (35) feet.
4. Rear Yard: The rear yard shall not be less than thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.
5. Side Yard: The total side yard requirements shall be twenty (20) feet, with the least side minimum of eight (8) feet for dwellings. All other buildings shall have forty-five (45) feet in each side yard.
6. Building Height: The maximum building height shall be two and one-half (2 1/2) stories. Principal building height maximum shall be forty-five (45) feet. Accessory building height maximum shall be twelve (12) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Article 7A-1 and 7A-2.

5A-2

"R-2" DISTRICT REGULATIONS: ONE AND TWO-FAMILY RESIDENCE DISTRICT. The "R-2" District is intended and designed to provide for medium-density residential development and the following regulations shall apply:

Principal Permitted Uses:

1. Any uses permitted in the "R-1" District.
2. One-family dwellings.
3. Two-family dwellings.

4. Conversions of one-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.

Accessory Uses:

1. Accessory uses permitted in the "R-1" District.
2. Customary home occupations provided that such occupations shall be conducted solely by resident occupants in their place of abode and provided that not more than one-half (1/2) of the area of one (1) floor shall be used for such purpose; provided further, that such occupation shall not require external or internal alterations, or the use of mechanical equipment not customary in dwellings.
3. Day nurseries or nursery schools provided that the building used for such purpose is located not less than twenty (20) feet from any other lot in any "R" District; and provided that thirty-five (35) square feet of usable interior floor space and one hundred (100) square feet of usable outdoor play space is provided for each child. The outdoor play space shall be completely enclosed by a fence.

Area Regulations. The following area regulations shall apply for the "R-2" Residence District:

1. Lot Area: The lot area shall not be less than 8,500 square feet for each one-family dwelling, and not less than 12,000 square feet for a two-family dwelling.
2. Lot Width: The lot width shall not be less than sixty-five (65) feet for a one-family dwelling and not less than seventy (70) feet for a two-family dwelling.
3. Front Yard: The front yard shall not be less than thirty (30) feet.

4. Rear Yard: The rear yard shall not be less than thirty (30) feet for a dwelling and forty-five (45) feet for any other building.
5. Side Yard: The total side yard requirements shall be fifteen (15) feet, with the least side yard minimum of seven (7) feet for dwellings. All other buildings shall have fifteen (15) feet in each side yard.
6. Building Height: The maximum building height shall be two and one-half (2 1/2) stories. Principal building height maximum shall be forty-five (45) feet. Accessory building height maximum shall be twelve (12) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be in accordance with the provisions of Article 7A-1 and 7A-2.

5A-3

"R-3" DISTRICT REGULATION: MULTIPLE-FAMILY RESIDENCE DISTRICT. The "R-3" District is intended and designed to provide for medium-high density residential development and the following regulations shall apply:

Principal Permitted Uses:

1. Any uses permitted in the "R-2" District.
2. Multiple dwellings.
3. Private clubs, lodges, or veterans organizations, excepting those holding beer permits or liquor license.
4. Boarding and lodging houses, tourist homes.
5. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
6. Institutions of a religious, educational or philanthropic nature, including libraries.

7. Fraternity or sorority houses.
8. College or university.

Accessory Uses:

1. Accessory uses permitted in the "R-2" District.
2. Beauty parlor and barber shop when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one-fourth (1/4) of one (1) floor shall be used for such purpose. An indirectly lighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

Area Regulations: The following area regulations shall apply for the "R-3" Residence District:

1. Lot Area: The lot area shall not be less than 7,500 square feet for each one-family dwelling, and not less than 2,500 square feet in excess of 7,500 square feet for each dwelling unit thereafter.
2. Lot Width: The lot width shall not be less than sixty (60) feet.
3. Front Yard: The front yard shall not be less than thirty (30) feet.
4. Rear Yard: The rear yard shall not be less than thirty-five (35) feet and one (1) additional foot of depth of rear yard for each additional two (2) feet or portion thereof of building height above thirty-five (35) feet.
5. Side Yard: The total side yard requirements shall be twenty (20) feet, with the least side minimum eight (8) feet for dwellings and in addition one (1) foot of width in each side yard

is required for each two (2) feet or portion thereof of building height above thirty-five (35) feet. All other buildings shall have forty-five (45) feet in each side yard.

6. Building Height: The maximum building height shall not exceed the following: Principal building height maximum shall be forty-five (45) feet. Accessory building height maximum shall be twelve (12) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with provisions of Article 7A-1 and 7A-2.

5A-4

"R-4" DISTRICT REGULATIONS: MOBILE HOME RESIDENCE DISTRICT. The "R-4" District is intended and designed for medium density residential development and the following regulations shall apply:

Principal Permitted Uses:

1. Any use permitted in the "R-2" residence district.
2. Mobile home park -- in any "R-2" district provided that the area regulations are met and that the City Plan and Zoning Commission and the City Council have received and approved the development plan before "R-4" zoning is petitioned for.

Accessory Uses:

1. Accessory uses permitted in the "R-2" District.
2. One sign may be erected on the street which the mobile home park fronts, showing the name of the mobile home park; provided that such sign shall not have an area of more than ten (10) square feet.

Area Regulations. The following area regulations shall apply for the "R-4" Mobile Home Residence District:

1. The minimum total area shall be two (2) acres.
2. All yards abutting on a public street or adjacent to any other "R" District shall be considered a front yard and shall be a minimum of thirty (30) feet.
3. The minimum mobile home space shall be 3,600 square feet and shall measure at least forty-five (45) feet by eighty-five (85) feet.
4. Mobile homes shall be located on each space so that there will be at least sixteen (16) feet between each mobile home and a thirty (30) foot open space at the rear of the mobile home.

Off-Street Parking. Off-street parking shall be provided in accordance with provisions of Article 7A-1.

5A-5

"C-1" DISTRICT REGULATIONS: GENERAL COMMERCIAL DISTRICT. The "C-1" District is intended to provide for the convenience shopping of persons living in neighboring residential areas. It is designed to serve the need for goods and services of the local residents.

In the "C-1" District the following regulations shall apply:

Principal Permitted Uses:

1. Any use permitted in the "R-3" District.
2. Any local retail business or service establishment such as the following:

Animal hospitals, veterinary clinics, or kennels; provided any exercising runway shall be at least two hundred (200) feet from any "R" District.

Antique shop.

Apparel shop.

Art Shop.

Automobile, trailer, motorcycle, boat and farm implement, including sales, service and accessory stores but not including wrecking, rebuilding or used parts yards.

Baby and children stores.

Bakery, whose products are sold at retail only on the premises.

Bank, savings and loan association, and other similar financial institutions.

Barber shop.

Beauty parlor.

Bicycle shop, sales and repair.

Book store.

Bowling alley.

Camera store.

Clothes cleaning and laundry pickup station.

Collection office of public utility.

Commercial recreation, such as baseball field, swimming pool, skating rink, golf driving range, miniature golf course, trampoline center, health gym and other similar recreational uses.

Confectionery store, including ice cream or snack bar.

Dairy store -- retail only.

Dance studio.

Delicatessen.

Drive-in restaurant.

Drug store.

Dry goods store.

Florist shop.

Fruit and vegetable market.

Furniture store.

Garage -- general motor vehicle repair.

Gas station, including minor automobile repair.

Gift shop.

Grocery store or super market.

Hardware store.

Hobby shop.

Hotel, motel and motor hotel

Household appliances -- sales and repair.

Jewelry shop -- including watch repair.

Laundries and laundrettes, including autos.

Locker plant for storage and retail only.

Lumber yard -- retail only.

Meeting halls.

Monument sales yard.

Mortuaries.
Office building, business and professional.
Paint and wallpaper store.
Parking garage and parking lots.
Post office substation.
Photographic studio, developing and printing.
Plumbing and heating shop.
Printing and lithographing shop.
Radio and television shop -- sales and repair.
Repair shop -- small equipment, shoe, lawn mower,
household appliances.
Restaurant.
Sporting goods store.
Sign painting shop.
Tavern and night club, provided that it is not within
two hundred (200) feet of an "R" District.
Tailor shop.
Theatre.
Toy Store.
Trailer or mobile home park, subject to all of the re-
quirements of the "R-4" District.
Utility substation.
Variety store.

Accessory Uses:

1. Accessory uses permitted in the "R-3" District.
2. One exterior sign which shall pertain only to a use or uses conducted within the building and be integral or attached thereto. No sign may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line, and the total area of all signs pertaining to the use or uses conducted in any building shall not exceed one (1) square foot in area for every two (2) feet occupied by the front of the building displaying such sign. Where the lot adjoins an "R" District, the exterior

sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District.

3. One free standing or post sign which shall pertain only to use or uses conducted on the premises provided that such sign shall not have a surface area greater than thirty (30) square feet on any one side thereof and not more than two sides of said sign shall be used for advertising purposes. The bottom of the surface area of such sign shall not be less than twelve (12) feet above the ground surface upon which it is erected.

Area Regulations. The following regulations shall apply for the "C-1" General Commercial District:

1. Lot Area: The lot area will be the same as in the "R-3" district for residential uses. No minimum requirement for any other permitted uses.
2. Lot Width: The lot width will be the same as in the "R-3" District for residential uses. No minimum requirement for any other permitted uses.
3. Front Yard: The front yard shall not be less than twenty-five (25) feet.
4. Rear Yard: The rear yard shall not be less than thirty-five (35) feet.
5. Side Yard: The side yard required for residential uses will be the same as in the "R-3" District. No minimum requirement for any other permitted uses, except when adjoining any "R" District or street right-of-way, in which case twenty-five (25) feet.

6. Building Height: The maximum building height shall be three (3) stories of forty-five (45) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be in accordance with the provisions of Article 7A-1 and 7A-2 .

5A-6

"C-2" DISTRICT REGULATIONS: CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT. The "C-2" District is intended to provide for a greater concentration of uses. It is designed for higher intensity of development, that is building to land ratio.

In the "C-2" District the following regulations shall apply:

Principal Permitted Uses:

1. Any use permitted in the "C-1" District.
2. Any retail, wholesale or service such as the following, also including manufacturing when it is incidental to the conduct of a retail business conducted on the premises:

Automobile body and fender repair shop, but not including automobile wrecking or used parts yards.

Ballrooms and dance halls.

Billiard parlors and pool halls.

Bookbinding.

Business schools or colleges.

Carpenter and cabinet making shops.

Transportation terminals, bus and taxi.

Warehousing, retail and wholesale.

Dry cleaning and dyeing shops.

Cold storage plants.

Department stores.

Tire repair shops.

Storage warehouse.

Accessory Uses:

1. Accessory uses permitted in the "C-1" District.

2. Accessory uses and structures customarily incidental to any permitted uses.
3. Any exterior or roof sign; provided such sign shall not project more than twelve (12) feet above the roof line.

Area Regulations. The following regulations shall apply for the "C-2" Central Business District Commercial District:

1. Lot Area: No minimum requirement.
2. Lot Width: No minimum requirement.
3. Front Yard: No minimum requirement.
4. Rear Yard: No minimum requirement.
5. Side Yard: No minimum requirement except when adjoining an "R" District, the minimum shall be twenty-five (25) feet.
6. Building Height: The maximum building height shall not exceed forty-five (45) feet.

Off-Street Loading. Space for off-street loading shall be in accordance with the provisions of Article 7A-1.

5A-7

"C-3" DISTRICT REGULATIONS: HIGHWAY ORIENTED COMMERCIAL DISTRICT. The "C-3" District is intended to accommodate the needs and services of the automobile traveling consumer.

In the "C-3" District the following regulations shall apply:

Principal Permitted Uses:

1. Motel.
2. Gas Station.
3. Restaurant.

4. Commercial camping facilities -- those areas established to provide overnight transient facilities on a fee basis, but not to include the permanent or semi-permanent installation of mobile homes.

Accessory Uses:

1. One free standing sign which shall pertain only to a use or uses conducted on the premises provided that such sign shall not have a surface area greater than two hundred and seventy-five (275) square feet on one side thereof and not more than two sides of said sign shall be used for advertising purposes. The bottom of the surface area of such sign shall not be less than twelve (12) feet above the ground surface on which it is erected.

Area Regulations. The following regulations shall apply for the "C-3" Highway Oriented Commercial District:

1. Lot Area: No minimum requirement.
2. Lot Width: No minimum requirement.
3. Front Yard: The front yard shall not be less than seventy-five (75) feet.
4. Rear Yard: No minimum requirement.
5. Side Yard: No minimum requirement, except when adjoining an "R" District, the minimum shall be twenty-five (25) feet.
6. Building Height: The maximum building height shall not exceed forty-five (45) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be in accordance with the provisions of Article 7A-1 and 7A-2.

"I-1" DISTRICT REGULATIONS: LIGHT INDUSTRIAL DISTRICT. The "I-1" District is intended to provide for those activities and uses of light manufacturing which are carried on primarily within an enclosed building and of a non-nuisance character.

In the "I-1" District the following regulations shall apply:

Principal Permitted Uses:

1. Any use permitted in the "C-2" District, except that no residential uses shall be constructed unless accessory to a permitted principal use.
2. Automobile tractor, and farm machinery assembly.
3. Bakeries.
4. Commercial cleaning establishments, provided that necessary equipment is installed for the recovery of the dust.
5. Concrete mixing, concrete products manufacture.
6. Contractors' equipment or storage yard.
7. Cooperage works.
8. Creamery, dairy, ice cream manufacture, or bottling works.
9. Custom shop for making articles or products sold at retail on the premises.
10. Petroleum products storage and distribution, all above ground tanks must be surrounded by dikes of sufficient size to assure adequate fire protection.
11. Freight storage or warehouse, packing and crating, express, carting or hauling stations, trucking yard or terminal.

12. Grain elevators, grain drying or feed manufacture, provided that provisions are made for the recovery of the dust.
13. Foundry casting lightweight non-ferrous metals.
14. Laboratories.
15. Manufacture, assembling, compounding, processing, packaging or comparable treatment of the following:

Food products.

Small electrical equipment such as instruments, radios, phonographs, television, electronic tubes, coils, condensers, photographic equipment and other similar types of products.

Accessory Uses:

1. Signs permitted in and as limited by the "C-1" District.
2. Accessory uses incidental to a principal permitted use.

Area Regulations. The following regulations shall apply for the "I-1" Light Industrial District:

1. Lot Area: No minimum requirement for any permitted use.
2. Lot Width: No minimum requirement for any permitted use.
3. Front Yard: The front yard shall not be less than twenty-five (25) feet.
4. Rear Yard: The rear yard shall not be less than thirty-five (35) feet; however, for every foot of front yard increased over twenty-five (25) feet,

the rear may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet. Where a railroad right-of-way line lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.

5. Side Yard: No minimum requirement except when adjoining any "R" or "C" District or street right-of-way, in which case twenty-five (25) feet is the minimum requirement.
6. Building Height: The maximum building height shall be forty-five (45) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be in accordance with the provisions of Article 7A-1 and 7A-2.

5A-9

"I-2" DISTRICT REGULATIONS: HEAVY INDUSTRIAL DISTRICT. The "I-2" District is intended to provide for those activities and uses which are of a heavy industrial nature. The "I-2" District is the least restrictive of all districts. Some industrial uses have characteristics which require that certain safeguards be met in order to operate. Therefore, the best practical means known for the disposal of refuse matter, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.

Principal Permitted Uses:

1. Any use permitted in the "I-1" District, except that no dwelling, church, school, hospital, clinic or institution of human care shall be constructed unless accessory to a principal permitted use.
2. Any other use not otherwise prohibited by law, provided, however, that none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless

approved by the City Council after public hearing, and after receiving a report and recommendation from the Ankeny Plan and Zoning Commission:

Acid manufacture.
Cement, lime, gypsum or plaster of paris manufacture.
Distillation of bones, coal tar, petroleum, refuse, grain or wood.
Explosives manufacture or storage.
Fat rendering.
Fertilizer manufacture.
Garbage, offal or dead animal or fish reduction or dumping.
Gas manufacture.
Glue manufacture.
Junk yard, provided all activities are conducted within a solid fenced enclosure.
Mining (including sand or gravel pits), rock quarries.
Petroleum or petroleum products refining.
Rubber goods manufacture.
Salvage yard, automobile, tractor or machinery wrecking and used parts yards, provided all activities are conducted within a building. The salvage yard shall be completely enclosed with a wall or chain link fence.
Smelting of ores.
Stockyards, slaughter of animals or poultry.
Tannery.

Accessory Uses:

1. Signs permitted in and as limited by the "C-1" District.
2. Accessory uses incidental to a principal permitted use.

Special Conditions:

1. All principal or accessory structures housing a use permitted in the "I-2" District shall be located two hundred (200) feet from any "R" District.
2. To control waste material, dust, smoke, gas, odors, noise or similar nuisances, every possible means shall be employed to keep these to a minimum.

Area Regulations. The following regulations shall apply for the "I-2" Heavy Industrial District:

1. Lot Area: No minimum requirement.
2. Lot Width: No minimum requirement.
3. Front Yard: The front yard shall not be less than twenty-five (25) feet.
4. Rear Yard: The rear yard shall not be less than thirty-five (35) feet. Where a railroad right-of-way line lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
5. Side Yard. No minimum requirement, except when adjacent to any street right-of-way line, in which case the minimum side yard will be twenty-five (25) feet.
6. Building Height. The maximum building height shall be forty-five (45) feet.

Off-Street Parking and Loading. Spaces for off-street parking and loading shall be in accordance with the provisions of Article 7A-1 and 7A-2.

ARTICLE VI.

EXCEPTIONS AND MODIFICATIONS

The regulations specified in this Ordinance shall be subject to the following exceptions and interpretations:

6A-1

USE OF EXISTING LOTS OF RECORD. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record, recorded prior to March 9, 1959, irrespective of its area or width; provided, however:

1. The sum of the side yard widths of any such lot or plot shall not be less than thirty (30) per cent of the width of the lot, with the least side width being ten (10) per cent of the lot.
2. The depth of the rear yard of any such lot need not exceed twenty (20) per cent of the depth of the lot, but in no case less than twenty (20) feet.
3. If two or more lots or plots have continuous frontage in single ownership, such lots shall be considered buildable only in combinations which meet the area requirements of the district in which they are located.

6A-2

STRUCTURES PERMITTED ABOVE THE HEIGHT LIMIT:
The building height limitations of this Ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevator bulkhead, fire towers, monuments, stacks, stage towers or scenery lots, tanks, water towers, ornamental towers, and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereinafter adopted ordinances of the City of Ankeny.
2. Public, semi-public, or public service buildings, hospitals, sanitoriums, or schools, when permitted in a district, may be erected to a height not exceeding forty-five (45) feet. Churches and temples

when permitted in a district may be erected to a height not exceeding sixty (60) feet if the building is set back from each property line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

- 6A-3 DOUBLE FRONTAGE LOTS. Buildings on through lots and extending from street to street shall provide the required front yard on both streets.
- 6A-4 REAR AND SIDE YARDS -- HOW COMPUTED: In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear or side yard as the case may be.
- 6A-5 OTHER EXCEPTIONS TO YARD REQUIREMENTS: Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of sky-lights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches.
- 6A-6 SPECIAL USE PERMITS: The City Council of Ankeny may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Ordinance.
1. Any public building erected and used by any department of the city, township, county, state or federal government.
 2. Airport or landing field.
 3. Community building or recreation field.
 4. Hospital, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character, provided that the building shall be set back from all yard lines such distance as may be required by the City Council in said special use permit if granted.

5. Pre-schools.
6. Public cemetery.

Before issuance of any special permit for any of the above buildings or uses, the City Council shall refer the proposed application to the City Plan and Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the City Plan and Zoning Commission has been filed; provided, however, that if no report is received from the City Plan and Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission.

6A-7

AREA REQUIREMENTS: In any residential district, where public water supply and public sanitary sewer is not accessible, the lot area and frontage requirements shall be:

1. Lot Area: One (1) acre.
2. Lot Width: One hundred thirty (130) feet.
3. In the event that the area is served by public water and sewer, the area may be platted into lots meeting the minimum width requirements of the "R-2" district; therefore, the additional lots of the proper width will be usable.

ARTICLE VII.

PARKING AND LOADING AREAS.

7A-1

OFF-STREET LOADING SPACE. In any district, every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses

similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length.
2. Such space may occupy all or any part of any required yard or court space, except where adjoining an "R" district, it shall be set back ten (10) feet.

7A-2

OFF-STREET PARKING AREA. In all districts, space for the parking or storage of vehicles shall be provided in accordance with the following schedule:

1. Automobile sales and service garages -- fifty (50) per cent of gross floor area.
2. Banks, business and professional offices -- fifty (50) per cent of gross floor area.
3. Bowling alleys -- five (5) spaces for each alley.
4. Churches and schools -- one (1) space for each five (5) seats in the principal auditorium, including balcony.
5. Dance halls, assembly halls -- two hundred (200) per cent of floor area used for dancing or assembly.
6. Dwelling -- one (1) parking space for each family or dwelling unit.
7. Funeral homes, mortuaries -- one (1) space for each five (5) seats in the principal auditorium.

8. Furniture and appliance stores, household equipment or furniture repair shops, over one thousand (1,000) square feet of floor area -- fifty (50) per cent of gross floor area.
9. Fraternity and sorority houses -- one (1) parking space for each two (2) persons residing on the premises.
10. Hospitals -- one (1) space for each four (4) beds.
11. Hotels, apartment hotels, lodging houses, one (1) space for each two (2) bedrooms.
12. Manufacturing plants -- one (1) space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each five hundred (500) square feet of gross floor area.
13. Motels -- one (1) space for each unit.
14. Restaurants, beer parlors and night clubs, over one thousand (1,000) square feet floor area -- two hundred (200) per cent of gross floor area.
15. Retail stores, super markets, etc., over two thousand (2,000) square feet floor area -- two hundred fifty (250) per cent of gross floor area.
16. Retail stores, shops, etc., between five hundred (500) and under two thousand (2,000) square feet floor area -- one hundred (100) per cent of gross floor area.
17. Sports arenas, auditoriums, other than in schools, one (1) parking space for each four (4) seats.
18. Theaters, assembly halls with fixed seats -- one (1) parking space for each four (4) seats.

19. Wholesale establishments or warehouses -- one (1) space for each two (2) employees.

In case of any building, structure or premise, the use of which is not specifically mentioned herein, the provisions for such use to which said use is similar shall apply.

All public or private parking areas shall be developed and maintained in accordance with the following requirements:

1. No part, except entrance and exit, of any parking lot shall be closer than five (5) feet from any street right-of-way, alley line or residential lot line.
2. Any off-street parking area for five (5) or more vehicles shall be hard surfaced with a type of surface material approved by the City Council.

Off-street parking areas may be established in any "R" district that immediately joins a "C" or "I" district, or is directly across an alley from a "C" or "I" district, provided such parking shall be accessory to and for use of one or more businesses or industrial establishments located in the adjoining "C" or "I" district; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted district.

ARTICLE VIII. AMENDMENTS.

8A-1

The City Council may from time to time, on its own action or on petition, after public notice and meetings, as provided by law, and after report by the Plan and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the City Council.

Whenever any person, firm or corporation desires that any amendment, or change be made in this Ordinance, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) per cent of the area of all real estate included within the boundaries of said tract as described in said petition and, in addition, duly signed by the owners of fifty (50) per cent of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred (200) feet, it shall be the duty of the Council to vote upon said petition within ninety (90) days after the filing of such petition with the City Clerk.

In case the proposed amendment, supplement or change be disapproved by the Plan and Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least $\frac{3}{4}$ of all the members of the Council. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of the filing of the first petition.

8A-2 FILING FEES. Before any action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk the sum of \$25.00 to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

ARTICLE IX. BOARD OF ADJUSTMENT.

9A-1 PROCEDURE:

1. Board Created: A Board of Adjustment is hereby established, which shall consist of five (5) members. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by Statute.
2. Meetings: The meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.
3. Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Ankeny affected by any decision of the inspector of buildings. Such appeal shall be taken within ten (10) days by filing with the inspector of buildings and with the Board a notice of appeal specifying the grounds thereof. The inspector of buildings shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the inspector of buildings certifies to the Board,

after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the inspector of buildings, and on due cause shown.

The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of \$5.00 to be credited to the general fund of the City of Ankeny.

9A-2

POWERS AND DUTIES. The Board shall have the following powers, and it shall be its duty:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the inspector of buildings in the enforcement of this Ordinance.
2. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the District, or where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly demonstrable hardship; provided, however, that

all variations granted under this clause shall be in harmony with the intended spirit and purpose of this Ordinance.

3. To permit the following exceptions to the district regulations set forth in this Ordinance, 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 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:
 - a. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
 - b. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of this Ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.

9A-3

DECISIONS:

1. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination

as it believes proper, and to that end shall have all the powers of the inspector of buildings. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the inspector of buildings, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been spread upon the minutes. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

2. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
3. Any taxpayer, or any officer, department, board or bureau of the City of Ankeny or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

ARTICLE X. CERTIFICATE OF OCCUPANCY.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use

comply with the provisions of this Ordinance and the building and health Ordinances of the City of Ankeny.

2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this Ordinance.
3. Nothing in this part shall prevent the continuance of a non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.
4. Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the inspector of buildings, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
5. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of occupancy and compliance, and no building or premises shall be occupied until that certificate and permit is issued.
6. A certificate of occupancy shall be required of all non-conforming uses. Application for certificate of occupancy for non-conforming use shall be filed within twelve (12) months from the effective date of this Ordinance, accompanied by affidavits of proof that such non-conforming use was not established in violation of Ordinance No. 115 or amendments thereto.

ARTICLE XI. ADMINISTRATION, BUILDING PERMITS.

11A-1 ZONING ADMINISTRATOR.

1. The City Council shall appoint a Zoning Administrator, who shall be charged with the responsibility of enforcement of this Ordinance. The Zoning Administrator shall have the following powers and duties:

To inspect and approve the building permit application for conformance to the Zoning Ordinance, before the building permit is issued by the Building Department.

To report all zoning violations to the City Council, including a written report of the facts pertaining to such violation.

To attend all meetings of the Plan and Zoning Commission.

To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations by such Board.

11A-2 PLATS.

1. Each application for a building permit shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this Ordinance. The Zoning Enforcement Officer must approve such building permit applications for conformance to the Zoning Ordinance before a building permit can be issued.

ARTICLE XII ANNEXATION OF LAND.

12A-1 ANNEXATION.

1. All land hereafter annexed to the City of Ankeny shall be automatically zoned "R-1" Single-Family Residence until such classification is changed by amendment in accordance with provisions established in this Ordinance.

ARTICLE XIII ENFORCEMENT, VIOLATION, PENALTIES.

13A-1 ENFORCEMENT.

1. The City Council shall enforce the provisions of this Ordinance through the proper legal channels, but may delegate the duty of administering it to such officials of the City as it may deem proper.
2. Any person objecting to the ruling of any official on the administering of the provisions of this law shall have the right to appeal to the Board of Adjustment.

13A-2 VIOLATION AND PENALTIES.

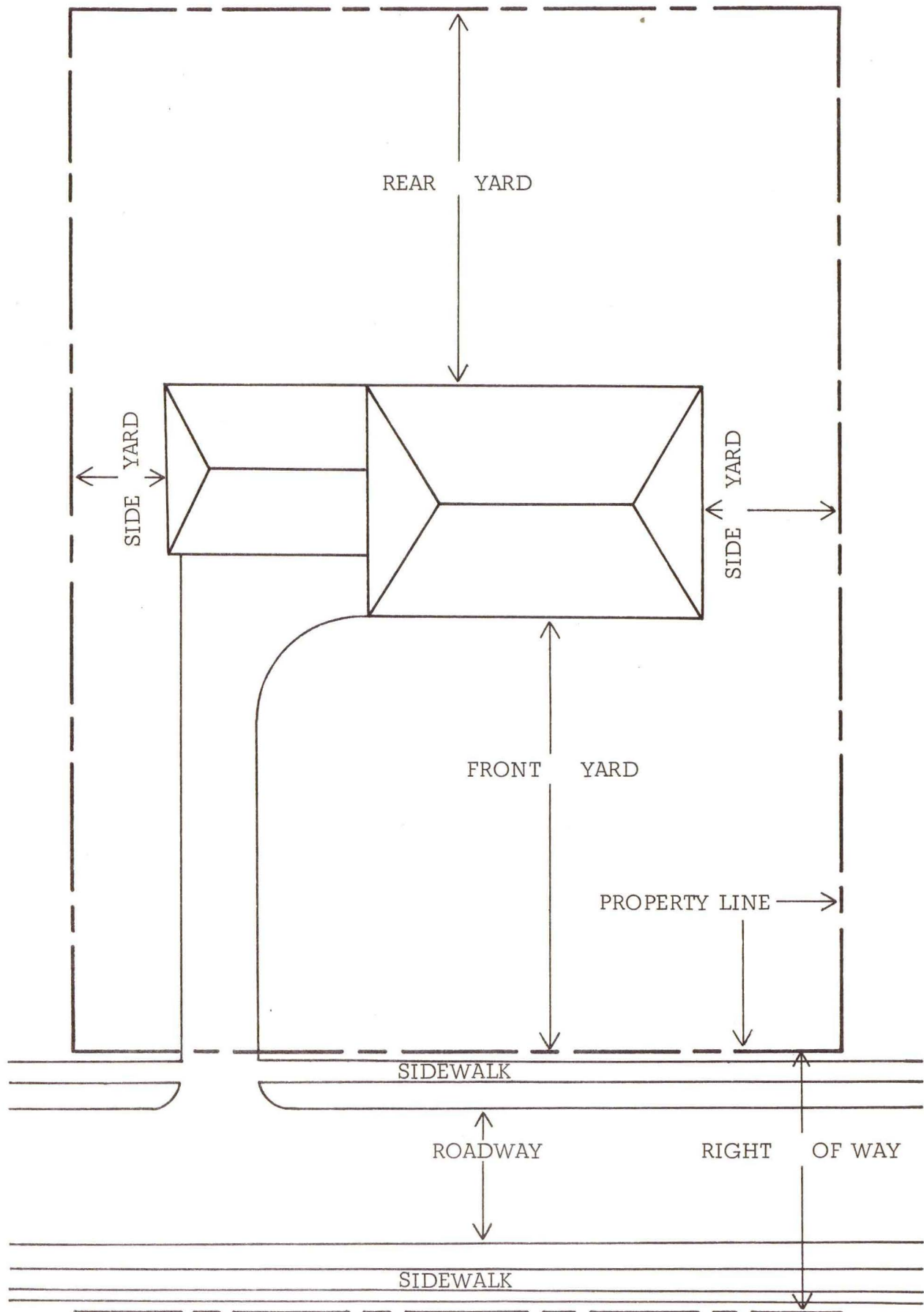
1. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction shall be fined not more than \$100.00 for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

ARTICLE XIV VALIDITY.

14A-1

1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

YARD REQUIREMENTS — DESCRIPTIVE LOCATION



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