

32682

INST. NO.

POLK COUNTY, IOWA

FILED FOR RECORD

AT 11:55 AM

MAY 15 1959

IRENE H. MALEY, Recorder

By [Signature]

ZONING ORDINANCE #115

Town of Ankeny, Iowa

SECTION I

TITLE

This Ordinance, which includes the Zoning Map, shall be known and may be cited and referred to as the "Zoning Ordinance" of the Town of Ankeny, Iowa.

SECTION II

INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of 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 or regulations or ordinances, the provisions of this Ordinance shall control.

SECTION III

DEFINITIONS

For the purpose of this Ordinance certain terms and words are hereby defined. 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 and not directory.

Accessory Use or Structure: A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.

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

Apartment: A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

Basement: A story having part but not more than one-half of its height below 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.

Beginning of Construction: The incorporation of labor and materials within the walls of the building or buildings.

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 advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

Board: The Board of Adjustment of the Town of Ankeny.

Boarding Houses: A building other than a hotel, where for compensation, meals and/or lodging are provided for four or more persons.

Buildings: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, but not including signs or billboards.

Building Height: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between caves and ridge for gables, hip and gambrel roofs. 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.

Bulk Stations: Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Cellar: Is that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

District: A section or sections of the Town of Ankeny within which the regulations governing the use of buildings and premises on the height and area of buildings and premises are uniform.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach.

Dwelling, Single-family: A building designed for or occupied exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Two-family: (duplex) A building or buildings designed for or occupied exclusively by two families, or housekeeping units, living independently of each other.

Dwelling, Multiple: A building or portion thereof designed for or occupied by more than two families, or housekeeping units, living independently of each other.

Family: A group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel, as defined herein.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building, except that a one or two car capacity garage may be rented for the private vehicles of persons not residents on the premises.

Garage, Public: Any building or premise (other than a private garage), used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Grade: The average elevation of the finished ground at the exterior walls of the main building.

Hotel: A building in which lodgings are 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, and not including automobile, tractor, or machinery wrecking and used parts yards; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Lodging House: A building where lodging only is provided for compensation, for four or more persons.

Lot: A parcel of land occupied, or intended for occupancy by one main building together with its accessory buildings officially approved, and having its principal 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, Depth of: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two 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 or parcel of land, the deed of which has been recorded in the office of the county recorder of Polk County.

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

Lot, Reversed Corner: 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.

Motel, Auto Court: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.

Non conforming Use: Use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

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 fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

Story Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

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

Structural Alterations: 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.

Tourist Home: A residential building in which rooms are available for rental purposes as over-night sleeping accommodations primarily for automobile travelers.

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

Yard: An open space on the same lot with a building, 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: A yard 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: A yard 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 shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots the opposite end of the lot from the front yard.

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

SECTION IV

ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance the following six classes of districts are hereby established within the Town of Anthon:

- R-1 Districts: Single Family Dwelling Districts.
- R-2 Districts: One & Two Family Dwelling Districts.
- R-3 Districts: Multi-Family Dwelling Districts.
- C-1 Districts: Local Commercial Districts.
- C-2 Districts: General Business Districts.
- "I" Districts: Industrial Districts.

The boundaries of said districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning District Map, and said map and all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

DISTRICT BOUNDARIES: For determination of the boundaries of the districts shown on the Zoning District Map, the following rules shall apply:

- A. Where such boundaries are indicated as following or approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

B. Where such boundaries are indicated as following on approximately following lot lines or property lines, such lot lines or property lines shall be construed to be such boundaries.

C. In unsubdivided property or where a district boundary divides 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.

SECTION V

GENERAL REGULATIONS

A. Conformance Required. Except as hereinafter specified, 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.

B. Continuing Existing Uses. The use of a building 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.

C. Nonconforming Uses or Buildings. No existing building or premises devoted to a use not permitted by this Ordinance in a District in which such building or premises is located, except when required by law, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

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

2. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of two (2) years, the use of the same shall conform thereafter to the uses permitted in the District in which it is located. The use of land upon which no building is erected or constructed which does not conform to the provisions of this Ordinance, and the use of land upon which no building is erected or constructed,

which becomes nonconforming by reason of a subsequent change in this Ordinance shall be discontinued within one (1) year from the date of the change.

C. Replacing Damaged Buildings: Any nonconforming building or structure damaged more than Fifty (50) per cent of its then fair market value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or Act of God, shall not be restored or reconstructed and used as before such happening; but if less than fifty (50) per cent damaged above the foundation, it may be restored, reconstructed or used as before provided that it be done within six (6) months of such happening, and be built of like or similar materials.

D. Street Frontage Required. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) 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.

E. 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 on the side street. Accessory buildings, except stables, may be erected as a part of the principal building, or, if at least six (6) feet therefrom, may be connected thereto by a breezeway 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.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

F. Corner Lots. For corner lots, platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.

On corner lots platted and of record at the time of the effective date of this Ordinance, 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 intersection 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 setback required on the lot 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 at the time of the effective date of this Ordinance, to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

G. 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.

H. Building Lines on Approved Plats. Whencever 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 any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall remain along such frontage in place of any other yard line required by this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

I. Pending Applications for Building Permits. Nothing herein contained shall require any change in the overall 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 conformably 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.

SECTION VI

REGULATIONS FOR R-1 DISTRICTS: SINGLE-FAMILY DWELLING DISTRICTS

In R-1 Districts the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED:

1. One-family dwellings.
2. Churches and accessory buildings.
3. Museums, libraries, parks, playgrounds or community centers, operated by the Town of Ankeny.
4. Golf courses, country clubs, tennis courts, and similar recreational uses, provided that any such use be not operated primarily for commercial gain.
5. Crop and tree farming; truck gardening.
6. Plant nurseries; non-commercial green houses.
7. Public schools.
8. Private schools, nursery schools, child nurseries.

B. ACCESSORY USES:

1. One-only sign not exceeding thirty-six (36) square feet in area, appertaining only to the lease, hire or sale of the building or premises on which such sign is located, and one-only name plate, appertaining to a homo occupation or a permitted use, not exceeding one (1) square foot in area, provided that no such sign or name plate shall be permitted in a front yard or nearer to a street than twenty-five (25) foot where there is no front yard, provided, further, that no such sign or name plate shall omit any flickering, flashing, or glaring light. No advertising sign, structure or device of any other character shall be permitted, except outdoor bulletin boards for churches and public schools.
2. Private garage which may include living quarters of domestic servants employed on the premises. Servant's quarters shall not be restricted to the twelve (12) foot minimum height regulations.

B. 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 $\frac{1}{3}$ 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.

C. BUILDING HEIGHT LIMIT: $2\frac{1}{2}$ stories, but not exceeding thirty-five (35) feet in height and no accessory structures shall exceed one (1) story or twelve (12) feet in height.

D. SIDE YARD WIDTH REQUIRED: Not less than thirteen (13) per cent of the width of the lot on each side of a building, and a minimum permissible width of nine (9) feet for a single-family dwelling and fifteen (15) feet for any other building.

E. REAR YARD DEPTH REQUIRED: Not less than twenty (20) per cent of the depth of the lot, and with a minimum permissible depth of thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.

F. FRONT YARD DEPTH REQUIRED: Not less than thirty-five (35) feet.

G. LOT AREA REQUIRED: Not less than 10,000 square feet for each dwelling together with its accessory buildings; however, where public sewer and water facilities are not available, not less than 20,000 square feet. If either public sewer or public water is available, not less than 15,000 square feet.

H. LOT WIDTH REQUIRED: Not less than seventy (70) feet.

SECTION VII

REGULATIONS FOR R-2 DISTRICTS: ONE AND TWO-FAMILY DWELLING DISTRICTS

In R-2 Districts the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED:

1. Uses permitted in R-1 Districts.
2. Two-family dwellings.

3. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements set forth in this section.

E. ACCESSORY USES: Accessory uses permitted in the R-1 District.

F. BUILDING HEIGHT LIMIT: Same as in R-1 District.

G. SIDE YARD WIDTH REQUIRED: Not less than ten (10) per cent of the width of the lot on each side of a building, and a minimum permissible width of seven (7) feet for a dwelling and fifteen (15) feet for any other building.

H. REAR YARD DEPTH REQUIRED: Not less than twenty (20) per cent of the depth of the lot, and with a minimum permissible depth of thirty (30) feet for a dwelling and forty-five (45) feet for any other building.

I. FRONT YARD DEPTH REQUIRED: Not less than thirty (30) feet.

J. LOT AREA REQUIRED: Not less than 6,500 square feet for each single-family dwelling, and not less than 12,000 square feet for each two-family dwelling; however, where public sewer and water facilities are not available, not less than 20,000 square feet. If either public sewer or public water is available, not less than 12,000 square feet.

K. LOT WIDTH REQUIRED: Not less than sixty-five (65) feet.

SECTION VIII

REGULATIONS FOR R-3 DISTRICTS: MULTI-FAMILY DWELLING DISTRICTS

In R-3 Districts the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED

1. Uses permitted in R-2 Districts.

2. Multiple Dwellings.

3. Private clubs, fraternities, sororities, lodges except any which are primarily for the purpose of commercial gain.

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.

B. ACCESSORY USES:

1. Accessory uses permitted in the R-2 District.

2. Storage garages, where the lot is occupied by multiple dwelling, hospital or institutional building.

3. Beauty parlor and barber shop when conducted as home occupation solely by resident occupants in their place of abode and provided that not more than $\frac{1}{2}$ of the area 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.

C. BUILDING HEIGHT LIMIT: Three (2) stories, but not exceeding forty-five (45) feet in height.

D. SIDE YARD WIDTH REQUIRED: Same as in R-2 Districts, provided that for a building of a height in excess of thirty-five feet, one (1) additional foot of width of each side yard is required for each two (2) feet or portion thereof of building height above thirty-five (35) feet.

E. REAR YARD DEPTH REQUIRED: Same as in R-2 Districts, provided that for a building of a height in excess of thirty-five (35) feet, one (1) additional foot of depth of the rear yard is required for each two (2) feet or portion thereof of building height above thirty-five (35) feet.

F. FRONT YARD DEPTH REQUIRED: Not less than thirty (30) feet.

G. LOT AREA REQUIRED: Not less than 7,500 square feet for each single-family dwelling, and not less than 2,000 square feet in excess of 7,500 square feet for each dwelling unit, thereafter; however, where public sewer and water facilities are not available, not less than 20,000 square feet per dwelling unit. If either public sewer or public water is available, not less than 10,000 square feet, per dwelling unit.

H. LOT WIDTH REQUIRED: Not less than sixty (60) feet.

SECTION IX

REGULATIONS FOR C-1 DISTRICTS: LOCAL COMMERCIAL DISTRICTS

In C-1 Districts the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED:

1. Uses permitted in R-3 Districts.

2. Any local retail business or service establishment such as, the following:

Animal hospital, Veterinary clinic or kennel.

Antique shop.

Apparel shop.

Auto sales and service.

Baby store.

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

Barber shop or beauty parlor.

Bowling alleys.

Candy shops whose products are sold only at retail and only on the premises.

Clothes cleaning and laundry pickup.

Collection office of public utility.

Dairy store - retail.

Drive-in eating and drinking establishments.

Drug store.

Filling station.

Fruit and vegetable market.

Furniture store.

Garages, public.

Golf driving range and miniature golf course.

Gift shop.

Grocery and delicatessen.

Hardware store.

Hobby shop.

Hotel.

Household appliances - sales and repair.

Ice storage and distributing station of not more than five (5) ton capacity.

Implement store.

Jewelry shop.

Launderette.

Motel.

Paint and wallpaper store.

Post-office substation.

Radio and television - sales and repair.

Real estate office.

Restaurant, cafe, and soda fountain.

Shoe repair shops.

Sporting goods.

-40-

Tailor shop.
Used car sales lots.
Variety store.

Business or professional office and the like,
supplying commodities or performing services.

B. ACCESSORY USES:

1. Accessory uses permitted in the R-3 District.

2. Any exterior sign shall pertain only to a use 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 business conducted in any building shall not exceed two (2) square feet in area for every foot 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 "post sign"; provided, however, that said "post 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 "post sign" shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall not be less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected, and the total vertical or horizontal dimension of said sign shall not be greater than seven (7) feet. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

C. BUILDING HEIGHT LIMIT: $2\frac{1}{2}$ stories, but not exceeding thirty-five (35) feet in height, and no accessory structure shall exceed one story or twelve (12) feet in height.

D. SIDE YARD WIDTH REQUIRED: None required except as provided hereafter, in any of which cases the side yard width shall be ten (10) per cent of the width of the lot.

1. Side yards shall be required for a dwelling and any building containing any dwelling units or guest rooms.

2. A side yard shall be required on that side of a lot which adjoins any R-1, R-2, or R-3 District.

E. REAR YARD DEPTH REQUIRED: Not less than thirty-five (35) feet.

F. FRONT YARD DEPTH REQUIRED: Not less than twenty-five (25) feet.

G. LOT AREA REQUIRED: For a dwelling and any building containing any dwelling units or guest rooms - same as in R-3 District. No requirement for any other building.

H. LOT WIDTH REQUIRED: For a dwelling and any building containing any dwelling units or guest rooms - same as in R-3 District. No requirement for any other building.

SECTION X

REGULATIONS FOR C-2 DISTRICTS: GENERAL BUSINESS DISTRICTS

In C-2 Districts the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED:

1. Uses permitted in C-1 Districts.
2. Advertising signs, outdoor. (Billboards.)
Automobile body and fender repair shop,
Bakeries.
Ballrooms and dance halls.
Bank.
Bicycle and motorcycle shop - sales and repair.
Billiard parlors and pool halls.
Bookbinding.
Bus, taxi and truck yards.
Cleaning and dyeing shops.
Commercial parking lots.
Crematories and ice cream plants.
Dance and/or music studio.
Department store.
Drapery shop.
Electric substations.
Florist shop.

Shops for the following and similar occupations:

Blacksmith	Plumber
Machinist	Sign Makor
Mason	Tinsmith
Printer	

Household equipment repair shops.
Ice plants.
Key shop.
Landscape gardener.
Laundries.
Lawn mower repair shop.
Locker plant.
Lumber yards, retail sales only.
Monument sales yard.
Mortuaries.
Music store.
Office buildings.
Pet shop.
Photographic studios.
Printing and/or publishing houses.
Repair and storage garages.
Retail businesses.
Storage warehouse.
Taverns.
Telephone exchange.
Theaters.
Tire repair shops.
Trailer parks.
Transportation terminals.
Wholesale warehouse or business.

B. ACCESSORY USES:

1. Accessory uses permitted in the C-1 District.
2. Accessory uses and structures customarily incidental to any permitted principal uses.
3. Any exterior or roof sign; provided such sign shall not project more than twelve (12) feet above the roof line.

C. BUILDING HEIGHT LIMIT: 3 stories, but not exceeding forty-five (45) feet in height.

D. SIDE YARD WIDTH REQUIRED: Same as in C-1 District, except for trailer parks, not less than twenty (20) feet on each side.

E. REAR YARD DEPTH REQUIRED: Same as in C-1 District.

F. FRONT YARD DEPTH REQUIRED: None, except that which may be established by the Major Streets Plan for future

street widening, and further not less than thirty (30) feet for trailer parks.

G. LOT AREA-REQUIRED: For a dwelling and any building containing any dwelling units or guest rooms - same as in R-3 Districts. No requirement for any other building. For trailer parks, not less than two (2) Acres for entire park and not less than 1,500 square feet per trailer.

H. LOT WIDTH REQUIRED: For a dwelling and any building containing any dwelling units or guest rooms - same as in R-3 Districts. No requirement for any other building. For trailer parks, not less than one hundred fifty (150) feet.

SECTION XI

REGULATIONS FOR I-DISTRICTS: INDUSTRIAL DISTRICTS

In I Districts the following regulations shall apply, except as otherwise provided herein:

A. USES PERMITTED:

1. Uses permitted in C-2 Districts provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.
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 the Board of Adjustment approves the issuance of a permit therefor:
 - Acid manufacture.
 - Cement, lime, gypsum or plaster of paris manufacture.
 - Distillation of benzene, coal tar, petroleum, refuse, grain or wood.
 - Dumps.
 - Drilling for or removal of oil, gas or other hydrocarbon substance.
 - Explosives manufacture or storage.
 - Fat rendering.
 - Fertilizer manufacture.
 - Garbage, offal or dead animal or fish reduction or dumping.
 - Gas manufacture.
 - Glue manufacture.
 - Hog ranch.

Junk yard.
Petroleum or petroleum products refining.
Rubber goods manufacture.
Smelting of ores.
Stockyard or slaughter of animals, except
poultry or rabbits.
Tannery.

Any other use which is objectionable by reason
of omission of odor, dust, smoke, gas, vi-
bration or noise, or may impose hazard to
health or property.

B. BUILDING HEIGHT LIMIT: No height limit except that
no structure or portion thereof shall be erected to a height
exceeding forty-five (45) feet on any portion of a lot less
than twenty-five (25) feet distant from any portion of a
lot in any R-1, R-2, or R-3 District.

C. SIDE YARD WIDTH REQUIRED: None required except ad-
jacent to an "R" District in which case not less than
twenty-five (25) feet.

D. REAR YARD DEPTH REQUIRED: Not less than forty (40)
feet, unless the rear lot line adjoins a railroad in which
case none is required.

E. FRONT YARD DEPTH REQUIRED: Not less than thirty (30)
feet.

F. LOT AREA REQUIRED: None required.

G. LOT WIDTH REQUIRED: None required.

SECTION XII

EXCEPTIONS AND MODIFICATIONS

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

A. 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 as of the
effective date of this Ordinance irrespective of its area
or width; provided, however;

1. The side yard widths of any such lot or plot
shall not be less than ten (10) per cent of the
width of the lot for any one side yard.

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.

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

1. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, pent houses, 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 herein-after adopted Ordinances of the Town of Ankeny.

2. Public, semi-public or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a district, may be erected to a height not exceeding seventy-five (75) foot if the building is set back from each property line at least one (1) foot for bush two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is built.

C. DOUBLE FRONTOAGE LOTS: Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.

D. 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, $\frac{1}{2}$ of the alley width may be included as a portion of the rear or side yard as the case may be.

E. OTHER EXCEPTIONS TO YARD REQUIREMENT: 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.

F. EXCEPTIONS TO PROHIBITED USES: The Town Council of Ankeny, Iowa, 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. Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or benevolent character, provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height.

5. Pre-schools.

6. Public cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Town Council shall refer the proposed application to the 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 Zoning Commission has been filed; provided, however, that if no report is received from the Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission.

SECTION XIII

PARKING AND LOADING AREAS

A. OFF-STREET LOADING SPACES REQUIRED: In any "C" or "I" District, in connection with 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 off-street loading space plus one additional such loading space for each 20,000 square foot or major fraction thereof of gross floor area so used in excess of 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.

3134 641

B. OFF-STREET PARKING AREA REQUIRED: In all districts, in connection with every industrial, commercial, business, trade, institutional, recreational or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

1. Automobile sales and service garages - 50% of floor area.
2. Banks, business and professional offices - 50% of floor area.
3. Bowling alleys - five (5) spaces for each alley.
4. Churches and schools - one (1) space for each eight (8) seats in a principal auditorium.
5. Dance halls, assembly halls - 200% 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) parking space for each five (5) seats in the principal auditorium.
8. Furniture and appliance stores, household equipment or furniture repair shops, over 1,000 square feet of floor area - 50% of floor area.
9. Hospitals - one (1) space for each four (4) beds.
10. Hotels, lodging houses - one (1) space for each two (2) bedrooms.
11. Manufacturing plants - one (1) space for each thirty (3) employees on the maximum working shift.
12. Restaurants, beer parlors and night clubs, over 1,000 square feet floor area - 200% of floor area.
13. Retail stores, super markets, etc., over 2,000 square feet floor area - 150% of floor area.
14. Retail stores, shops, etc., under 2,000 square feet floor area - 100% of floor area.
15. Sports arenas, auditoriums, other than in schools - one (1) parking space for each six (6) seats.
16. Theatres, assembly halls with fixed seats - one (1) parking space for each six (6) seats.

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

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

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 business 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 zone.

SECTION XIV

BOARD OF ADJUSTMENT

A. 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.

B. 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.

C. APPEALS: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town 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 therefor. 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 of 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 Town of Ankeny.

D. JURISDICTION POWERS: 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 on 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 use into a district where it would otherwise be prohibited, in a case where a District boundary line is so located that a lot or plot is in more than one district.

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.

Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of the Town 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. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

SECTION IVAMENDMENTS.

The Town Council, may from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the 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 Town 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 such petition within ninety (90) days after the filing of such petition with the Town Clerk.

In case the proposed amendment, supplement or change be disapproved by the 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) foot 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 $\frac{4}{5}$ 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 Town Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Town Council until one year shall have elapsed from the date of the filing of the first petition.

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 Town Clerk the sum of \$10.00 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.

SECTION XVI

ADMINISTRATION, BUILDING PERMITS

A. ZONING ADMINISTRATOR: The Zoning Administrator is charged with the duty of enforcement of the provisions of this Ordinance. The Town Clerk of the Town of Ankeny shall act as the Zoning Administrator for the purpose of enforcement and shall have the following powers and duties, in connection therewith:

1. To issue all permits and certificates required by this Ordinance.
2. To cause any building, structure, land, place or premises to be inspected and examined and to order in writing the remodifying of any condition found to exist therein in violation of any provision of this Ordinance.
3. To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations of such Board.

B. BUILDING PERMIT: No structure shall hereafter be erected, reconstructed, structurally altered, enlarged, added to or moved, nor shall an excavation for any such structure be commenced until and unless a building permit therefor shall have been issued by the Zoning Administrator, except that no permit is required for any of the following, provided that all other provisions of this Ordinance are complied with:

1. An accessory structure less than \$25.00 in value.
2. A fence.

An application for a building permit shall be filed with the Zoning Administrator and shall be accompanied by a drawing or plat, in duplicate, drawn to scale and showing; the lot and the proposed building and their dimensions; the exact location of the proposed building on the lot and the use for which such building and any existing building is designed or intended; location, dimensions and present use of any existing building on the same lot; and such other information as the Zoning Administrator shall require for the proper enforcement of this Ordinance.

SECTION XVIICERTIFICATES OF OCCUPANCY

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 Town of Ankeny. 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.

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.

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.

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.

SECTION XVIIIENFORCEMENT, VIOLATIONS, PENALTIES

A. ENFORCEMENT: All departments, officials and employees of the Town of Ankeny who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Ordinance.

B. VIOLATION AND PENALTIES: 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.

SECTION XIX

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.

SECTION XX

EFFECTIVE DATE

This Ordinance shall be in force and effect after its passage, approval and publication as provided by law.

Passed this 9th day of March, 1959.

Charles E. Faight
Charles E. Faight
Mayor

ATTEST:
Anne M. Varnum
Anne M. Varnum, Town Clerk

The foregoing Ordinance entitled "Zoning Ordinance" was published in the Ankeny Press-Citizen on the 19th day of March, 1959, a newspaper published in Ankeny, Iowa, and of general circulation in the Town of Ankeny, Iowa.

WITNESS: My official signature and the seal of the Town of Ankeny, Iowa,
the 19th day of March, 1959, A. D.

Anne M. Varnum
Anne M. Varnum, Town Clerk

-55-

3134 649

3134 - 650

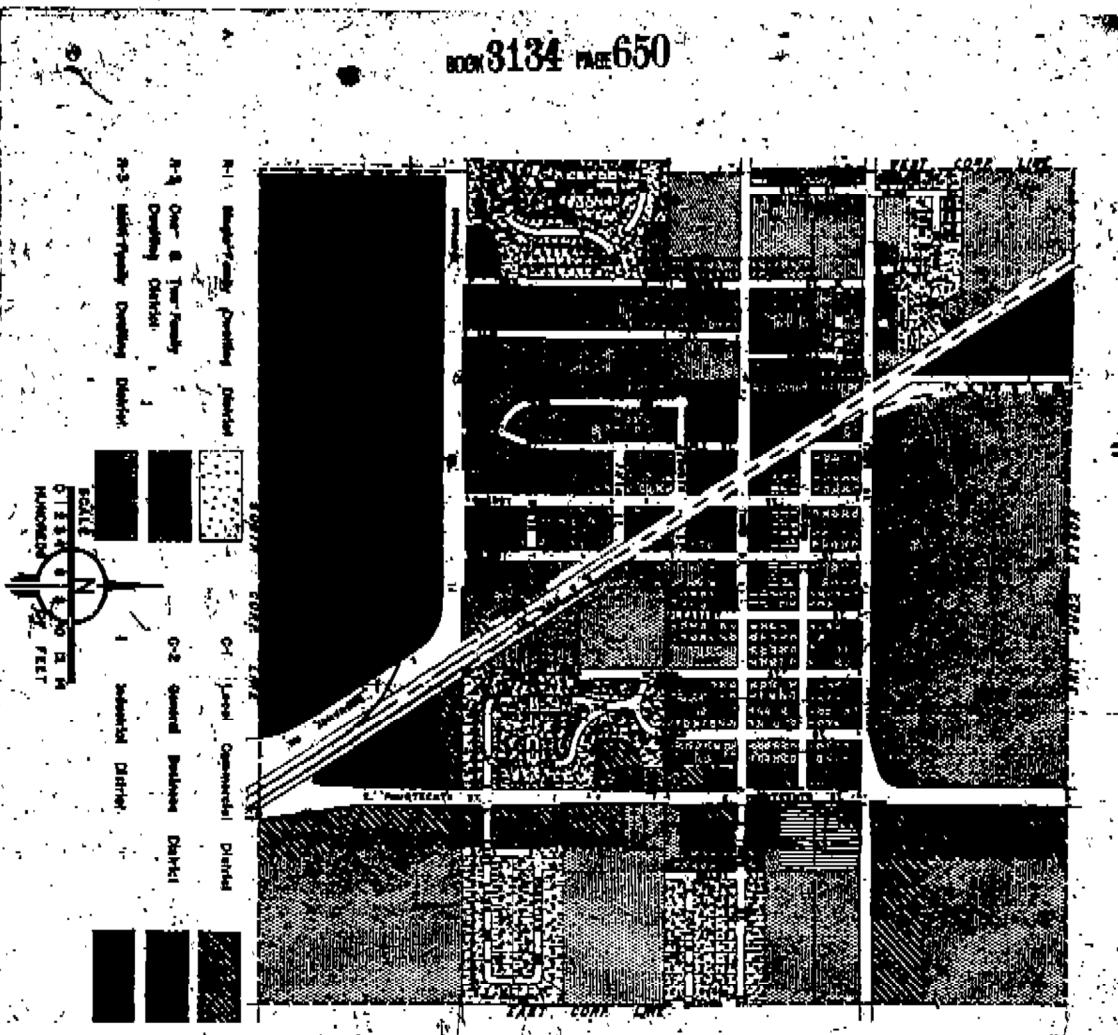


FIG. 10

Town Of
ANKENY
POLK COUNTY, IOWA
Zoning Ordinance No. 115