

ARTICLE 1
TITLE; AUTHORIZATION; PURPOSE AND MISCELLANEOUS PROVISIONS

Sec. 29.100. TITLE.

This chapter shall be known and may be cited and referred to as the Zoning Ordinance for the City of Ames, Iowa (the "City"), and will be referred to herein as "the Ordinance" to the same effect as if the full title were stated

Sec. 29.101. STATUTORY AUTHORIZATION.

The provisions of Section 414.4 of the Iowa Code, as amended, authorize the City Council to determine, establish and enforce the regulations, restrictions and the boundaries of the Zones set forth in the Ordinance.

Sec. 29.102. PURPOSE, INTERPRETATION AND APPLICATION.

(1) **Purpose.** The Ordinance regulates and restricts the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes in order to promote the health, safety and the general welfare of the City in the following ways:

- (a) To direct the development of the City in accordance with the Land Use Policy Plan, which is the City's comprehensive plan;
- (b) To preserve the availability of agricultural land;
- (c) To consider the protection of soil from wind and water erosion;
- (d) To encourage efficient urban development patterns;
- (e) To lessen congestion in the streets;
- (f) To secure safety from fire, flood, panic, and other dangers;
- (g) To promote health and the general welfare;
- (h) To provide adequate light and air;
- (i) To prevent the overcrowding of land;
- (j) To avoid undue concentration of population;
- (k) To promote the conservation of energy resources;
- (l) To promote reasonable access to solar energy;
- (m) To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- (n) To preserve historically significant areas of the City.

The Ordinance has been made with reasonable consideration, among other things, as to the character of the area of each Zone and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(2) **Interpretation and Application.** The provisions of the Ordinance are the minimum requirements for promotion of the public health, safety and general welfare. If the Ordinance requires a greater width or size of yards, courts or other open spaces, or a lower height of buildings or less number of stories or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required in any other statute or local ordinance or regulation, the Ordinance shall govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or a lower height of building or less number of stories, or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by the Ordinance, such other statute or local ordinance or regulation shall govern.

Sec. 29.103. VALIDITY, SEVERABILITY & EFFECTIVE DATE.

(1) **Validity & Severability.** If any division, section, subsection, paragraph, sentence, clause, phrase, or provision of the Ordinance is adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any division, section, subsection, paragraph, sentence, clause, phrase, or provision thereof, other than the division, section, subsection, paragraph,

sentence, clause, phrase, or provision so adjudged to be invalid or unconstitutional. All regulations or parts of regulations in conflict with the Ordinance are hereby repealed to the extent of such conflict.

(2) **Effective Date.** The Ordinance shall be in full force and effect from and after its enactment in accordance with Section 414.4 of the Iowa Code.

Sec. 29.104. RELATIONSHIP TO OTHER LAWS.

In addition to the requirements of the Ordinance, all uses of land, buildings and structures must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Ordinance to other City, county, state or federal statutes or regulations are for informational purposes only and do not constitute a complete list of such statutes or regulations. The Ordinance is expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) **Land Use Policy Plan.**
- (2) **Subdivision Regulations.**
- (3) **Historic Preservation Ordinance.**
- (4) **Flood Plain Ordinance.**
- (5) **Building, Sign and House Moving Code.**
- (6) **Rental Housing Code.**
- (7) **Transportation Plan.**
- (8) **Park Master Plan.**
- (9) **Bicycle Route Master Plan.**

Sec. 29.105. PENDING APPLICATIONS AND APPROVED PLANS.

(1) Applications for a Building/Zoning Permit, or an application for a zoning permit for a land use that does not entail erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure or portion thereof, shall be granted or denied on the basis of the regulations in effect on the date that the application was received in the office of the person charged with the duty of administering such permits.

(2) The provisions of Subsection 1 above notwithstanding, permits shall be issued in furtherance of an approved site plan, Residential P.U.D., Planned Commercial District Plan, Planned Industrial District Plan or any other plan of land use or development approved if the said plan was duly approved and authorized pursuant to the ordinances in effect at the time of the plans approval. However, there shall be no change, deviation, or departure from the plan except:

(a) when done in accordance with and pursuant to the regulations and procedures in effect for the site at the time of any such change, deviation or departure,

(b) when done to diminish the dimensions of a principal building and all other features of the approved plan remain the same except for those aspects of the plan that correspond directly to the dimensions of the principal building or buildings that are diminished.

(Ord. No. 3576, 7-11-00)

Sec. 29.106. REPEALER.

The Ordinance hereby repeals the existing and all prior zoning ordinances or regulations of the City in their entirety except to the extent provided in Section 29.105.