

ORDINANCE NO. 4562

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTIONS 21.130, 29.1403(7) AND 29.1504 THEREOF, FOR THE PURPOSE OF AMENDING THE POWERS GRANTED TO A BOARD OF ADJUSTMENT REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Sections 21.130, 29.14 and 29.1504 as follows:

“CHAPTER 21 SIGNS

Sec. 21.130. SIGN APPEALS.

(3) Requests for variances for area, dimensional, or other numerical limitations of this chapter shall be the exclusive jurisdiction of the Zoning Board of Adjustment.

CHAPTER 29-ZONING

ARTICLE 14 ADMINISTRATION

Sec. 29.1403. ZONING BOARD OF ADJUSTMENT.

(7) Powers. As provided by Section 414.12 of the Iowa Code, the Board has the power to:

(d) Variances for area, dimensional or other numerical limitations. Hear and decide, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance shall be municipal

infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

~~(d)~~(e) Requests for Reasonable Accommodations. Hear and decide on requests for Reasonable Accommodations in accordance with Sec. 29.1505 of this ordinance.

ARTICLE 15 PROCEDURES

Sec. 29.1504. VARIANCE.

(1) **Purpose.** This Section is intended to allow for variances from the terms of this Ordinance pursuant to Section 414.12 of the Iowa Code, ~~as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.~~

(2) **Submittal Requirements.** In accordance with Sec. 29.1500(1)(a), Applicants must submit a Variance Application to the Planning and ~~Zoning~~ Housing Department for consideration by the Zoning Board of Adjustment. The Application for a Variance shall include the following:

- (a) The specific provision of this Ordinance from which the variance is sought;
- (b) How the granting of the requested variance relates to the intent and purposes of this Ordinance and the Comprehensive Plan;
- (c) Any pending Building/Zoning Permit, Sign Permit, or Site Development Plan to which the proposed variance is related.
- (d) Proposed findings addressing the particular Variance standards for the request.

(3) **Procedure.** Review of an application for variance shall be conducted by the Zoning Board of Adjustment and shall be in accordance with the following:

(a) **Application Review.** Planning Division staff shall review the application to determine if the application is complete within three working days after receiving the application. The determination shall be in writing by staff. The applicant may then update their application as needed or respond in writing that they choose to proceed with the application as submitted. The staff review time does not include time needed to review a Building/Zoning Permit, Minor Site Development Plan, or Sign Permit that is associated with the variance application. A complete application may be placed on the agenda for the next regularly scheduled meeting of the Zoning Board of Adjustment if it is determined to be complete at least 14 days before the next regularly scheduled meeting. The Zoning Board of Adjustment shall review applications so submitted at its next regularly scheduled meeting following submittal. Applications must be submitted at least 14 days prior to the regularly scheduled meeting of the Board in order to be received at said meeting. Upon review of the application, the Board shall either accept the same as complete or return an incomplete application to the applicant with an explanation of the submittal requirements not met.

(4) **Standards.** Pursuant to Iowa law, a variance, as defined by Iowa Code section 414.12(3), to the terms of this ordinance, including use, shall be granted only if all of the following standards are satisfied:

(5) **Standards for Area, Dimensional, or other numerical limitations.** A variance for area, dimensional or other numerical limitations as defined by Iowa Code section 414.12(4) may be granted where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage and off-street parking.

To receive the requested area, dimensional, or other numerical variance, the property owner must prove that:

- (a) the practical difficulties faced are unique to the property at issue and not self-created;
- (b) demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood;
- (c) the spirit of the ordinance shall be observed even when the variance is granted; and
- (d) substantial justice shall be done as a result of granting the ordinance.

(5)(6) **Application After Denial.** Once an application for a variance is denied by the Zoning Board of Adjustment, the Board may decline to consider an application that is substantially the same for a period of 12 months after a decision by the Board or court on the earlier application.

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this 24 day of June, 2025.


Crystal Eaton
Deputy City Clerk


John A. Haila, Mayor

First Reading: June 24, 2025

Second Reading: June 24, 2025

Third Reading: June 24, 2025

Passed on: June 24, 2025

I, Renee Hall, City Clerk of the City of Ames, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 4562, passed by the City Council of said City at the meeting held on June 24, 2025, and signed by the Mayor on June 24, 2025, and published in the Ames Tribune on June 28, 2025



Renee Hall, City Clerk