

**CITY OF ELY
LINN COUNTY, IOWA**

ORDINANCE No. 206

**AMENDING THE TEXT OF THE ELY ZONING ORDINANCE BY ADDING R-3 AND
R-4 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICTS**

SECTION 1. §6-13-6(E-3) ADOPTED. The following is hereby adopted as Section 6-13-6(E-3) of the Ely Zoning Ordinance:

R-3 MULTI-FAMILY RESIDENTIAL

Intent. To establish and preserve medium density residential districts, excluding uses which are not compatible with residential use, but permitting certain nonresidential uses which are of particular convenience to the residents of the district while not disrupting the aesthetics of the surrounding neighborhood.

1. Permitted Principal Uses and Structures

- Single-family dwellings.
- Two-family dwellings.
- Multiple Family Dwellings not to exceed four (4) units
- All uses and structures permitted under R-1 and R-2.
- Mortuary or funeral homes.
- Religious, educational, non-profit charitable institutions.
- Private kindergartens and day nurseries.

2. Permitted Accessory Uses and Structures

- All uses and structures permitted under R-1 and R-2.
- Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to provisions of Section 6-13-9.

3. Special Exceptions: The following special exceptions are permitted in the R-3 District, subject to provisions of Section 6-13-14(F)(4):

- Assisted Living Facility.
- All other exceptions permitted under R-1 and R-2.

4. Special Requirements: Separate or divided ownership of each single-family unit of a two-family dwelling unit, provided the requirements of Section 6-13-6.E (4) of this Code are met.

5. Minimum Lot Areas and Width

(a) Single Family dwelling structures:

- Area: 9,500 square feet;
- Width: 80 feet;
- Depth: 100 feet;

However, the minimum Width and Depth dimensions may not be construed to imply a minimum lot size of 8,000 square feet. In regard to overall minimum lot dimensions set by this ordinance, the total area will supersede any conflicting combinations of widths or depths that do not equal the minimum area requirement.

- (b) Two-family and Multi-family dwellings:
 - Area 6,000 sq. ft.; Plus 1,500 sq. ft. per dwelling unit over one
 - Width, 80 feet
 - Minimum Depth, 100 feet
 - Minimum area supersedes Width and Depth as in (section 6-13-6.E-3 (5a) above.

6. Minimum Yard Requirements

(a) Single Two-family and Multi-family -dwellings

- Front: 25 feet
- Rear: 30 feet
- Side:
 - One story: 8 feet
 - Two stories: 10 feet
 - Three stories: 12 feet
- Street Side, Corner Lot 25 feet

(b) All other uses permitted in this section:

- Front: 40 feet
- Rear: 40 feet
- Side: 20 feet
- Street Side Corner Lots: 25 feet

7. Maximum Height: 3 stories or 35 feet

8. Minimum Off-street Parking and Loading Space

- (a) Dwellings: One-half space for each dwelling unit plus 1 (one) space for every bedroom.
- (b) Other uses permitted: Same as R-1

SECTION 2. SECTION 6-13-6(E-4) ENACTED. The following is hereby adopted as Section 6-13-6(E-4) of the Ely Zoning Ordinance:

R-4 MULTI-FAMILY RESIDENTIAL

Intent. To establish and preserve medium density residential districts, excluding uses which are not compatible with residential use but permitting certain nonresidential uses which are of particular convenience to the residents of the district while not disrupting the aesthetics of the surrounding neighborhood.

1. Permitted Principal Uses and Structures

- Single-family dwellings.
- Two-family dwellings.
- Multiple Family Dwellings not to exceed eight (8) units
- All uses and structures permitted under R-1, R-2 and R-3.
- Mortuary or funeral homes.
- Religious, educational, non-profit charitable institutions.

- Private kindergartens and day nurseries.

2. Permitted Accessory Uses and Structures

- All uses and structures permitted under R-1, R-2 and R-3
- Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to provisions of Section 6-13-9.

3. Special Exceptions: The following special exceptions are permitted in the R-4 District, subject to provisions of Section 6-13-14(F)(4):

- Assisted Living Facility.
- All other special exceptions permitted under R-1, R-2 and R-3.

4. Special Requirements: Separate or divided ownership of each single-family unit of a two-family dwelling unit, provided the following provided the requirements of Section 6-13-6.E (4) of this Code are met.

5. Minimum Lot Areas and Width

(a) Single family dwelling:

- Area - 9,500 square feet
- Width - 80 feet
- Depth - 100 feet

However, the minimum Width and Depth dimensions may not be construed to imply a minimum lot size of 8,000 square feet. In regard to overall minimum lot dimensions set by this ordinance, the total area will supersede any conflicting combinations of widths or depths that do not equal the minimum area requirement.

(b) Multi-family dwelling:

- Area - 6,000 sq. ft.; Plus 1,500 sq. ft. per dwelling unit over one
- Width - 80 feet
- Minimum Depth - 100 feet
- Minimum area supersedes Width and Depth as in (section #) above.

6. Minimum Yard Requirements

(a) Single, Two-family and Multiple Family dwellings

Front - 25 feet

Rear - 30 feet

Side:

One story - 8 feet

Two stories - 10 feet

Street Side, Corner Lot - 25 feet

(b) All other uses permitted in this section:

Front 40 feet

Rear 40 feet

Side 20 feet

Street Side Corner Lots 25 feet

7. Maximum Height 3 stories or 35 feet.

8. Minimum Off-street Parking and Loading Space

(a) Dwellings - One (1) space for each dwelling unit plus 1 space for every bedroom.

(b) Other uses permitted - Same as R-1

SECTION 3. REPEALER CLAUSE. Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

SECTION 4. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect from and after execution of the Agreement referred to in Section 3 herein, and the final passage, approval, and posting and publication of this ordinance as required by law.

Introduced this 14th day of July, 2008, and adopted by the City Council of the City of Ely, Iowa this 11th day of August, 2008.

James E. Doyle Jr., Mayor

ATTEST:

Aaron Anderson, Clerk/Administrator