

**CITY OF ELY
LINN COUNTY, IOWA**

**ORDINANCE No. 232
AMENDING THE TEXT OF THE ELY ZONING ORDINANCE BY ADDING THE C-1a
DOWNTOWN COMMERCIAL ZONING DISTRICT**

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

6-13-6(K) - C-1a Downtown Commercial

Intent: To establish and preserve the historic characteristics of the core of Ely's commercial downtown area as an attractive location for retail; food and drink; business, government and professional offices; and second story residential uses. This district seeks to encourage mixed commercial and residential use of buildings; with retail, commercial and business uses on street level and residential uses on second floor. Additional intent of this the C1-A district is to foster traditional "historic" downtown activities and uses that benefit from convenient parking and intense pedestrian use.

All principle use buildings in this district that have more than one story shall have a permitted retail, commercial, or similar business oriented use on the street level; residential units and uses are allowed on the second floor only if the street level floor is configured and intended for use as a commercial, retail or business activity.

1) Permitted Principal Uses and Structures:

(a) Residential units above the first floor only if the first floor of the building is configured and intended for use as a retail use, business or similar commercial activity permitted in this section.

i. Residential use of the first floor of any existing structure which is used for residential purpose as of the date this ordinance is enacted and was used for residential purpose the 1st floor prior to January 1, 2010 shall be allowed to continue as a permitted use.

ii. Buildings in this district that do not comply with these provisions when included in this zoning district must comply by no later than six (6) months after the property has been included in this zoning district such buildings that comply with section (a.i.) above.

- (b) Commercial amusements.
- (c) Business, professional offices, studios.
- (d) Personal service and repair shops.
- (e) Financial institutions.
- (f) Retail business.
- (g) Restaurants, taverns.
- (h) Wholesale display and sales rooms and offices.
- (i) Private clubs and lodges.
- (j) Business and vocational schools.
- (k) Public Utilities.
- (l) Bus terminals.
- (m) Medical and dental clinics.
- (n) Printing, publishing and engraving.
- (o) Bakery and catering service.
- (p) Laundries and dry cleaning establishments.
- (q) Temples, Churches, and Public Buildings.
- (r) Daycares.

2) Permitted Accessory Uses and Structures: Uses and structures accessory to a principal permitted use or a special exception use are permitted subject to the provisions of Section 6-13-9.

3) Special Exceptions: The following special exceptions are permitted in the C-1 District, subject to provisions of Section 6-13-14(F)(4):

- (a) Carnivals, circuses, fairs, or road shows.
- (b) Radio or television broadcasting tower or station.

4) Minimum Lot Areas, Width and Frontage

No minimum lot area or width for this district.

4a) Frontage

The front of all buildings in this district shall face Dows Street; the primary public first floor entrance for all public entrances for commercial activities in this district shall face, and be accessed from, Dows Street.

5) Minimum Yard Requirements/Setbacks.

Front - 0 feet

a) Setback/Build-To Lines: The front of all buildings for which a building permit for new construction is issued six (6) months after the property has been included in this zoning district shall be adjacent to the front property line.

b) Doorways, Stairways and Ramps. Doorways adjacent to the sidewalk on Dows Street for buildings built or renovated to greater than 150% of pre-renovation value six (6) months after the property has been included in this zoning district, must be set back to allow doors to open outward and not swing into the right-of-way. Similarly, stairways and ramps for buildings for which a building permit is issued six (6) months after the property has been included in this zoning district shall not be located upon the sidewalk or right-of-way.

Rear	-	0 feet
Side	-	0 feet
Street Side, Corner Lot	-	0 feet

6) Maximum Height - 3 stories or 42 feet.

7) Minimum Off-street Parking and Loading Space:

(a) Parking:

(i) Off Street Parking - None

(ii) Loading - None

SECTION 2. 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 3. 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 4. EFFECTIVE DATE. This ordinance shall be in effect from and after the final passage, approval, posting and publication of this ordinance as required by law.

Introduced this 10th day of September, 2012, and adopted by the City Council of the City of Ely, Iowa this 8th day of October, 2012.

James E. Doyle Jr., Mayor

ATTEST:

Aaron Anderson, Clerk/Administrator

