

SUBCHAPTER 1V SPECIAL USE PERMITS FOR QUALIFIED STORAGE BUILDINGS IN
RESIDENTIALLY ZONED DISTRICTS

5-1V-1 PURPOSE AND GENERAL OBJECTIVES.

5-1V-2 DEFINITIONS.

5-1V-3 SPECIAL USE PERMIT REQUIRED.

5-1V-4 APPLICATION SUBMITTALS.

5-1V-5 APPLICATION FEE AND OTHER CITY COSTS.

5-1V-6 APPLICATION PROCESS.

5-1V-7 BOARD DETERMINATION.

5-1V-8 WAIVERS: SETBACKS, HEIGHT, DISTANCES BETWEEN BUILDINGS, AND LOT SIZE.

5-1V-9 RIGHT OF ENTRY.

5-1V-10 VIOLATION OF A SPECIAL USE PERMIT.

5-1V-11 PURPOSE AND GENERAL OBJECTIVES.

5-1V-1 PURPOSE AND GENERAL OBJECTIVES. In adopting this Subchapter, the purpose of this ordinance is to provide for the regulation of Qualified Storage Buildings in residential zones that are not subordinate to, incidental to, or customary in connection with a principal building (such as a dwelling) on the same lot. It is a subject of legitimate concern for the City to use its zoning powers to balance the need for such structures with the need to preserve the City's existing neighborhoods along with the quality of life within the City.

5-1V-2 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Qualified Storage Building" or "Building" shall mean a structure that has all of the following characteristics and satisfies all of the following requirements:
 - a. The building is located on a lot in a residential district (R-1, R-2, or R-3) but its use is not subordinate to, incidental to, or customary in connection with a principal building on the same lot as required for "Accessory Buildings" or an "Accessory Use," as defined in 5-1A-2.
 - b. The owner of the lot upon which the building shall be constructed owns and resides upon another residential lot located no more than 500 feet from the nearest points of the two lots, with each lot being subject to recorded covenants providing that no interest in either lot shall be sold, leased, or otherwise conveyed separate or apart from the other for a period of no less than five (5) years from the date construction of the Building is completed.
 - c. The building shall not be used as a dwelling; shall be ineligible for use with respect to any Home Occupation; and shall not be put to any use which would constitute a violation within the R-1, R-2, or R-3 Zoning Districts if the building were located on the same lot as the owner's residence.
 - d. The minimum lot line setbacks shall not be less than those of a principal building in the applicable Residential district in which the building is to be located.
 - e. The building may be constructed up to twenty-five feet high at its roof peak.
 - f. The minimum distance between the proposed building and any other building on the lot shall not be less than ten feet from the nearest points of each.
 - g. The maximum number of buildings per lot shall be as follows: two (2) for any lot sixty (60) feet wide or less; or three (3) for any lot more than sixty (60) feet wide.

- h. The proposed location, design, construction, and use of the proposed building is harmonious with the surrounding area and is not detrimental to the health, safety, and/or general welfare of persons residing or working in or on adjacent or surrounding lots.
- i. The use of the building shall not create a threat of damage to either public or private property.
- j. The building shall not unduly increase congestion upon public streets.
- k. The building shall not unduly burden public utilities.
- l. The building shall be of new construction, consisting of new (i.e. previously unused) materials.

5-1V-3 SPECIAL USE PERMIT REQUIRED. Qualified Storage Buildings are declared to be special uses within the R-1, R-2, and R-3 zoning districts within the City of Maquoketa. No such Buildings shall be permitted unless a special use permit is approved by the Board of Adjustment following a public hearing. No application for a special use permit shall be approved unless it satisfies all conditions of this ordinance.

5-1V-4 APPLICATION SUBMITTALS. A person or entity seeking a special use permit pursuant to this ordinance shall submit the following information to the city clerk:

- 1. A building permit application on forms provided by the City.
- 2. A special use permit application on forms provided by the City.
- 3. The applicant's written description of the Building's intended use.
- 4. A detailed site plan which shall include, though not necessarily be limited to:
 - a. The location of the proposed Building along with its dimensions, including its height.
 - b. All existing buildings on the same lot and their dimensions.
 - c. The locations of all property lines and the physical dimensions of the property.
 - d. The right-of-way of any public street that is contiguous to the property.
 - e. The dimensions and locations of any easements on the property.
 - f. Dimensions between buildings located on the site plan.
 - g. Demonstrated compliance to all setback requirements as set forth herein.
 - h. A plan for storm water management if the City determines that it is necessary.
- 5. Four different photographs of the surrounding area from the Building's proposed location, one facing each cardinal direction.
- 6. An accurate visual representation showing the proposed Building's appearance upon its completion (for example elevation drawings for the actual Building and/or photographs or drawings of a substantially similar building or buildings).
- 7. Information concerning the materials to be used in the construction of the Building.
- 8. One recorded copy, or alternatively one fully executed original copy of restrictive covenants providing that no interest in either the lot upon which the Building is proposed to be constructed or the lot upon which the owner presently resides shall be sold, leased,

or otherwise conveyed separate or apart from the other for a period of no less than five (5) years from the date construction of the Building is completed.

9. Any documentation demonstrating that, to the reasonable satisfaction of the Board of Adjustment, the proposed Building is safe, and the surrounding areas will not be negatively affected.

5-1V-5 APPLICATION FEE AND OTHER CITY COSTS. The application fee for a special use permit is \$100. The applicant is also obligated to pay to the City, within thirty (30) days of billing, all legal, engineering, and/or surveying charges the City incurs as a part of his/her application process, if applicable.

5-1V-6 PUBLIC NOTICE. A notice relative to an application for a special use permit pursuant to this ordinance shall be published in accordance with the requirements of Iowa Code Section 362.3. Additionally, within the same period of time required for publication of notice pursuant to Iowa Code Section 362.3, the City shall send public hearing notices by regular mail to owners of property located within two hundred (200) feet of the exterior boundaries of the subject property.

5-1V-7 BOARD DETERMINATION. The Board of Adjustment may approve the special use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board of Adjustment deems necessary to preserve the intent and purpose of this ordinance in order to promote the health, safety, and general welfare of the community.

5-1V-8 WAIVERS: SETBACKS, HEIGHT, DISTANCES BETWEEN BUILDINGS, AND LOT SIZE. If the applicant can provide evidence or documentation satisfactory to the Board of Adjustment that such a waiver is justified and will not prejudice adjacent property owners, the Board of Adjustment may, in its discretion, reduce any of the minimum or maximum requirements for:

1. Lot line setbacks.
2. Building height; and/or
3. Distances between structures.

5-1V-9 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any provisions of this Subchapter, or whenever the City Manager or any authorized agent have reasonable cause to believe that there exists conditions in any building or structure in violation of a special use permit issued under this Subchapter, the City Manager and authorized agents may enter such building or structures at all reasonable times to inspect the same or perform any duty imposed by this Subchapter:

1. The City Manager or his agent shall first make a reasonable effort to locate the owner(s) or person in control of the building or structure to request entry.
2. If entry is refused, the City Manager or his agent shall have recourse to every remedy provided by law to secure entry, including but not limited to inspection warrants.

3. When the Enforcement Officer or his agent have obtained such warrant or other remedy provided by law to secure entry no owner or occupant shall fail or neglect, after proper request is made, to promptly permit entry for the purpose or inspection or examination pursuant to a special use permit issued under this Subchapter.

5-1V-10 VIOLATION OF A SPECIAL USE PERMIT. The violation of a special use permit or any provision of this Subchapter shall constitute a violation of the City of Maquoketa Code of Ordinances, thus subjecting the violator to the following penalties:

1. Any owner who violates a provision of this Subchapter shall be guilty of a simple misdemeanor.
2. Any violation of this Subchapter or failure to perform any act or duty or requirement of this Subchapter shall constitute a municipal infraction under Title III, Chapter 17 of this Code of Ordinances.
3. The foregoing provisions concerning enforcement of this Subchapter are not exclusive but are cumulative to any other remedies available under state law or local ordinance.
(Ord. 1131, 04-18-2016)

TITLE V LAND USE REGULATIONS

CHAPTER 1 ZONING REGULATIONS

