

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 10, CHAPTER 12, SECTION 3(A), 3(B), AND 4(B)  
OF THE FORT MADISON MUNICIPAL CODE CONCERNING DWELLINGS WITHIN  
THE B-1 ZONING CLASSIFICATIONS AND THE AREA INCLUDED IN THE B-1  
LIMITED RETAIL DISTRICT.

Be it enacted by the City Council of the City of Fort Madison, Iowa:

Section 1. The City Council of the City of Fort Madison does hereby amend Title 10 “Zoning”, Chapter 12, Section 3A of the Fort Madison Municipal Code by removing the paragraph beginning with “Apartments with mixed use...” and adding the following:

“Dwellings provided that no dwelling units are located on the ground floor of the structure. Dwelling units on the ground floor at the time of passage of this amendment shall be deemed a legal non conforming use.”

Section 2. The City Council of the City of Fort Madison does hereby amend Title 10 “Zoning”, Chapter 12, Section 3B of the Fort Madison Municipal Code by removing the paragraph beginning with “The following uses are also permitted...” and replacing it with:

- “The following uses are also permitted except in the area bordered by 6<sup>th</sup> Street on the east, 10<sup>th</sup> Street on the west, the alley between Avenues G and F on the north, and Avenue H on the south:”

Section 3. The City Council of the City of Fort Madison does hereby amend Title 10 “Zoning”, Chapter 12, Section 4B of the Fort Madison Municipal Code by removing the paragraph beginning with “The following special uses may be allowed by special use permit...” and replacing it with:

- The following special uses may be allowed by special use permit in accordance with the provisions of chapter 22 of this title, except in the area bordered by 6<sup>th</sup> Street on the east, 10<sup>th</sup> Street on the west, the alley between Avenues G and F on the north, and Avenue H on the south:

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision, or part thereof not judged invalid or unconstitutional.

Section 6. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_  
2008.

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Steven J. Ireland, Mayor  
City of Fort Madison, Iowa

ATTEST:

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Suellen M. Mead  
City Clerk