

City of Davenport, Iowa
Special City Council Meeting Minutes
Wednesday, December 4, 2019

The City Council of Davenport, Iowa met in special session on Wednesday, December 4, 2019 at 5:32 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all Aldermen present.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Agenda Items

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Ordinance was adopted:

1. Third Consideration: Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance (City of Davenport, petitioner). [All Wards] **ADOPTED 2019-530**

ORDINANCE NO. **2019 - 530**

Request of the City of Davenport to amend various titles, chapters and sections of the Davenport Municipal Code, specifically by amending Section 5.09.030 of the Davenport Municipal Code, entitled "Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)" by amending outdated references to chapters in Title 17 of the Davenport Municipal Code, by amending Section 5.10.105 of the Davenport Municipal Code, entitled "Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)" by deleting outdated reference to a section and chapter in Title 17 of the Davenport Municipal Code, by amending Section 5.10.210 of the Davenport Municipal Code, entitled "Prohibited sales and acts" by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M, by amending Section 5.17.030 of the Davenport Municipal Code, entitled "Sales regulations (Section 5.17.030.H only)" by deleting language regarding measurement to a curblin and amending outdated reference to a section in Title 17 of the Davenport Municipal Code, by amending Section 6.06.040 of the Davenport Municipal Code, entitled "Zoning districts allowed" by amending outdated reference to zoning classifications in Title 17 of the Davenport Municipal Code, by amending Section 8.15.120 of the Davenport Municipal Code, entitled "Existing installations" by defining "substantial renovation" and by adding language that the section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer, by amending Section 8.17.080 of the Davenport Municipal Code, entitled "Abatement of dangerous buildings" by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 12.36.090 of the Davenport Municipal Code, entitled "Obstructions – permit required" by deleting outdated reference to sections in Title 17 of the Davenport Municipal Code, by deleting redundant language, by amending language such that the duration of all permits shall be 30

days and by reordering said section, by amending Section 13.16.033 of the Davenport Municipal Code, entitled "Discharge of surface waters" by amending language such that surface water, groundwater, storm water, roof runoff, or subsurface drainage may not be connected directly or indirectly to a public sanitary sewer, by amending Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" by deleting the definitions "Apartment/condominium", "Developed agricultural property" and "Duplex", by deleting the list of nonresidential properties in the definition of "Nonresidential properties", and by reordering said section, by amending Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" by amending an outdated code reference and by amending "flood plain district" to "flood plain hazard area", by amending Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" by amending an outdated code reference and by amending "flood plain district" to "flood plain hazard area", by amending Section 15.30.010 of the Davenport Municipal Code entitled "Licensing generally (Section 15.30.010.B only)" by amending an outdated code reference, by amending Section 15.44.070 of the Davenport Municipal Code entitled "Definitions (definition of Manufactured Home Park or Subdivision only)" by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 16.04.040 of the Davenport Municipal Code, entitled "Building Line" by deleting the definition and renaming said section to "Reserved", by amending Chapter 16.16 of the Davenport Municipal Code entitled "Preliminary Plats" by amending Section 16.16.010 of the Davenport Municipal Code, entitled Preliminary plats" by amending language such that the exception for requiring a preliminary plat is expanded, by amending Section 16.16.020 entitled "Submission of preliminary plat – contents" by renaming said section to "Application" and by deleting and amending language in said section regarding the submittal process and the required information to be submitted, by amending Section 16.16.030 entitled "Conformance with minimum standards" by renaming said section to "Approval standards" and by amending language in said section regarding the Plan and Zoning Commission and City Council approval process and by amending Section 16.16.050, entitled "Voidable when" by amending language such that the Zoning Administrator may grant a twelve month extension, by deleting Section 16.20.010, entitled "Conditions for approval", by deleting Section 16.20.020, entitled "Scale", by amending Section 16.20.030, entitled "Copies to be submitted – supplemental information" by renumbering Section 16.20.030 to Section 16.20.010, by renaming said section to "Application", by amending language in said section regarding the submittal process and the required information to be submitted and articulating that the Zoning Administrator may allow for the Preliminary Plats and Final Plats to be submitted concurrently, by creating Section 16.20.020, entitled "Plan and zoning commission approval standards" by adding language regarding the Plan and Zoning Commission approval standards, by amending Section 16.20.040, entitled "Material to be filed prior to consideration" by renumbering Section 16.20.040 to Section 16.20.030, by renaming said section to "Information to be submitted prior to city council consideration", by amending language in said section regarding the information to be submitted, by creating section 16.20.040, entitled "City Council approval standards" and adding language regarding approval standards, by amending Section 16.20.050, entitled "Submission of data to city engineer" by deleting and adding language regarding the data to be submitted to the city engineer, by deleting Section 16.20.060, entitled "Final approval", by amending Section 16.20.070, entitled "Compliance" by renumbering Section 16.20.070 to Section 16.20.060 and amending outdated Iowa Code reference, by amending Section 16.24.080 of the Davenport Municipal Code entitled "Lots" by deleting minimum lot width and depth language, by amending Section 16.24.090 of the Davenport Municipal Code entitled "Building Lines" by deleting the language in the section and renaming said section to "Reserved", by amending Chapter 16.26 of the Davenport Municipal Code entitled "Conservation Subdivision Option" by deleting the language in the chapter and renaming said chapter to "Reserved", by amending Chapter 16.28 of the Davenport Municipal Code entitled "Improvements" by renaming the chapter to "Subdivision Improvements", by amending Section 16.28.010 of the Davenport Municipal Code, entitled "Required" by amending language such that subdivision improvements shall not be installed prior to a final plat being approved and recorded, by deleting Section 16.28.020 entitled "Instruments may be filed in lieu of final completion - exceptions" by amending Section 16.28.030 of the Davenport Municipal Code, entitled "Minimum required" by renaming said section to "Subdivision improvements required", by adding language regarding the approval of plans

for subdivision improvements, the time period of approval and the timing of the installation and acceptance of subdivision improvements, by amending Section 16.28.030 entitled "Streets" by renumbering Section 16.28.030 to Section 16.28.020 and by deleting language in existing said section language and adding language regarding construction standards, by deleting Section 16.28.045, entitled "Street signs", by amending Section 16.28.050 entitled "Sidewalks" by renumber Section 16.28.050 to Section 16.28.040 and by deleting and adding language regarding construction standards, by amending Section 16.28.060 entitled "Sewers" by renumber Section 16.28.060 to Section 16.28.050 and by deleting language existing section language and adding language regarding construction standards and by amending Section 16.28.070 entitled "Monuments" by renumber Section 16.28.070 to Section 16.28.060.

NOW, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. Section 5.09.030 of the Davenport Municipal Code, entitled "Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)" is hereby amended as follows:

5.09.030 Business regulations.

- G. Notwithstanding the requirements for off-street parking contained in Title 17 of the Davenport Municipal Code, motor vehicle dealerships shall provide at least one off-street parking space for customer use for each repair stall required under this chapter.
- H. It is unlawful for any person to operate a motor vehicle dealership unless the surface of such motor vehicle dealership lot has first been paved in conformance with the requirements of Title 17 of the Davenport Municipal Code. If an applicant is able to demonstrate that he or she is waiting for a Department of Natural Resources permit concerning an underground storage tank, a temporary surface of seal-coated gravel will satisfy the requirements of this section for a period of twelve months immediately succeeding the application date. Upon proper demonstration that DNR approval is still pending, the twelve-month period may be renewed for a like time period. It is unlawful for any person operating or concerned with the operation of an outdoor motor vehicle parking space in the city to permit dust, dirt, or other debris to accumulate upon the surface of such parking space or to blow from such surface.
- K. The provisions of this chapter expressly apply to motor vehicle dealerships. Any requirements not contained in this chapter, but expressly contained in Title 17 of the Davenport Municipal Code, shall also govern the operation of a motor vehicle dealership.

Section 2. Section 5.10.105 of the Davenport Municipal Code, entitled "Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)" is hereby amended as follows:

5.10.105 Permits and licenses – distance separation provisions.

- A. No application for a class A, class B, class C, or class E liquor store control license or a wine permit or a beer permit shall be approved if the property upon which such licensed or permitted activity will occur is located within six hundred feet, including public rights-of-way, of a state registered child development home, state licensed child care center, or public or private elementary or secondary school. However, an application within six hundred feet, but not immediately abutting, a state registered child development home or state licensed child care center may be approved if the city council upon a hearing grants a waiver to this rule. The city council may grant the waiver if it determines the following exists: (1) the affected child development home or care center consents to the granting of the waiver; or (2) sufficient buffering exists to adequately mitigate the visual, sound, and foot traffic likely to be generated by the applicant, such as: (a) an arterial roadway, (b) at least one hundred feet of natural buffering like woods, ravines, waterways, or wetlands, or (c) similar or greater visual, sound, and physical separation as set forth in paragraphs (a) and (b) immediately above. "Physical separation" refers to the ease and options for pedestrian movement.
- B. The prohibitions contained in subsections A and F shall not apply to hotels offering restaurant service, formally organized clubs operated solely for objects of national or state-wide social, patriotic, benevolent or similar purposes, pharmacies, or restaurants where the sale of alcoholic

beverages is not the principal business carried on; nor to the renewal of a license or permit for the sale and consumption on premises that are located within six hundred feet of a state registered child development home, state licensed child care center or school if the premises was previously licensed or permitted prior to the establishment of the distance separation limitation and said license or permit has not expired or lapsed for a period of six months or more. "Hotel" as used in this section means a premises licensed by the state and regularly kept open for the lodging of transient guests but does not include a facility licensed as a bed and breakfast. "Restaurant" as used in this section means any retail establishment, the principal business of which consists of the sale of food products for consumption on the premises. The volume of food sales—not including the sale of alcoholic beverages, tobacco sales and non-food product sales—shall not be less than fifty percent of the total dollar volume of sales made by the establishment. It shall be presumed that the sale of alcoholic beverages by the holder of a liquor control license or class B beer permit constitutes more than fifty percent of the volume of all sales, which presumption may be overcome by furnishing a verified statement of total dollar volume of all sales which also shows as separate line items total dollar sales figures for food, alcoholic beverages, tobacco sales and non-food product sales for the six months immediately preceding the application or renewal, or by providing an affidavit by the business's certified public accountant or chief financial officer stating the gross income breakdown, or a copy of the business's state income tax form showing the income breakdown. Failure to rebut the presumption at the end of the first year by meeting the fifty percent nonalcoholic beverage income requirement disqualifies the business from continuing to hold a liquor license, beer or wine permit at the location for which the special use permit was granted. A statement as to how the business operation will or is proposed to operate or its estimated income projections are not sufficient or adequate to overcome the presumption.

Section 3. Section 5.10.210 of the Davenport Municipal Code, entitled "Prohibited sales and acts (Sections 5.10.210.K, 5.10.210.L and 5.10.210.M only)" is hereby amended by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M.

Section 4. Section 5.17.030 of the Davenport Municipal Code, entitled "Sales regulations. (Section 5.17.030.H)" is hereby amended as follows:

Section 5.17.030 Sales regulations.

- H. Any display of tangible personal property offered for sale and any signs or advertising shall be at least fifteen feet from the public right-of-way. Signs must comply with Title 17 of the Davenport Municipal Code.

Section 5. Section 6.06.040 of the Davenport Municipal Code, entitled "Zoning districts allowed" is hereby amended as follows:

Section 6.06.040 Zoning districts allowed.

Permits may be granted for tracts of land with a single family dwelling, as defined by Title 17 of the Davenport Municipal Code, being the principal use.

Section 6. Section 8.15.120 of the Davenport Municipal Code, entitled "Existing installations) is hereby amended as follows.

Section 8.15.120 Existing installations.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs,

the work must meet existing code. Substantial alteration occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed or appraised building value. Notwithstanding the foregoing, any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. This section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

Section 7. Section 8.17.080 of the Davenport Municipal Code, entitled “Abatement of dangerous buildings” is hereby amended as follows:

Section 8.17.080 Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the authorized official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

Section 8. Section 12.36.090 of the Davenport Municipal Code, entitled “Obstructions – permit required” is hereby amended as follows:

Section 12.36.090 Obstructions – permit required.

- A. No person shall place any obstruction in or above any street, alley, or other public property without first obtaining a permit from the engineering division of public works ("engineering") pursuant to this section and Chapter 12.40 of the Davenport Municipal Code.
- B. Application for a permit shall be filed with engineering along with a nonrefundable application review fee of ten dollars and proof of liability insurance in the amount of at least one hundred thousand dollars per incident. Failure to pay the ten dollar review fee or provide proof of insurance will result in automatic rejection of the application.
- C. Engineering shall review the application and approve it, if acceptable. In reviewing the application, engineering shall consider the need to use this location, the adequacy of the unobstructed space, the applicant's prior compliance with these regulations, the standards and specifications of the Iowa Manual on Uniform Traffic Control Devices.
- D. The permittee shall defend and hold harmless the city against any loss, cost, or damage resulting from or related to permittee's occupation of the right-of-way.
- E. The duration of the permit shall be thirty days. A onetime extension for an equal period of time may be granted by engineering if the extension is necessitated by events outside the control of permittee.
- F. The judgment of engineering in the granting or extending of a permit is final. Additionally, the decision of engineering to revoke a permit for failure to comply with this section shall be final.
- G. A violation of this section is punishable as follows:

Type I Violations

1st Offense—\$250; 2nd—\$350; 3rd & Subsequent—\$500

No permit

Failure to Comply with Iowa Manual on Uniform Traffic Control Devices or Instructions from Traffic Engineering

Type II Violation

1st Offense—\$100; 2nd—\$150; 3rd & Subsequent—\$200

Expired Permit (for first 7 days after expiration date only, subsequently fined as No Permit)

The city may seek other administrative, legal, or equitable relief in addition to or in lieu of the fine. Each day a violation exists may be charged as a separate offense.

Section 9. Section 13.16.033 of the Davenport Municipal Code, entitled "Discharge of surface waters" is hereby amended as follows:

Section 13.16.033 Discharge of surface waters.

It is unlawful to make or to have any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

Section 10. Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" is hereby amended as follows:

Section 13.33.030 Definitions.

- A. "Adjustment" means a modification in a nonresidential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the city's costs of providing stormwater management.
- B. "Director" means the director of the department of public works or designee.
- C. "Equivalent residential unit (ERU)" means a value, equal to two thousand six hundred square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the city of Davenport.
- D. "Impervious area" means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, gravel, and blacktop.
- E. "Nonresidential properties" means all properties not encompassed by the definition of residential shall be defined as nonresidential.
- F. "Residential property" means all single-family and two-family dwelling properties, as defined by Title 17 of the Davenport Municipal Code, within the city of Davenport.
- G. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- H. "Stormwater facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structural components.
- I. "Storm sewer" means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.
- J. "Stormwater service charge" means a charge assessed to users of the city's stormwater collection, impounding and transportation system.
- K. "Stormwater drainage system" means all man-made facilities, structures, and natural watercourses owned by the city of Davenport, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

Section 11. Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" is hereby amended as follows:

Section 15.12.040 Additions, deletions and amendment to the International Building Code

- F. Delete all references to National Fuel Gas Code and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105) Fuel gas piping." Fuel gas piping shall comply with the State Plumbing Code.

NOTE:

1. All permits and regulations for the construction, encroachment and installation or maintenance within the public right-of-way and upon dedicated storm, sewer and access easements and the installation of public sidewalks, curb cuts, and drives are administered by the Department of Construction and Engineering.
2. See the Sign Ordinance of the City of Davenport for limitations on the encroachment of signs onto public property.
3. See Chapter 15.44 of the Davenport Municipal Code for development for construction within a flood hazard area.
4. See Iowa Administrative Code 641 Chapter 25 for the regulation of plumbing, potable water supply, drain, waste and venting and hydronic systems servicing buildings.
5. See Iowa Administrative Code 641 Chapter 61 for the regulation of heating, air conditioning and mechanical systems for environmental conditions and process within buildings.
6. See Iowa Administrative Code 661 Chapter 504 and Chapter 15.16 of the Davenport Municipal Code for standards for electrical work.

Section 12. Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" is hereby modified as follows:

Section 15.12.052 Chapter 3 International Residential Code modified.

F. Delete Section R322 "Flood Resistant Construction" in its entirety.

Note: Chapter 15.44 of the Davenport Municipal Code for development or construction within a flood hazard area.

Section 13. Section 15.30.010 of the Davenport Municipal Code entitled "Licensing generally (Section 15.30.010.B only)" is hereby amended as follows:

Section 15.30.010 Licensing generally.

- B. No person, firm, partnership or corporation shall engage in sign contracting without having a current valid license issued in accordance with this chapter. The term sign contracting shall mean being engaged in the performance or supervision of work regulated by the provisions of Section 17.12.060 of the Davenport Municipal Code, entitled Sign Permit Required.

Section 14. Section 15.44.070 of the Davenport Municipal Code entitled "Definitions (definition of Manufactured Home Park or Subdivision only)"

Section 15.44.070 Definitions.

"Manufactured home park or subdivision" shall mean a tract designed to accommodate manufactured home sites.

Section 15. Section 16.04.040 of the Davenport Municipal Code, entitled "Building Line" is hereby amended as follows:

16.04.040 Reserved.

Section 16. Chapter 16.16 of the Davenport Municipal Code entitled "Preliminary Plats" is hereby amended as follows:

Chapter 16.16 Preliminary Plats

16.16.010 Requirements.

A Preliminary Plat containing three lots or less, or a preliminary plat not proposing the dedication of public infrastructure, may be exempted from the requirements of the preliminary plat as set forth in this

chapter. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision.

16.16.020 Application.

The applicant must file an application with the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code. The application must be on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The preliminary plat shall contain or be supplemented by all the following, but not limited to, information:

- A. The location of present property lines, section lines, easements, corporate limits and other legally established districts, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto;
- B. The proposed location and width of streets, alleys, and lots. Street and alley information shall be supplemented with a typical roadway section;
- C. The location of existing and proposed public or private infrastructure, including but not limited to, sanitary sewers, water mains, stormwater management and drainage systems and other underground structures within the tract and immediately adjacent thereto;
- D. Proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, land developer, and land surveyor;
- E. Existing and proposed contours with intervals of five feet or less;
- F. North arrow, scale and date;
- G. A vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems.
- H. The city engineer, or designee, may request additional data and/or information to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

16.16.030 Approval standards.

The plan and zoning commission shall evaluate the preliminary plat pursuant to the minimum standards and requirements as outlined in this chapter. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant. The City Council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. The approval of the preliminary plat does not constitute acceptance with the subdivision by the city, but is deemed to be an authorization to proceed with the preparation of the final plat.

16.16.040 Revocability.

Approval of the preliminary plat, or any portion thereof not final platted is revocable by the city plan and zoning commission.

16.16.050 Voidable when.

If neither a part nor all of the preliminary plat is approved by the city council as a final plat within one year after the approval of the preliminary plat, the preliminary plat shall be void unless a twelve month extension is granted by the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code.

If only part of a preliminary plat is approved as a final plat, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of sixty months before another phase of the plat must be submitted in final form.

Section 17. Chapter 16.20 of the Davenport Municipal Code entitled “Final Plats” is hereby amended as follows:

Chapter 16.20 Final Plats

16.20.010 Application.

After final approval of the preliminary plat, if required, the subdivider may submit a final plat. A preliminary plat and final plat for a smaller-scale subdivision may be submitted concurrently. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision. The applicant must file an application with the Zoning Administrator on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The final plat shall show or be supplemented by the following information:

- A. The boundary lines of the area being subdivided with accurate distances and bearings;
- B. The accurate outline of any property which is offered for dedication for public use;
- C. The lines of all adjoining lands;
- D. All lot lines and an identification system for lots and blocks;
- E. Right-of-way and easements provided for public use, services or utilities, or excess storm water passageways with names and figures showing their dimensions;
- F. All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a hundredths of a foot;
- G. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners;
- H. All survey monuments with their descriptions;
- I. Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument or two previously established lot corners both labeled with description of each corner;
- J. North arrow, scale and date;
- K. Certification by a Professional Land Surveyor under the laws of the state, to the effect that the plan represents a survey made by him or her and that all necessary survey monuments are correctly shown thereon;
- L. Low water entry elevation for lots abutting an excess storm water passageway;
- M. Certification by an authorized representative of the public service or utility companies concerned that easements shown on the plat are satisfactory for their requirements.

16.20.020 Plan and zoning commission approval standards.

The plan and zoning commission shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The plan and zoning commission may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The plan and zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant.

16.20.030 Material to be filed prior to city council consideration.

The following material shall be filed with the Zoning Administrator, as defined in Title 17 of the Davenport City Code, in such quantity and submittal deadlines as required by the instructions:

- A. Surveyor certificate;
- B. Dedication of owner;
- C. Certification of consent of mortgage holder, if applicable;
- D. Attorney's certificate;
- E. Acceptance by the city;

- F. Auditor approval of subdivision name;
- G. Treasurer's certificate;
- H. A hold-harmless agreement protecting the city from any damages, claims, or suits resulting from the construction and development by the owner and/or subdivider. Said agreement shall be approved as to format by the city attorney's office, and recorded with the plat;
- I. An assessment waiver to be approved by the council prior to the acceptance of the final plat which shall provide that the city may without notice construct and install the improvements and assess the total cost thereof against the subdivided property in accordance with city and state requirements regarding special assessments, and that the subdividers, for themselves, their heirs, their grantees, their assigns, and all subsequent owners of any part of the subdivided area waive all formalities, rights of protest, and rights of appeal to the construction and installation of the improvements by the city and to the assessment of the total cost thereof against the subdivided area even though the cost may exceed the amount that can legally be assessed against the subdivided area by the city. The assessment waiver shall further provide that the subdivider and the persons who own the property benefited by the improvements at the time construction and installation of the improvements is initiated by the city shall be jointly and severally liable for any difference between the cost of the improvements and the amount which can be legally assessed by the city against the subdivided area.

16.20.040 City Council approval standards

The city council shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The city council may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The city council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. This 60-day time shall not apply if the applicant fails to provide the material enumerated in Section 16.20.030 of the Davenport Municipal Code.

16.20.050 Submission of data to city engineer.

The city engineer, or designee, may request data to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

16.20.060 Compliance.

Before it is recorded in the office of the county recorder, the provisions of Chapter 354 of the Code of Iowa, and amendments thereto, shall be complied with.

Section 18. Sections 16.24.080 of the Davenport Municipal Code entitled "Lots" and Section 16.24.090 of the Davenport Municipal Code entitled "Building Lines" is hereby amended as follows:

16.24.080 Lots.

- A. All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan.
- B. All lots platted in a subdivision shall have frontage on a platted street or officially approved private street unless the lot arrangement has been approved by the city council upon recommendation by the city plan and zoning commission.
- C. The minimum dimensions for lots no less than what is required by the zoning district in which the property is located.
- D. Corner lots shall have extra width sufficient to permit required building setback lines on both front and side streets.
- E. Should a subdivision be on or overlap the city limits, it shall be platted so the city limit boundary shall be along a street centerline or shall be a lot line. In no case shall a lot be platted so as to be bisected by the city limit boundary line.

Section 19. Chapter 16.26 of the Davenport Municipal Code entitled “Conservation Subdivision Option” is hereby amended as follows:

Chapter 16.26 Reserved.

Section 20. Chapter 16.28 of the Davenport Municipal Code entitled “Improvements” is hereby amended as follows:

Chapter 16.28 Subdivision Improvements

16.28.010 Required.

The final plat of any subdivided area shall be approved and recorded prior to the subdivider making and/or installing any of the improvements described in this chapter.

16.28.020 Subdivision improvements required.

The minimum improvements installed in any subdivision shall be in accordance with the provisions set forth in sections 16.28.030 through 16.28.060.

The city engineer, or designee, shall approve plans for subdivision improvements prior to any construction related to subdivision improvements or buildings and/or site improvements on lots connecting to said subdivision improvements. Subdivision improvement plan approval expires if construction has not begun within one year after the date of the approval. An extension of this one year validity period may be granted by the city engineer, or designee, prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

No certificate of occupancy (temporary) or permanent) shall be issued until all subdivision improvements are constructed and/or installed and accepted by the city.

16.28.030 Streets.

All streets shall be constructed in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.040 Sidewalks.

Sidewalks shall be constructed along the right-of-way of each street in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.050 Sewers.

Sewers shall be constructed in accordance with Title 13 of the Davenport Municipal Code, entitled public systems, and the most recent city standards and specifications.

16.28.060 Monuments.

Steel rods, a minimum of one-half inch in diameter and twenty-four inches long shall be in place on the site of the proposed subdivision marking all block and lot corners, all points of curvature, all points of tangency, and all boundary corners before the final plat shall be approved by the city council.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved: 12/4/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

2. Resolution for Case P19-04 being the request of Verbeke-Meyer Consulting Engineers, PC for a Preliminary Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7]

ADOPTED 2019-531

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

3. Resolution for Case F19-18 being the request of Verbeke-Meyer Consulting Engineers, PC for a Final Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7] **ADOPTED 2019-532**

Ald. Gripp introduced a motion to amend the Resolution for Case P19-05, seconded by Ald. Rawson with all Aldermen present voting aye, by deleting the recommendation from the Plan & Zoning Commission regarding the right-of-way of the extended Marquette St aligning with the existing Marquette St at the north side of Northwest Blvd.

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted as amended:

4. Resolution for Case P19-05 being the request of Jason McCoy for a preliminary plat for a 53-lot subdivision on 18.48 acres, more or less, located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]

ADOPTED 2019-533

On motion by Ald. Ambrose, second by Ald. Dickmann with all Aldermen present voting aye, the following Resolution was adopted:

5. Resolution for concurrent approval of the license agreement with Viking USA, LLC.

[Ward 3]

ADOPTED 2019-534

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

6. Resolution approving the participation with the State of Iowa in a Safety Equipment contract with Fastenal Company. [All Wards]

ADOPTED 2019-535

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

7. Resolution accepting work completed under the Elmwood Ave Reconstruction Project, CIP #35036. The total contract with Hawkeye Paving Corporation was \$367,876.14.

[Ward 3]

ADOPTED 2019-536

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

8. Resolution accepting work completed under the High Street Flood Mitigation Project, CIP #33020. The total contract with Langman Construction, Inc was \$201,103.36.

[Ward 4]

ADOPTED 2019-537

On motion by Ald. Tompkins, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

9. Resolution accepting the Sterilite Intersection Improvements project completed by Absolute Concrete Construction, Inc of Slater, IA. This project was completed with a final contract amount of \$2,115,453.12, CIP #35029. [Ward 8] **ADOPTED 2019-538**

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:

10. Resolution adopting the FY 2021 Budget Policies. [All Wards] **ADOPTED 2019-539**

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Motion passed:

11. Motion awarding a contract for assisted housing turnover services to Twin Bridge Construction, LLC of East Moline, IL. [All Wards] **PASSED 2019-540**

On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Motion passed:

12. Motion approving beer and liquor license applications. **PASSED 2019-541**

A. New License, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

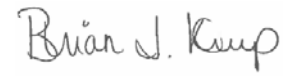
Ward 3

Front Street Brewery (Front St Brewery Inc) - Parking lot of 421 W River Dr –
Outdoor Area "Icestravaganza" January 17 - 18, 2020 - License Type: C Liquor

VI. Recognition of Service

VII. Public with Business

VIII. Adjourn **6:43 p.m.**

A handwritten signature in dark ink, reading "Brian J. Krup". The signature is written in a cursive style with a large, stylized "B" and "K".

Brian Krup
Deputy City Clerk